

# Manly Council

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## Minutes

### Extraordinary Meeting of Council

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 20 October 2008**

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[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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The Extraordinary Meeting of Council was held in the Council Chambers, Town Hall, Manly, on Monday 20 October 2008. The meeting commenced at 7:40pm.

## 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  
Councillor C Whitting

## ALSO PRESENT

Henry Wong, General Manager  
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services  
Ross Fleming, Divisional Manager Corporate Services  
Liz Rich, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Rev Graham Perry.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Whitting	Matter of Urgency on Seaforth TAFE	Councillor Whitting is employed by the Department of Education and Training, which is mentioned in the Matter of Urgency

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## MATTER OF URGENCY (Aird)

Councillor Aird requested that she be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 4.2(2) of Council's Code of Meeting Practice.

156/08 **RESOLVED: (Aird / Heasman)**

That in accordance with the provisions of Clause 4.2(2) of Council's Code of Meeting Practice the

matter relating to the Future of the Pledged Northern Beaches Hospital be considered as a matter of urgency at the end of this meeting.

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

**Against the Resolution:** Nil.

The Mayor ruled that the item was a Matter of Urgency and was to be considered at the end of the meeting.

### **MATTER OF URGENCY (Morrison)**

Councillor Morrison requested that he be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 4.2(2) of Council's Code of Meeting Practice.

157/08 **RESOLVED: (Morrison / Norek)**

That in accordance with the provisions of Clause 4.2(2) of Council's Code of Meeting Practice the matter relating to Seaforth TAFE be considered as a matter of urgency at the end of this meeting.

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

**Against the Resolution:** Nil.

The Mayor ruled that the item was a Matter of Urgency and was to be considered at the end of the meeting.

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### **MAYORAL MINUTES**

Mayoral Minute Report No. 10

#### **A call to action on Graffiti Vandalism**

#### **PUBLIC ADDRESSES:**

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

For the Recommendation: Ross McLean

#### **MOTION (Hay)**

That:

1. The NSW Attorney General and the president of the LGSA be called upon to hold a Leaders' Summit on graffiti vandalism, and that they be requested to invite experts to address the summit on effective anti-graffiti strategies, which should include speakers on legal remedies as a deterrent to offenders.
2. A joint meeting of the Community Safety Committee, Youth Council and youths of the area, Manly Police, School Principals of all local schools, and State Transit Police, be held to formulate a joint approach to tackle the challenges of graffiti vandalism.
3. Council continue to offer a monetary reward of up to \$1,000 upon the conviction of a graffiti vandal for their crime; and

4. Council mount a public awareness campaign for reporting and detection of graffiti and apprehension of graffiti vandals.

158/08     **RESOLVED:     (Hay)**

That:

1. The NSW Attorney General and the president of the LGSA be called upon to hold a Leaders' Summit on graffiti vandalism, and that they be requested to invite experts to address the summit on effective anti-graffiti strategies, which should include speakers on legal remedies as a deterrent to offenders.
2. A joint meeting of the Community Safety Committee, Youth Council and youths of the area, Manly Police, School Principals of all local schools, and State Transit Police, be held to formulate a joint approach to tackle the challenges of graffiti vandalism.
3. Council continue to offer a monetary reward of up to \$1,000 upon the conviction of a graffiti vandal for their crime; and
4. Council mount a public awareness campaign for reporting and detection of graffiti and apprehension of graffiti vandals.

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

**Against the Resolution:**   Councillors Griffin and Aird

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## GENERAL MANAGERS DIVISION

General Managers Division Report No. 21

### 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 will be held at the Ordinary Meeting of Council on 20 October 2008.

#### MOTION   (Macdonald / Murphy)

1. That Council elect a Deputy Mayor for the period to **September 2009**.
2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2008/2009 term.

159/08     **RESOLVED:     (Macdonald / Murphy)**

1. That Council elect a Deputy Mayor for the period to **September 2009**.

2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2008/2009 term.

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

**Against the Resolution:** Councillor Burns

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 Heasman was nominated by Councillor LeSurf and Councillor Murphy. Councillor Heasman had signed the consent to the nomination.
2. Councillor Aird was nominated by Councillor Macdonald and Councillor Burns. Councillor Aird had signed the consent to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Heasman

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

In favour of Councillor Aird

Councillor Griffin  
Councillor Aird  
Councillor Burns  
Councillor Macdonald

The Returning Officer therefore declared Councillor Heasman duly elected as Deputy Mayor for the period to September 2009.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor Heasman on her election as Deputy Mayor.

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General Managers Division Report No. 22

**Appointment of Chairperson and Deputy Chairperson for Planning & 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 (Aird / Heasman)**

1. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2009.
2. That Council utilise the open voting method of election as applied to the election of the Deputy Mayor.

160/08      **RESOLVED:**      (Aird / Heasman)

1. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2009.
2. That Council utilise the open voting method of election as applied to the election of the Deputy Mayor.

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

**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 Elder. Councillor Morrison consented to the nomination.
2. Councillor Aird was nominated for Chairperson of the Planning and Strategy Committee by Councillor Macdonald and Councillor Burns. 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

In favour of Councillor Aird

Councillor Whitting  
Councillor Griffin  
Councillor Aird  
Councillor Burns  
Councillor Macdonald

The Returning Officer therefore declared Councillor Morrison duly elected as Chairperson of the Planning and Strategy Committee for the period to September 2009.

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 Murphy was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor LeSurf and Councillor Heasman. Councillor Murphy consented to the nomination.
2. Councillor Aird was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Macdonald and Councillor Burns. Councillor Aird consented 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  
 Councillor Norek

In favour of Councillor Aird

Councillor Whitting  
 Councillor Griffin  
 Councillor Aird  
 Councillor Burns  
 Councillor Macdonald

The Returning Officer therefore declared Councillor Murphy duly elected as Deputy Chairperson of the Planning and Strategy Committee for the period to September 2009.

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

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General Managers Division Report No. 23

**The Manly Code of Meeting Practice - Consequential Amendments**  
**MOTION (Macdonald / Heasman)**

Part 1 – LUM Amendments

The Code of Meeting Practice be amended as follows;

Amendment No	Proposed Action	Reason
1	Delete reference to clause 8.15 – Land Use Management Committee – Block Adoption of Items	Because clause 8.15 is to be deleted from the Code
2	Amend clause 3.1 (2) - to remove LUM from the meeting cycle	Consequential
3	Amend 8.2 (4)(a) - to remove LUM as a Principal Committee	Consequential
4	Amend 8.2 (4) – numbering sequence as a consequence of 3 above	Consequential
5	Delete clause 8.15 in totality	Consequential

Part 2 – Meeting Cycle Amendments

That clause 3.1(2) of the Code of Meeting Practice be:

- generally amended to read Monthly instead of Four (4) weekly cycles, and
- amended, so that the meeting held on the first Monday of each calendar month is a Planning and Strategy Committee, and that the Ordinary Meeting is held on the second Monday of each calendar month, so long as such meetings are scheduled in advance, and that public notice is given accordingly.



3. That the Draft Code, as amended be placed on public exhibition for the prescribed period, before adoption.

### AMENDMENT (Norek / Griffin)

#### Part 1 – LUM Amendments

The Code of Meeting Practice be amended as follows;

Amendment No	Proposed Action	Reason
1	Delete reference to clause 8.15 – Land Use Management Committee – Block Adoption of Items	Because clause 8.15 is to be deleted from the Code
2	Amend clause 3.1 (2) - to remove LUM from the meeting cycle	Consequential
3	Amend 8.2 (4)(a) - to remove LUM as a Principal Committee	Consequential
4	Amend 8.2 (4) – numbering sequence as a consequence of 3 above	Consequential
5	Delete clause 8.15 in totality	Consequential

#### Part 2 – Meeting Cycle Amendments

1. That clause 3.1(2) of the Code of Meeting Practice be:
  - a. generally amended to read Monthly instead of Four (4) weekly cycles, and
  - b. amended, so that the meeting held on the first Monday of each calendar month is a Planning and Strategy Committee, and that the Ordinary Meeting is held on the second Monday of each calendar month, so long as such meetings are scheduled in advance, and that public notice is given accordingly.
2. That clause 3.5(1) of the Code of Meeting Practice be amended to read “..at least 3 **business** days before each meeting of Council..”, and in 3.5(1)(a) Thursday be changed to Wednesday, and Friday changed to Thursday.

#### Part 3 – Procedure for the Conduct of Council Meetings

3. That clause 6.9(2) of the Code of Meeting Practice be amended to read: “..which in his or her opinion is unlawful,” instead of “out of order.”
4. That clause 6.9(4) of the Code of Meeting Practice be amended to read “Councillors be limited to a maximum of 2 Notices of Motion per Ordinary meeting, with a maximum of 20 per year.
5. That the Draft Code, as amended be placed on public exhibition for the prescribed period, before adoption.

**For the Amemdment:** Councillor Norek

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

The Amendment was declared **LOST** and the Foreshadowed Amendment was put.

### **FORESHADOWED AMENDMENT (Murphy / Norek)**

#### Part 1 – LUM Amendments

The Code of Meeting Practice be amended as follows;

<b>Amendment No</b>	<b>Proposed Action</b>	<b>Reason</b>
1	Delete reference to clause 8.15 – Land Use Management Committee – Block Adoption of Items	Because clause 8.15 is to be deleted from the Code
2	Amend clause 3.1 (2) - to remove LUM from the meeting cycle	Consequential
3	Amend 8.2 (4)(a) - to remove LUM as a Principal Committee	Consequential
4	Amend 8.2 (4) – numbering sequence as a consequence of 3 above	Consequential
5	Delete clause 8.15 in totality	Consequential

#### Part 2 – Meeting Cycle Amendments

1. That clause 3.1(2) of the Code of Meeting Practice be:
  - a. generally amended to read Monthly instead of Four (4) weekly cycles, and
  - b. amended, so that the meeting held on the first Monday of each calendar month is a Planning and Strategy Committee, and that the Ordinary Meeting is held on the second Monday of each calendar month, so long as such meetings are scheduled in advance, and that public notice is given accordingly.

#### Part 3 – Procedure for the Conduct of Council Meetings

2. That clause 6.9(2) of the Code of Meeting Practice be amended to read: “..which in his or her opinion is unlawful,” instead of “out of order.”
3. That clause 6.9(4) of the Code of Meeting Practice be amended to read “Councillors be limited to a maximum of 2 Notices of Motion per Ordinary meeting, with a maximum of 20 per year.
4. That the Draft Code, as amended be placed on public exhibition for the prescribed period, before adoption.

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

The Foreshadowed Amendment was declared **LOST** and the Further Foreshadowed Amendment was put.

### **FURTHER FORESHADOWED AMENDMENT(Heasman / LeSurf)**

#### Part 1 – LUM Amendments

The Code of Meeting Practice be amended as follows;

<b>Amendment No</b>	<b>Proposed Action</b>	<b>Reason</b>
1	Delete reference to clause 8.15 – Land Use Management Committee – Block Adoption of Items	Because clause 8.15 is to be deleted from the Code
2	Amend clause 3.1 (2) - to remove LUM from the meeting cycle	Consequential
3	Amend 8.2 (4)(a) - to remove LUM as a Principal Committee	Consequential
4	Amend 8.2 (4) – numbering sequence as a consequence of 3 above	Consequential
5	Delete clause 8.15 in totality	Consequential

#### Part 2 – Meeting Cycle Amendments

1. That clause 3.1(2) of the Code of Meeting Practice be:
  - a. generally amended to read Monthly instead of Four (4) weekly cycles, and
  - b. amended, so that the meeting held on the first Monday of each calendar month is a Planning and Strategy Committee, and that the Ordinary Meeting is held on the second Monday of each calendar month, so long as such meetings are scheduled in advance, and that public notice is given accordingly.

#### Part 3 – Procedure for the Conduct of Council Meetings

2. That clause 6.9(4) of the Code of Meeting Practice be amended to read “Councillors be limited to a maximum of 2 Notices of Motion per Ordinary meeting, with a maximum of 20 per year.
3. That the Draft Code, as amended be placed on public exhibition for the prescribed period, before adoption.

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

The Further Foreshadowed Amendment was declared **LOST** and the Motion was put.

161/08 **RESOLVED: (Macdonald / Heasman)**

Part 1 – LUM Amendments

The Code of Meeting Practice be amended as follows;

Amendment No	Proposed Action	Reason
1	Delete reference to clause 8.15 – Land Use Management Committee – Block Adoption of Items	Because clause 8.15 is to be deleted from the Code
2	Amend clause 3.1 (2) - to remove LUM from the meeting cycle	Consequential
3	Amend 8.2 (4)(a) - to remove LUM as a Principal Committee	Consequential
4	Amend 8.2 (4) – numbering sequence as a consequence of 3 above	Consequential
5	Delete clause 8.15 in totality	Consequential

Part 2 – Meeting Cycle Amendments

That clause 3.1(2) of the Code of Meeting Practice be:

- generally amended to read Monthly instead of Four (4) weekly cycles, and
- amended, so that the meeting held on the first Monday of each calendar month is a Planning and Strategy Committee, and that the Ordinary Meeting is held on the second Monday of each calendar month, so long as such meetings are scheduled in advance, and that public notice is given accordingly.
- That the Draft Code, as amended be placed on public exhibition for the prescribed period, before adoption.

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

**Against the Resolution:** Councillors Norek, Morrison and Murphy

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General Managers Division Report No. 24

**Committees and the Framework for Community Engagement**

**SUMMARY**

The Department of Local Government will establish in legislation an Integrated Strategic Planning (ISP) framework for Councils in NSW. This framework sets out the principles that Councils need to

follow in the preparation of long and short term plans.

The mandatory implementation of ISP will have an important impact on all NSW Councils in terms of their community engagement strategies and therefore, their committees system.

This report will recommend that,

1. Council establish a Councillors working party to prepare a report with recommendations to the February 2009 Ordinary Meeting on options and models for implementing Council's community engagement framework in the ISP, which can result in the engagement of all of the community in Council's planning processes, and
2. Defer considering the establishment and appointment of its committees other than, the Planning Strategy Principal Committee, section 355 Committees, The Manly Traffic Committee, and The Community Safety Committee, until it has considered the recommendations of the Working Party.

### **MOTION (Heasman / Burns)**

That Council:

1. Establish a Councillors Working Party to prepare 2 reports with:
  - a. Recommendations to the February 2009 Ordinary Meeting on options and models for implementing Council's community engagement framework in the Integrated Strategic Plan, which can result in the engagement of all of the community in Council's planning processes.
  - b. Recommendations to a November 2008 Meeting of Council on a review of roles and functions of "Special Purposes" Committees in Council's planning and decision making processes.
  - c. The membership of the Working Party shall consist of Councillors Heasman, Norek, Griffin, Whitting, Aird, Burns and Hay, two Deputy General Managers and the General Manager.
2. Establish as the Principal Committee of Council, the Planning Strategy Principal Committee. The Planning and Strategy Committee shall have the following functions and responsibilities:

To consider and resolve on all matters pertaining to the Planning and Commissioning of facilities, works and services, and in particular, but not limited to:

- i. Forward planning (Local Environmental studies)
- ii. Statutory planning (Local Environmental Plans and Development Control Plans)
- iii. Management Plans and Plans of Management
- iv. Special Planning Projects
- v. Urban Design Guidelines
- vi. Special Design Projects
- vii. Specification of Services
- viii. Commissioning and Contracting of Work
- ix. Monitoring of construction works

- x. Monitoring of the Annual Works Programme
  - xi. Traffic Management - Works Implementation
  - xii. Waste Management and Recycling
  - xiii. Public Place Cleansing
  - xiv. Road Safety
  - xv. Flood Plain and Estuary Management
  - xvi. Asset Management
3. Under s377 of the *Local Government Act*, 1993, delegate to the Planning and Strategy Committee the powers to make decisions for and on behalf of the Council such that, the decisions of the Planning and Strategy Committee shall be decisions of the Council. The quorum shall be 7.
4. Establish the following committees under s355 of the *Local Government Act*, 1993:
- i. Balgowlah Seaforth Library Committee;
  - ii. Manly Meals on Wheels Service Committee; and
  - iii. Manly Youth Council.
5. Appoint councillor representatives to the following Committees:
- i. Balgowlah Seaforth Library Committee
  - ii. Manly Meals on Wheels Service Committee – 1 Councillor
  - iii. Manly Youth Council
  - iv. Traffic committee – 3 Councillors
  - v. Shorelink Library Network – 2 Councillors (alternate)
  - vi. Manly Warringah Mosman and Pittwater Local Emergency Management Committee (LEMC) – Mayor
6. Notwithstanding part 1(b) of this motion, the following committees are recognized for their significance to Council, and while subject to the review process, Council in the meantime establish these committees and invites nominations from the community for appointment to them:
- |   |  |
|---|--|
| 1. Access                                 | 14. Art and Culture                      |
| 2. Bicycle                                | 15. Climate Change                       |
| 3. Environment                            | 16. Cemetery                             |
| 4. Safety                                 | 17. Playground Management                |
| 5. Heritage                               | 18. Scenic Walkway                       |
| 6. Manly Lagoon                           | 19. Social Plan Implementation Committee |
| 7. Meals on Wheels                        | 20. Sports Facilities                    |
| 8. Sister Cities                          | 21. Sustainability Strategy Management   |
| 9. Traffic                                |  |
| 10. Youth Council                         |  |
| 11. Landscape Management and Urban Design |  |
| 12. Visitor and Community                 |  |
| 13. Waste                                 |  |

**AMENDMENT (Norek)**

That Council:

1. Establish a Councillors Working Party to prepare a report with recommendations to the February 2009 Ordinary Meeting on options and models for implementing Council's community engagement framework in the Integrated Strategic Plan, which can result in the engagement of all of the community in Council's planning processes. That report should take into account the functions of Special Purposes Committees.

The membership of the Working Party shall consist of all available Councillors, two Deputy General Managers, and the General Manager

2. Establish as the Principal Committee of Council, the Planning Strategy Principal Committee. The Planning and Strategy Committee shall have the following functions and responsibilities:

To consider and resolve on all matters pertaining to the Planning and Commissioning of facilities, works and services, and in particular, but not limited to:

- i. Forward planning (Local Environmental studies)
  - ii. Statutory planning (Local Environmental Plans and Development Control Plans)
  - iii. Management Plans and Plans of Management
  - iv. Special Planning Projects
  - v. Urban Design Guidelines
  - vi. Special Design Projects
  - vii. Specification of Services
  - viii. Commissioning and Contracting of Work
  - ix. Monitoring of construction works
  - x. Monitoring of the Annual Works Programme
  - xi. Traffic Management - Works Implementation
  - xii. Waste Management and Recycling
  - xiii. Public Place Cleansing
  - xiv. Road Safety
  - xv. Flood Plain and Estuary Management
  - xvi. Asset Management
3. Under s377 of the *Local Government Act*, 1993, delegate to the Planning and Strategy Committee the powers to make decisions for and on behalf of the Council such that, the decisions of the Planning and Strategy Committee shall be decisions of the Council. The quorum shall be 7.
  4. Establish the following committees under s355 of the *Local Government Act*, 1993:

- i. Balgowlah Seaforth Library Committee;
- ii. Manly Meals on Wheels Service Committee; and
- iii. Manly Youth Council.

5. Appoint councillor representatives to the following Committees:

- i. Balgowlah Seaforth Library Committee – 2 Councillors
- ii. Manly Meals on Wheels Service Committee – 3 Councillors
- iii. Manly Youth Council – 3 Councillors
- iv. Traffic committee – 2 Councillors
- v. Shorelink Library Network – 2 Councillors
- vii. Manly Warringah Mosman and Pittwater Local Emergency Management Committee (LEMC) – Mayor

The Amendment **LAPSED** due to a lack of a seconder, and the Motion was put.

162/08 **RESOLVED: (Heasman / Burns)**

That Council:

1. Establish a Councillors Working Party to prepare 2 reports with:
  - a. Recommendations to the February 2009 Ordinary Meeting on options and models for implementing Council's community engagement framework in the Integrated Strategic Plan, which can result in the engagement of all of the community in Council's planning processes.
  - b. Recommendations to a November 2008 Meeting of Council on a review of roles and functions of "Special Purposes" Committees in Council's planning and decision making processes.
  - c. The membership of the Working Party shall consist of Councillors Heasman, Norek, Griffin, Whitting, Aird, Burns and Hay, two Deputy General Managers, and the General Manager
2. Establish as the Principal Committee of Council, the Planning Strategy Principal Committee. The Planning and Strategy Committee shall have the following functions and responsibilities:

To consider and resolve on all matters pertaining to the Planning and Commissioning of facilities, works and services, and in particular, but not limited to:

- i. Forward planning (Local Environmental studies)
- ii. Statutory planning (Local Environmental Plans and Development Control Plans)
- iii. Management Plans and Plans of Management
- iv. Special Planning Projects
- v. Urban Design Guidelines
- vi. Special Design Projects
- vii. Specification of Services
- viii. Commissioning and Contracting of Work
- ix. Monitoring of construction works



- x. Monitoring of the Annual Works Programme
  - xi. Traffic Management - Works Implementation
  - xii. Waste Management and Recycling
  - xiii. Public Place Cleansing
  - xiv. Road Safety
  - xv. Flood Plain and Estuary Management
  - xvi. Asset Management
3. Under s377 of the *Local Government Act*, 1993, delegate to the Planning and Strategy Committee the powers to make decisions for and on behalf of the Council such that, the decisions of the Planning and Strategy Committee shall be decisions of the Council. The quorum shall be 7.
4. Establish the following committees under s355 of the *Local Government Act*, 1993:
- i. Balgowlah Seaforth Library Committee;
  - ii. Manly Meals on Wheels Service Committee; and
  - iii. Manly Youth Council.
5. Appoint councillor representatives to the following Committees:
- i. Balgowlah Seaforth Library Committee
  - ii. Manly Meals on Wheels Service Committee – 1 Councillor
  - iii. Manly Youth Council
  - iv. Traffic committee – 3 Councillors
  - v. Shorelink Library Network – 2 Councillors (alternate)
  - viii. Manly Warringah Mosman and Pittwater Local Emergency Management Committee (LEMC) – Mayor
6. Notwithstanding part 1(b) of this motion, the following committees are recognized for their significance to Council, and while subject to the review process, Council in the meantime establish these committees and invites nominations from the community for appointment to them:
- |   |  |
|---|--|
| 1. Access                                 | 14. Art and Culture                      |
| 2. Bicycle                                | 15. Climate Change                       |
| 3. Environment                            | 16. Cemetery                             |
| 4. Safety                                 | 17. Playground Management                |
| 5. Heritage                               | 18. Scenic Walkway                       |
| 6. Manly Lagoon                           | 19. Social Plan Implementation Committee |
| 7. Meals on Wheels                        | 20. Sports Facilities                    |
| 8. Sister Cities                          | 21. Sustainability Strategy Management   |
| 9. Traffic                                |  |
| 10. Youth Council                         |  |
| 11. Landscape Management and Urban Design |  |
| 12. Visitor and Community                 |  |
| 13. Waste                                 |  |

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

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General Managers Division Report No. 25

#### **Declaration of Polls**

#### **MOTION (Macdonald / Burns)**

That the Poll results be noted, and that Ms Suzanne Turner, the Manly Returning Officer be thanked.

163/08 **RESOLVED: (Macdonald / Burns)**

That the Poll results be noted, and that Ms Suzanne Turner, the Manly Returning Officer be thanked.

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

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### **CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 24

#### **Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors**

#### **SUMMARY**

Following amendments to Section 252 and 253 of the Local Government Act 1993, Council is required to adopt a Policy concerning payment of expenses and the provision of facilities to the Mayor's and Councillors within 5 months after the end of each year, and to forward a copy of the Policy to the Director General.

#### **MOTION (Burns / Whitting)**

That Council in accordance with *Sections 252 and 253* of the *Local Government Act 1993*:

1. Give public notice of its intention to adopt the attached *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, and that the Policy be placed on exhibition for 28 days for the making of public submissions
2. Subject to receipt of any submissions a copy of the *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* be forwarded to the Department of Local Government following the exhibition.
3. Add to point 7 of Item 2.2(a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* "and domicile support services from Council IT staff."
4. Add to end of point 10 of Item 2.2 (a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, "...maximum claim for telephone service(s) is limited to \$50 per month where calls have not been itemised. Where the account exceeds \$50.00, maximum claim will be \$100.00 per month provided telephone calls made in the performance

of their duty are itemised on the account.”

**AMENDMENT (Norek)**

That Council in accordance with *Sections 252 and 253* of the *Local Government Act 1993*:

1. Give public notice of its intention to adopt the attached *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, and that the Policy be placed on exhibition for 28 days for the making of public submissions
2. Subject to receipt of any submissions a copy of the *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* be forwarded to the Department of Local Government following the exhibition.
3. Add to point 7 of Item 2.2(a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* “and domicile support services from Council IT staff.”
4. Add to end of point 10 of Item 2.2 (a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, “...maximum of \$50 per month with a copy of the mobile phone bill to be provided to Council.
5. That Part 6 be deleted from the *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*.

The Amendment **LAPSED** due to a lack of a seconder, and the Motion was put.

164/08     **RESOLVED: (Burns / Whitting)**

That Council in accordance with *Sections 252 and 253* of the *Local Government Act 1993*:

1. Give public notice of its intention to adopt the attached *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, and that the Policy be placed on exhibition for 28 days for the making of public submissions
2. Subject to receipt of any submissions a copy of the *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* be forwarded to the Department of Local Government following the exhibition.
3. Add to point 7 of Item 2.2(a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors* “and domicile support services from Council IT staff.”
4. Add to end of point 10 of Item 2.2 (a) of *Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors*, “maximum claim for telephone service(s) is limited to \$50.00 per month where calls have not been itemised. Where the account exceeds \$50.00, maximum claim will be \$100.00 per month provided telephone calls made in the performance of their duty are itemised on the account.”

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

**Against the Resolution:** Councillor Aird

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Corporate Services Division Report No. 22

**Financial Statements for the Year Ended 30 June 2008**

**SUMMARY**

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

**MOTION (Burns / LeSurf)**

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 2008**

Statement by Councilors 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 2008, 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 2008, 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 2008**

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 2008, 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 2008, false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2008 be referred for audit by Council's Auditors.

165/08 **RESOLVED: (Burns / LeSurf)**

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 2008

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 2008, 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 2008, 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 2008

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 2008, 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 2008, false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2008 be referred for audit by Council's Auditors.

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

**Against the Resolution:** Nil.

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

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## MATTERS OF URGENCY

### MATTER OF URGENCY (Aird / Heasman)

This item was declared as a matter of urgency at the beginning at the meeting.

### MOTION (Aird / Heasman)

That:

1. Manly Council supports the combined Medical Staff Councils of Mona Vale and Manly Hospitals in their efforts to hold the incumbent NSW State Government responsible to urgently make good its undertaking to build the long-overdue Level 5 Northern Beaches Hospital to ensure our residents receive health care of an appropriate standard.
2. As part of that support, Manly Council seeks an urgent meeting with the NSW State Premier, Treasurer and Health Minister prior to the upcoming November 11 mini-budget.
3. Council enlist the support of the local member in its actions and also a commitment from him that a future Liberal government will commit to a Level 5 Northern Beaches Hospital
4. In the meantime Manly Council receives an assurance that ensures the current facilities are maintained and funded at Manly Hospital.

166/08 **RESOLVED:** (Aird / Heasman)

That:

1. Manly Council supports the combined Medical Staff Councils of Mona Vale and Manly Hospitals in their efforts to hold the incumbent NSW State Government responsible to urgently make good its undertaking to build the long-overdue Level 5 Northern Beaches Hospital to ensure our residents receive health care of an appropriate standard.
2. As part of that support, Manly Council seeks an urgent meeting with the NSW State Premier, Treasurer and Health Minister prior to the upcoming November 11 mini-budget.
3. Council enlist the support of the local member in its actions and also a commitment from him that a future Liberal government will commit to a Level 5 Northern Beaches Hospital

4. In the meantime Manly Council receives an assurance that ensures the current facilities are maintained and funded at Manly Hospital.

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

**Against the Resolution:** Nil.

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At 11.26pm, Councillor Whitting declared a Conflict of Interest in Councillor Morrison's Urgency Motion, and left the Chamber.

#### **MATTER OF URGENCY (Morrison / Norek)**

This item was declared as a matter of urgency at the beginning at the meeting.

#### **MOTION (Morrison / Norek)**

That Council seek a delegation of the Mayor and the General Manager to the Planning Minister to:

1. Advise the new State Government Planning Minister that a Poll of Electors was held on 3 May 2008, in regards to the Seaforth TAFE site, and that the Seaforth community voted as follows:  
1,676 voted in favour of re-opening the site as an educational facility.  
1,171 voted in favour of a proposal for a mixed development, of a maximum of 3 storeys, which complies with Manly Council's planning controls, and which respects the character of Seaforth Village.  
515 voted in favour of a State Government proposal, that included buildings with a maximum height of 5 storeys.
2. Advise the new Planning Minister that the new Council fully supports the Seaforth community in the results of the plebiscite, as previously resolved by Council at its Planning and Strategy Meeting of 12 May 2008.
3. Council to enquire from the Department of Education and Training as to whether they may be prepared to transfer the Seaforth TAFE site to Manly Council and if so, on what terms.

#### **167/08 RESOLVED: (Morrison / Norek)**

That Council seek a delegation of the Mayor and the General Manager to the Planning Minister to:

1. Advise the new State Government Planning Minister that a Poll of Electors was held on 3 May 2008, in regards to the Seaforth TAFE site, and that the Seaforth community voted as follows:  
1,676 voted in favour of re-opening the site as an educational facility.  
1,171 voted in favour of a proposal for a mixed development, of a maximum of 3 storeys, which complies with Manly Council's planning controls, and which respects the character of Seaforth Village.  
515 voted in favour of a State Government proposal, that included buildings with a maximum height of 5 storeys.
2. Advise the new Planning Minister that the new Council fully supports the Seaforth community in the results of the plebiscite, as previously resolved by Council at its Planning and Strategy Meeting of 12 May 2008.

3. Council to enquire from the Department of Education and Training as to whether they may be prepared to transfer the Seaforth TAFE site to Manly Council and if so, on what terms.

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

**Against the Resolution:** Nil.

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

**CLOSE**

The meeting closed at 11.40pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 10<sup>th</sup> November 2008.

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**MAYOR**

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