

# Manly Council

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## Minutes

### Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 14 August 2006**

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



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**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Planning and Strategy Committee, having met at 7:42 PM on Monday 14 August 2006, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 535 of 19th September, 2005.

**PRESENT**

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

**ALSO PRESENT**

Henry T Wong, General Manager  
Jennie Minifie, Branch Manager, Corporate Planning and Strategy  
Jim Hunter, Executive Director, Major Projects  
Rachael Levey, Minute Taker

**APOLOGIES**

Apologies were tendered on behalf of Councillor Norek and Councillor Evans, for non-attendance.

**MOTION (Macdonald / Lambert)**

That the apologies received from Councillor Norek and Councillor Evans, be accepted and leave be granted.

**RESOLVED: (Macdonald / Lambert)**

That the apologies received from Councillor Norek and Councillor Evans, be accepted and leave be granted.

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

**Against the Resolution:** Nil.

**LEAVE OF ABSENCE**

Nil.

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Aird	GMD 20	Lives in one of the subject streets

**CONFIRMATION OF MINUTES****MOTION (Macdonald / Daley)**

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 17 July 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**RESOLVED: (Macdonald / Daley)**

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 17 July 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

*Having previously declared an interest in Item 20, Councillor Aird vacated the Chamber at 7:44pm and Councillor Heasman assumed the Chair.*

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**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 20

**Traffic Management issues for area bounded by Balgowlah Rd, Pittwater Rd, Pine St and Pacific Pde****SUMMARY**

At the Planning and Strategy Committee meeting held on 12 December 2005, Council resolved:

“That, in relation to item 1xii) Manly Traffic Committee - Minutes of Meeting held on 28th November 2005, Council adopt the Traffic Committee's recommendation on item 108/05 and request a further report be brought back to Council on:

- a) Impacts of the new roundabout on the western access to Golf, Rolfe and Alexander Streets and Pacific Parade.
- b) Impacts of the possible limitation of access to the new fruit market on these streets.
- c) Assessment of impacts of full closure of the western end of each of the four streets identified.
- d) Pedestrian impacts in the vicinity of the Manly Swimming Pool.”

This report seeks to address these issues and makes recommendations to Council.

**PUBLIC ADDRESSES**

The following person addressed Council on this matter:

Against: Mr Patrick Burke, resident

**MOTION (Macdonald / Heasman)**

In relation to the resolution of the Planning and Strategy Committee meeting held on 12 December 2005, (item 1xii) Manly Traffic Committee - Minutes of Meeting held on 28th November 2005):

1. That items a) and b) be noted.
2. That, in relation to item c), Council undertake further community consultation including a survey of residents within the area to ascertain the view of the community. That a report of findings be brought back to Council.
3. That in relation to item d), further input from the Ivanhoe Park and Ocean Beach Precincts be obtained and reported back to Council.
4. That Council conduct further egress testing of Golf Pde, Rolfe St, Alexander St, Pacific Pde and Pine St and report back to Council with results.

**RESOLVED: (Macdonald / Heasman)**

In relation to the resolution of the Planning and Strategy Committee meeting held on 12 December 2005, (item 1xii) Manly Traffic Committee - Minutes of Meeting held on 28th November 2005):

1. That items a) and b) be noted.
2. That, in relation to item c), Council undertake further community consultation including a survey of residents within the area to ascertain the view of the community. That a report of findings be brought back to Council.
3. That in relation to item d), further input from the Ivanhoe Park and Ocean Beach Precincts be obtained and reported back to Council.
4. That Council conduct further egress testing of Golf Pde, Rolfe St, Alexander St, Pacific Pde and Pine St and report back to Council with results.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison and Pedersen

**Against the Resolution:** Nil.

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*At 8:14pm, Councillor Heasman vacated the Chair. Councillor Aird entered the Chamber and assumed the Chair.*

General Managers Division Report No. 21  
**The Corso Upgrade - Progress Report**  
**SUMMARY**

Progress report to Council as at Week Eight of the Construction Programme.

**MOTION (Pedersen / Murphy)**

That Council receive and note the Corso Upgrade Progress Report as at Week Eight of the Construction Programme.

**RESOLVED: (Pedersen / Murphy)**

That Council receive and note the Corso Upgrade Progress Report as at Week Eight of the Construction Programme.

**For the Resolution:** Councillors Macdonald, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen and Aird

**Against the Resolution:** Nil.

*Councillors Hay and Daley were not in the Chamber when the Motion was put.*

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General Managers Division Report No. 22  
**Seaforth TAFE Site - Progress Update**  
**SUMMARY**

Progress report to Council in relation to Community Reference Group Meetings and discussions with Landcom.

**MOTION (Macdonald / Lambert)**

That the Seaforth TAFE Site progress report in relation to Community Reference Group Meetings and discussions with Landcom be received and noted.

**RESOLVED: (Macdonald / Lambert)**

That the Seaforth TAFE Site progress report in relation to Community Reference Group Meetings and discussions with Landcom be received and noted.

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

**Against the Resolution:** Nil.

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## CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 20

### Local Government of New South Wales - 2006 Annual Conference Proposed Motions

#### SUMMARY

At the Planning and Strategy Committee Meeting of Council held on 17 July 2006, Council considered a report on the Local Government Association of New South Wales Annual Conference to be held in Leura from 28 October to 1 November 2006, and the submission of Motions to the Conference.

This report details the proposed Motions to be submitted, on behalf of Council, to the Local Government Association of New South Wales Annual Conference 2006.

#### MOTION (Pedersen / Macdonald)

That Council submit the following Motion for consideration by and inclusion in the 2006 LGSA Conference's Business Paper:

##### **Subject: National summit to reform the financial donations legislation**

##### **Motion text:**

That the Local Government and Shires Association calls upon the Federal Government to convene a National Summit to develop a national strategy to fundamentally reform, in a coordinated manner, all the financial donations legislation for all 3 levels of Australian government; ie: federal, all state governments and all local councils.

##### **Explanatory Note from Councillor Brad Pedersen regarding National Summit to reform the financial donations legislation**

Financial donations to political parties and candidates are potentially one of the most corrupting forces in our political system. The current legislative framework throughout our nation is wholly inadequate, riddled with loopholes and invites corruption. Indeed, our laws and practices relating to financial donations have become a serious risk to our democracy.

The policy outcomes of our governments are under threat of being improperly influenced by huge corporations, powerful trade unions and wealthy individuals. Some donors are attempting to secure their influence by making equally enormous donations to both the major parties. Worse still, creative accounting and 'front organizations' are used to allow some donors to mask their identity.

Nobody should believe these funds are always donated because of an altruistic enthusiasm for democracy. Even if there is no direct undertaking on behalf of the beneficiaries, the widespread public suspicion is that it's all about buying influence. The perception that political influence can be 'bought' is extremely damaging to the public's faith in our democratic system and severely undermines the integrity of our representative government.

The control of our parliaments by political parties riddled with these donations should not be seen as anything other than the breakdown of fundamental aspects of our democracy. The time has come to seriously confront this cancer in our political system. Yet the experience is that it is never quite the right time for the major parties to reform the system or reform themselves. After all, the major parties created for themselves the legislative structure of our campaign finance laws.

To achieve maximum financial transparency and probity throughout the Australian political

system the Federal and State governments need to fundamentally reform, in a coordinated manner, their financial donations legislation. Money is fluid and can be shifted around through 'back doors' unless all those doors are shut. Some good reforms could occur at State level, but with weak Federal laws it means there are serious limitations as to what can be achieved at an individual State level. The same applies in reverse, good reforms solely for the Federal electoral system will be seriously limited if all State laws are not also all properly reformed. The chain will only be as strong as its weakest link.

Political systems do exist where there are much tighter restrictions on 'money-politics'. There are reforms that have proved successful elsewhere that could be implemented in our own country. Australia should be aiming at being a world leader in probity, transparency and removing the influence of 'money-politics'. Particular attention needs to be given to recent reforms in the UK, Canada and New Zealand.

Reform options are varied and there is no single 'right answer' or perfect solution. Even the best options are imperfect to some degree. Yet this must not be used as an excuse to continue with a system that is riddled with loop holes and acts as an incentive for corruption

The issues and legalities concerning money politics is complex but a National Summit should at least consider the following reform proposals:

- All donations of goods, services (in kind) or cash over \$500 to be immediately and publicly declared.
- The original source of all donations to be declared.
- Corporate and individual donations restricted to an upper limit of \$2000.
- Donations from foreign entities to be banned.
- Corporations, unions and organisations to be required to have shareholder/member approved political donations policies.
- Campaign expenditure limits.
- Tighter controls over campaign spending by the supporters of political parties and candidates.
- Reforming electoral funding to promote political equality.
- Increased penalties for breaching funding laws.
- Political Party donations disclosures to be accompanied by a report from an accredited auditor.
- Adequate resources to be provided to the Australian Electoral Commission to effectively enforce political funding regulations.

The National Summit would need to be of sufficient time for proper consideration and a comprehensive debate of the reform options. The Summit attendees should consist not just of politicians but also a broad range of legal experts, academics and community representatives.

**RESOLVED: (Pedersen / Macdonald)**

That Council submit the following Motion for consideration by and inclusion in the 2006 LGSA Conference's Business Paper:

**Subject: National summit to reform the financial donations legislation**

**Motion text:**

That the Local Government and Shires Association calls upon the Federal Government to convene a National Summit to develop a national strategy to fundamentally reform, in a coordinated manner, all the financial donations legislation for all 3 levels of Australian government; ie: federal, all state governments and all local councils.



**Explanatory Note from Councillor Brad Pedersen regarding National Summit to reform the financial donations legislation**

Financial donations to political parties and candidates are potentially one of the most corrupting forces in our political system. The current legislative framework throughout our nation is wholly inadequate, riddled with loopholes and invites corruption. Indeed, our laws and practices relating to financial donations have become a serious risk to our democracy.

The policy outcomes of our governments are under threat of being improperly influenced by huge corporations, powerful trade unions and wealthy individuals. Some donors are attempting to secure their influence by making equally enormous donations to both the major parties. Worse still, creative accounting and 'front organizations' are used to allow some donors to mask their identity.

Nobody should believe these funds are always donated because of an altruistic enthusiasm for democracy. Even if there is no direct undertaking on behalf of the beneficiaries, the widespread public suspicion is that it's all about buying influence. The perception that political influence can be 'bought' is extremely damaging to the public's faith in our democratic system and severely undermines the integrity of our representative government.

The control of our parliaments by political parties riddled with these donations should not be seen as anything other than the breakdown of fundamental aspects of our democracy. The time has come to seriously confront this cancer in our political system. Yet the experience is that it is never quite the right time for the major parties to reform the system or reform themselves. After all, the major parties created for themselves the legislative structure of our campaign finance laws.

To achieve maximum financial transparency and probity throughout the Australian political system the Federal and State governments need to fundamentally reform, in a coordinated manner, their financial donations legislation. Money is fluid and can be shifted around through 'back doors' unless all those doors are shut. Some good reforms could occur at State level, but with weak Federal laws it means there are serious limitations as to what can be achieved at an individual State level. The same applies in reverse, good reforms solely for the Federal electoral system will be seriously limited if all State laws are not also all properly reformed. The chain will only be as strong as its weakest link.

Political systems do exist where there are much tighter restrictions on 'money-politics'. There are reforms that have proved successful elsewhere that could be implemented in our own country. Australia should be aiming at being a world leader in probity, transparency and removing the influence of 'money-politics'. Particular attention needs to be given to recent reforms in the UK, Canada and New Zealand.

Reform options are varied and there is no single 'right answer' or perfect solution. Even the best options are imperfect to some degree. Yet this must not be used as an excuse to continue with a system that is riddled with loop holes and acts as an incentive for corruption

The issues and legalities concerning money politics is complex but a National Summit should at least consider the following reform proposals:

- All donations of goods, services (in kind) or cash over \$500 to be immediately and publicly declared.
- The original source of all donations to be declared.
- Corporate and individual donations restricted to an upper limit of \$2000.
- Donations from foreign entities to be banned.
- Corporations, unions and organisations to be required to have shareholder/member approved political donations policies.
- Campaign expenditure limits.

- Tighter controls over campaign spending by the supporters of political parties and candidates.
- Reforming electoral funding to promote political equality.
- Increased penalties for breaching funding laws.
- Political Party donations disclosures to be accompanied by a report from an accredited auditor.
- Adequate resources to be provided to the Australian Electoral Commission to effectively enforce political funding regulations.

The National Summit would need to be of sufficient time for proper consideration and a comprehensive debate of the reform options. The Summit attendees should consist not just of politicians but also a broad range of legal experts, academics and community representatives.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen and Aird  
**Against the Resolution:** Nil.

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## CORPORATE PLANNING AND STRATEGY DIVISION

Corporate Planning And Strategy Division Report No. 40

### **Draft Manly Development Control Plan for the Business Zone 1989 (Amendment 5)**

#### **SUMMARY**

The Development Control Plan for Business Zone (Draft Amendment 5) seeks to prohibit trafficable balconies in The Corso to maintain consistency with Council's adopted policies. The draft Plan was exhibited for 28 days in accordance with the legislation. This report summarises the outcome of the exhibition and recommends adoption of the Plan.

#### **MOTION (Heasman / Lambert)**

That Council adopt the draft DCP for the Business Zone 1989 (Amendment 5) as exhibited.

#### **RESOLVED: (Heasman / Lambert)**

That Council adopt the draft DCP for the Business Zone 1989 (Amendment 5) as exhibited.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen and Aird  
**Against the Resolution:** Nil.

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Corporate Planning And Strategy Division Report No. 41

### **Metro Strategy: North East Sub-regional Plan - Progress Report**

#### **SUMMARY**

The Department of Planning is coordinating the preparation of the Sub-regional Strategy for the North East Sub-region comprising Manly, Warringah and Pittwater Councils. This report provides updates on the progress.

**MOTION (Macdonald / Heasman)**

That Council:

1. Receive and note the Metro Strategy: North East Sub-regional Plan - Progress Report.
2. Continue to strenuously request individually and through SHOROC, at least one public consultation in each of the three LGAs in the North East Sub-region.
3. and SHOROC continue to make representations to the Department of Planning to ensure that education, transport and other infrastructure and open space retention are addressed concurrent with housing and employment planning.

**RESOLVED: (Macdonald / Heasman)**

That Council:

1. Receive and note the Metro Strategy: North East Sub-regional Plan - Progress Report.
2. Continue to strenuously request individually and through SHOROC, at least one public consultation in each of the three LGAs in the North East Sub-region.
3. and SHOROC continue to make representations to the Department of Planning to ensure that education, transport and other infrastructure and open space retention are addressed concurrent with housing and employment planning.

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

**Against the Resolution:** Nil.

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Corporate Planning And Strategy Division Report No. 42

**Items for Brief Mention - Minutes for Adoption by Council - Special Purpose Committees and Joint Committees****1. Minutes of Meetings:-**

- (i) Sydney Water & Manly Council Partnership – Minutes of Meeting Held on 18 May 2006.
- (ii) Manly Lagoon Catchment Co-ordinating Committee – Minutes of Meeting Held on 29 June 2006.
- (iii) Landscape Management & Urban Design Sub-Committee (Fairlight Shops Urban Design Improvements) – Minutes of Meeting Held on 6 July 2006.
- (iv) Manly Sustainability Strategy Management Group – Minutes of Meeting Held on 11 July 2006.
- (v) SHOROC Special Executive Committee – Minutes of Meeting Held on 28 July 2006.
- (vi) Manly Sports Facilities Committee – Minutes of Meeting Held on 4 August 2006.
- (vii) Landscape Management and Urban Design Committee – Minutes of Meeting Held on 12 July 2006.
- (viii) Manly Social Plan Implementation Committee – Minutes of Meeting Held on 18 July 2006.

- (ix) Manly Community Environment Committee – Minutes of Meeting Held on 20 July 2006.

**2. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:-**

- (a) Landscape Management and Urban Design Committee – Minutes of Meeting Held on 12 July 2006.

**Item 4.1: The Corso Masterplan Review – Taylor Cullity Lethlean Engagement Progress Report**

Recommendation:

“That should funds permit, the catenary lighting and paving pattern planned for The Corso be extended to include Rialto Lane in Stage 1 works.”

- (b) Manly Social Plan Implementation Committee – Minutes of Meeting Held on 18 July 2006.

**Item 5.1: MATSIC Significance**

Recommendation:

- “ • In view of the imminent adoption of the North Sydney Aboriginal Social Plan, and previous low attendance at Manly Aboriginal & Torres Strait Island Committee, that Manly Aboriginal & Torres Strait Island Committee items become a standing item on the Social Plan Implementation Committee agenda in the future.
- That an Aboriginal representative is invited to sit on the Social Plan Implementation Committee.”

- (c) Manly Community Environment Committee – Minutes of Meeting Held on 20 July 2006.

**Item 4: Presentation on Community Reference Group by Environmental Planning Team Leader**

Recommendation:

“Our understanding and our strong recommendation is that the Community Reference Group (CRG) should be convened before the Development Application is approved.

The Committee strongly recommends that the CRG has input into development applications in areas of Penguin Critical Habitat before being formally approved and the applicant advised. This is the same process as Precinct Committees, the Heritage Committee and the Community Safety Committee.

The Committee recommends that the composition of the CRG include two representatives from the Environment Committee, Ray Mathieson and Richard Hewitt, and two Precinct Representatives, Gary Stewart and Mark Williams, but excludes the four resident representatives.”

Moved: Terry Metherell. Seconded: Brad Pedersen

Divisional Manager's Note:

Any DA approval is an "operational matter" under the direct management of the General Manager.

- (d) Manly Community Environment Committee – Minutes of Meeting Held on 20 July 2006.

**Item 5.1: Manly Environment Centre**

It was noted that there is nothing in the Council Management Plan related to the MEC, including provision of the ground floor shopfront in conjunction with the third floor library project.

Recommendation:

"Given the resolutions made at the public meetings made after the Council made its resolution to build the third floor extension on the library, the Committee requests that Council clarify the status of the level three library development and its impact on the future operation of the MEC, particularly "shopfront" issues. This should be in the Council's Management Plan."

Moved: Richard Hewitt. Seconded: Keelah Lam

- (e) Manly Community Environment Committee – Minutes of Meeting Held on 20 July 2006.

**Item 5.2: Annual MEC ECO Award**

A brief discussion took place on the Annual MEC Eco Award for outstanding work in the Manly LGA.

Recommendation:

"The Annual MEC Eco Award for outstanding work in the Manly LGA would be announced in June each year, with a call for nominations. Nominations would close in February. The Environment Committee would choose the winner and it would be presented on the MEC's birthday on 15 March each year. Martin Cullen has agreed to donate an artwork each year as the prize."

Moved: Richard Hewitt. Seconded: Keelah Lam

- (f) Manly Community Environment Committee – Minutes of Meeting Held on 20 July 2006.

**Item 10: Little Manly Point Remediation Works**

Recommendation:

"Contamination continues to leach into the harbour as these works have been significantly delayed and should not be further delayed because it is Penguin Breeding Season. This is zoned Potential Habitat only and there are no penguins on Little Manly Point."

Moved: Brad Pedersen. Seconded: Terry Metherell

Divisional Manager's Note:

Council's staff acknowledge the recommendation of the Committee, and appreciate the urgency and importance of the supplementary remediation works.

The works in question and the conditions of the development application that apply to them must be adhered to as a statutory requirement. Specific conditions of the DA do take into account Threatened Species Legislative requirements, particularly as this area was listed "Potential Critical Habitat" for fairy penguins (as determined by the Department of Environment and Conservation), and as the breeding season of July to February is underway.

A Section 96 variation has been lodged with Council in relation to the Threatened Species conditions imposed by Council on the DA for the works approved on 15<sup>th</sup> June 2006. **I would recommend that Council considers this matter in the context of the Section 96 application process.**

**MOTION (Heasman / Macdonald)**

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(ix), be adopted.
2. That in relation to all matters of a substantial nature listed in Item 2 above, being 2(a) to 2(f), be adopted as per the recommendation of the Committees.

**RESOLVED: (Heasman / Macdonald)**

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(ix), be adopted.
2. That in relation to all matters of a substantial nature listed in Item 2 above, being 2(a) to 2(f), be adopted as per the recommendation of the Committees.

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at 9:49pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 11<sup>th</sup> September 2006.

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**CHAIRPERSON**

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