

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 9 September 2013

All minutes are subject to confirmation at a subsequent meeting.

*Copies of business papers are available at the Customer Service Counters
at Manly Council, Manly Library and Seaforth Library and are available on
Council's website:*

www.manly.nsw.gov.au

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 September 2013. The meeting commenced at 7.31pm.

PRESENT

Her Worship, The Mayor, Jean Hay AM, who presided
Councillor B Aird
Councillor C Bingham
Councillor H Burns
Councillor C Griffin
Councillor J Griffin
Councillor A Heasman
Councillor A Le Surf, Deputy Mayor
Councillor S Pickering

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Executive Manager, Corporate Support Services
Secretariat Officer

OPENING PRAYER

The Opening Prayer was presented by Bruce Clarke, Senior Minister, St Matthews Anglican.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 August 2013, 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 Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

146/13 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 August 2013, 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.

CONFIRMATION OF MINUTES**MOTION**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 September 2013, 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 Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

147/13 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 September 2013, 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.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Darren Younger	Provide an update about Manly Emporium and CoDesign Coop including recognition for all the Council support.
David Parsons	Manly Interests.
David Howe	Consultation definitions in urban planning process. Knowledge representations and communication – definitions and common understanding.

MAYORAL MINUTES**Mayoral Minute Report No. 12**

Congratulations to Hon Tony Abbott MHR for his election as the Prime Minister - designate of Australia

MOTION (Hay AM)

That:

Council sends a letter of congratulations to the Honourable Tony Abbott MHR for his re-election as the Member for Warringah for the 8th time, and for his election as the Prime Minister – designate of Australia, the first Northern Beaches Prime Minister since Federation.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

148/13 RESOLVED: (Hay AM)

Council sends a letter of congratulations to the Honourable Tony Abbott MHR for his re-election as the Member for Warringah for the 8th time, and for his election as the Prime Minister – designate of Australia, the first Northern Beaches Prime Minister since Federation.

Mayoral Minute Report No. 11

LM Graham Reserve - Management of Dog Access

The following persons addressed the meeting on this item:

In support of the Motion: Dr Beth McDonald

The Mayor Councillors Hay AM moved that:

1. Council defer installation of the proposed fencing along the boundary of Kenneth Road at LM Graham Reserve to allow time for stakeholder consultation; and
2. A Working Party, meeting monthly, be established to prioritise the list of outcomes from the meeting of the 5th September 2013. The Minutes of its meetings shall be provided to Council; and
3. The Working Party shall consist of one representative from: Ivanhoe Park Precinct Community Forum; the Brookvale soccer club; the cricket club; dog owners, and Council; and
4. The Working Party shall provide a final report with recommendations, for reporting to the Council at its February 2014 meeting.

MOTION (Hay AM)

That:

1. Council defer installation of the proposed fencing along the boundary of Kenneth Road at LM Graham Reserve to allow time for stakeholder consultation; and
2. A Working Party, meeting monthly, be established to prioritise the list of outcomes from the meeting of the 5th September 2013. The Minutes of its meetings shall be provided to Council; and
3. The Working Party shall consist of one representative from: Ivanhoe Park Precinct Community Forum; the Brookvale Soccer Club; the cricket club; dog owners, and Council; and
4. The Working Party shall provide a final report with recommendations, for reporting to the Council at its February 2014 meeting; and
5. The final draft report with recommendations go to the Public Domains Committee for comment.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, Griffin, C Griffin and Hay

Against the Resolution: Nil.

149/13 RESOLVED: (Hay AM)

That:

1. Council defer installation of the proposed fencing along the boundary of Kenneth Road at LM Graham Reserve to allow time for stakeholder consultation; and
2. A Working Party, meeting monthly, be established to prioritise the list of outcomes from the meeting of the 5th September 2013. The Minutes of its meetings shall be provided to Council; and

3. The Working Party shall consist of one representative from: Ivanhoe Park Precinct Community Forum; the Brookvale Soccer Club; the cricket club; dog owners, and Council; and
4. The Working Party shall provide a final report with recommendations, for reporting to the Council at its February 2014 meeting; and
5. The final draft report with recommendations go to the Public Domains Committee for comment.

NOTICES OF MOTION

Notice of Motion Report No. 56

Review of Scenic Viewing Areas around Manly (MC/13/105774)

Councillor Candy Bingham moved that:

1. Council request the Scenic Walkway Committee to undertake an audit of the official viewing areas along the Manly Scenic Walkway and report on those which need attention due to major view loss.
2. Council invite the various Precinct groups to undertake an audit of the popular viewing areas in their precincts that may need attention.
3. The General Manager prepare a report back to Council consolidating the findings of the Scenic Walkway Committee and recommendations by Precincts with a suggested course of action to address this issue.

Background

Over time, many of Manly's scenic viewing areas have lost their views due to overgrown vegetation.

There are many examples along the Manly Scenic Walkway including Tania Park, North Harbour and Fairy Bower Point where overgrown vegetation (some of which has been planted by Council) has now grown to such an extent that views are either lost or greatly obscured.

While it is appreciated that some of these official viewing areas fall within the responsibility of the NSW National Parks & Wildlife Service, it is recommended that the above be moved.

MOTION (Bingham / Burns)

That:

1. Council request the Scenic Walkway Committee to undertake an audit of the official viewing areas along the Manly Scenic Walkway and report on those which need attention due to major view loss.
2. Council invite the various Precinct groups to undertake an audit of the popular viewing areas in their precincts that may need attention.
3. The General Manager prepare a report back to Council consolidating the findings of the Scenic Walkway Committee and recommendations by Precincts with a suggested course of action to address this issue.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

150/13 RESOLVED: (Bingham / Burns)

That:

1. Council request the Scenic Walkway Committee to undertake an audit of the official viewing areas along the Manly Scenic Walkway and report on those which need attention due to major view loss.
2. Council invite the various Precinct groups to undertake an audit of the popular viewing areas in their precincts that may need attention.
3. The General Manager prepare a report back to Council consolidating the findings of the Scenic Walkway Committee and recommendations by Precincts with a suggested course of action to address this issue.

SUSPENSION OF STANDING ORDERS (Hay AM / Heasman)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Environmental Services Division 17 – Re-zoning of Stuart Street, Manly.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

151/13 (Hay AM / Heasman)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Environmental Services Division 17 – Re-zoning of Stuart Street, Manly.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 17

Re-zoning of Stuart Street, Manly (MC/13/71528)

The following persons addressed the meeting on this item:

Not In support of the Motion: Jacqueline French

SUMMARY

This report advises the Council on the proposed rezoning of 34, 36, and 38 Stuart Street, Little Manly following the public exhibition of draft Manly Local Environmental Plan 2013 Amendment 1.

MOTION (C Griffin / Aird)

Council abandon the Planning Proposal Amendment No 1 to the Manly LEP 2013 and notify the DoPI accordingly.

AMENDMENT (Le Surf / Pickering)

That the recommendation of the report be adopted.

1. Council receive and note submissions received during the exhibition of the Planning Proposal.
2. Council proceed to prepare the Draft Manly Local Environmental Plan 2013 Amendment No. 1 as exhibited.

For the Amendment: Councillors Heasman, Pickering, Le Surf, J Griffin and Hay

Against the Amendment: Councillors Aird, Burns, Bingham and C Griffin

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

152/13 RESOLVED: (Le Surf / Pickering)

That the recommendation of the report be adopted.

1. Council receive and note submissions received during the exhibition of the Planning Proposal.
2. Council proceed to prepare the Draft Manly Local Environmental Plan 2013 Amendment No. 1 as exhibited.

RESUMPTION OF STANDING ORDERS (Hay AM / Heasman)

That Standing Orders be resumed.

153/13 RESOLVED: (Hay AM / Heasman)

That Standing Orders be resumed.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

Notice of Motion Report No. 58

Concern Regarding Proposed NSW Planning Legislation (MC/13/105785)
Councillor Barbara Aird moved that:

1. Council write to the Premier Mr Barry O'Farrell requesting that, he commit to addressing the issues raised by ICAC and the Law Society of NSW and amend, then re-exhibit *The Planning Bill 2013 Exposure Draft* accordingly.
2. A copy of the letter is forwarded to all Members of the NSW Parliament for their attention.
3. Council write to Local Government NSW urging the Chief Executive to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred with those who have to primarily implement the Act ie local councils.
4. A copy of both letters to the Premier and Local Government NSW be placed onto Council's website.

Background

The Independent Commission against Corruption (ICAC) and the Law Society of NSW have voiced serious concerns about proposed changes to the NSW planning act, including the risks of corruption which are built into the proposed new laws. It is concerning that, if these laws are passed, our Council will have to administer laws, which can lead to perception of corruption.

MOTION (Aird / Bingham)

1. Council write to the Premier Mr Barry O'Farrell requesting that, he commit to addressing the issues raised by ICAC and the Law Society of NSW and amend, then re-exhibit *The Planning Bill 2013 Exposure Draft* accordingly.
2. that a copy of the letter is forwarded to all Members of the NSW Parliament for their attention.
3. that Council write to Local Government NSW urging the Chief Executive to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred with those who have to primarily implement the Act ie local councils.
4. that a copy of both letters to the Premier and Local Government NSW be placed onto Council's website.
5. that the Minister for Planning and local Member of Warringah, Brad Hazzard, be invited to a meeting of SHOROC to discuss local concerns regarding the Bill.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

154/13 RESOLVED: (Aird / Bingham)

1. Council write to the Premier Mr Barry O'Farrell requesting that, he commit to addressing the issues raised by ICAC and the Law Society of NSW and amend, then re-exhibit *The Planning Bill 2013 Exposure Draft* accordingly.

2. that a copy of the letter is forwarded to all Members of the NSW Parliament for their attention.
3. that Council write to Local Government NSW urging the Chief Executive to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred with those who have to primarily implement the Act ie local councils.
4. that a copy of both letters to the Premier and Local Government NSW be placed onto Council's website.
5. that the Minister for Planning and local Member of Warringah, Brad Hazzard, be invited to a meeting of SHOROC to discuss local concerns regarding the Bill.

Notice of Motion Report No. 59

Placing Little Manly Park Concept Plans on Public Exhibition (MC/13/105799)
Councillor Hugh Burns moved that:

For information only, the 4 architectural concept plans for improvement of Little Manly Park be placed on public exhibition at the Council Chambers and Library for one month and be advertised widely including *The Manly Daily* and circulated to all precincts.

Background

At the 16th July 2012 Ordinary Meeting, Council unanimously resolved to engage four firms of architectural consultants by means of adopting the (then) LMUD Committee's brief to prepare concept plans for the improvement of Little Manly Park in Stuart Street, Manly.

These plans were presented at the last Council Public Domain Committee Meeting and on the 2nd September were presented to the councillors for their information.

MOTION (Burns / Heasman)

The matter be deferred until the rezoning is determined.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

155/13 RESOLVED: (Burns / Heasman)

The matter be deferred until the rezoning is determined.

Notice of Motion Report No. 60

Broadcast of Manly Council Meetings over the internet (MC/13/105816)
Councillor Hugh Burns moved:

That Manly Council bring back a report on the feasibility of adopting the Meeting Broadcast System currently used by Warringah Council, including consideration and review of technical, legal and cost of implementation and annual operation cost issues. That Warringah Council Mayor and General Manager (and staff) be approached to assist in preparation of the report. That the report include consideration being given to making Manly Council's existing audio only minutes confirmation recordings available on the internet as an interim archive.

Background

Warringah Council streams its Council meetings live over the internet for interested residents to view while the meetings are in progress, and has an archive of past meetings available for viewing.

The live stream recordings include both video and audio.

The broadcasting has been done for some years and meetings held over the past two years are available via Warringah Council's website:

See: <http://councils.apstream.net/council/public/warringahnew/player.asp?Tab=3&OrgEntity=78>

The paper minutes issued by Manly Council record meeting and voting outcomes, but do not record the debate, public speeches or other factors that go into the Council meeting decisions. Additionally there have been a few times when the press has been unable to attend Manly Council meetings and they would also benefit if meeting recordings were archived for public access after the meetings.

MOTION (Burns / Bingham)

That Manly Council bring back a report on the feasibility of adopting the Meeting Broadcast System currently used by Warringah Council, including consideration and review of technical, legal and cost of implementation and annual operation cost issues. That Warringah Council Mayor and General Manager (and staff) be approached to assist in preparation of the report. That the report include consideration being given to making Manly Council's existing audio only minutes confirmation recordings available on the internet as an interim archive.

For the Resolution: Councillors Aird, Burns, Bingham and C Griffin

Against the Resolution: Councillors Heasman, Pickering, Le Surf, J Griffin and Hay

The **Motion** was **lost**.

Notice of Motion Report No. 61

Preservation of Shelly Beach (MC/13/106113)

Councillor Cathy Griffin moved that:

Manly Council suspend mechanical beach cleaning and manual raking on Shelly Beach from now to the end of June 2014 to enable the environmental study on sand migration and ecological health of the beach in the Cabbage Tree bay area.

MOTION (C Griffin / Burns)

That Manly Council suspend mechanical beach cleaning and manual raking on Shelly Beach from now to the end of June 2014 to enable the environmental study on sand migration and ecological health of the beach in the Cabbage Tree bay area.

AMENDMENT (Pickering / Heasman)

That Manly Council suspend mechanical beach cleaning and manual raking on Shelly Beach until the end of the first stage of the Environmental Study.

For the Amendment: Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin, and Hay

Against the Amendment: Councillors C Griffin and Burns

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

The **Amendment** became the **Motion** and was put and declared **Carried**

156/13 RESOLVED: (Pickering / Heasman)

That Manly Council suspend mechanical beach cleaning and manual raking on Shelly Beach until the end of the first stage of the Environmental Study.

Councillor Aird returned to the Chamber.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 12

Items For Brief Mention (MC/13/103566)

1. Complaints made to the General Manager

Nil.

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
203/12	10 Dec	Mayoral Minute 12	Stuart Street Manly Properties	LEP Amendment being considered.
208/12	10 Dec	NoM No. 46	Master Plan for the Ivanhoe Botanic Gardens area.	In progress.
79/13	3 June	NoM No. 28	Plan to Protect our Street Trees	Report on valuation method for trees is being prepared. All other parts of this resolution are complete.
125/13	15 July	NoM No. 35	Progress Report on Seaforth TAFE site	Briefing provided to Councillors.
132/13	12 Aug	NoM No. 50	New 3G/ 4G Telecommunication Towers (including infrastructure upgrades) within the Balgowlah Heights Precinct, and wider Manly area	Letters sent. Technical information being investigated.
133/13	12 Aug	NoM No. 53	Planting of Norfolk Island Pine	Will be completed by end of September.
134/13	12 Aug	NoM No. 54	Iconic Norfolk Island Pines Management Plan 2013	New Plan in progress.
138/13	12 August	NoM No. 47	Dinghy Storage	Report to Council Completed. Report to Harbour Foreshore Committee in draft.
139/13	12 August	NoM No. 49	Clarification of Proposed Traffic & Street Closure plans for Manly2015	Being progressed.
140/13	12 August	NoM No. 51	Repairs to Little Manly Gasworks Park	Works scheduled.
141/13	12 Aug	NoM No. 52	Amalgamations - collaboration and Council's response	In progress.

3. Tabled Documents

Date	Author	Subject
July 2013	Local Government Review Panel	Community-Level Governance: What provision should be made and/or mandated in local government legislation? (69 Page Report)
3 Sep 13	Grahame Gibbs Deputy Chairperson NSW Local Government Grants Commission, NSW Government	Approved Grants Commission's recommendations for 2013-14 financial assistance grants.

MOTION (Le Surf / Heasman)

That reports 1, 2 and 3 be received and noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

157/13 RESOLVED: (Le Surf / Heasman)

That reports 1, 2 and 3 be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 26

Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a significant nature. (MC/13/105289)

The following Special purpose Advisory Committee meeting minutes are tabled at this meeting.

- i) Human Services & Social Planning Advisory Committee – 25 June 2013
- ii) Manly Sister Cities Advisory Committee – 24 July 2013
- iii) Meals on Wheels Advisory Committee – 14 August 2013
- iv) Surf Club Liaison Working Group – 20 August 2013
- v) Access & Mobility Advisory Committee – 20 August 2013

MOTION (Heasman / Burns)

That the minutes of the following special Purpose Advisory Committee meetings be adopted.

- i) Human Services & Social Planning Advisory Committee – 25 June 2013
- ii) Manly Sister Cities Advisory Committee – 24 July 2013
- iii) Meals on Wheels Advisory Committee – 14 August 2013
- iv) Surf Club Liaison Working Group – 20 August 2013
- v) Access & Mobility Advisory Committee – 20 August 2013

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

158/13 RESOLVED: (Heasman / Burns)

That the minutes of the following special Purpose Advisory Committee meetings be adopted.

- i) Human Services & Social Planning Advisory Committee – 25 June 2013
- ii) Manly Sister Cities Advisory Committee – 24 July 2013
- iii) Meals on Wheels Advisory Committee – 14 August 2013
- iv) Surf Club Liaison Working Group – 20 August 2013
- v) Access & Mobility Advisory Committee – 20 August 2013

Report Of Committees Report No. 27

Minutes for adoption by Council - Community Safety & Place Management Advisory Committee - 8 August 2013. (MC/13/105817)

This report was dealt with at the Community Safety & Place Management Advisory Committee meeting of 8 August 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 6 LATE NIGHT MANLY WORKING GROUP**Re: Market Place Saturday**

Last month's meeting agreed that the food stalls should be able to serve limited alcohol from the food stalls with meals. This is in line with the philosophy that the event should be sophisticated and more Mediterranean in approach. It was considered that by banning it entirely would be more difficult to manage than controlling some supply, that is the bottle shops would be the only beneficiary as people will just BYO (as evidenced at Food and Wine and World Food events) and make it difficult and confrontational to police.

Steyne Hotel tentatively agreed to supply a couple of security guards to assist with the events until 11pm. Will also ask for Night Rangers and Police to oversight and be aware of the events.

A local events specialist, The Whole Creative is co-ordinating the businesses that have expressed interest in being involved and presented her concept of the Market Place Saturdays to the Working Group, which was accepted by the group and recommend that it proceed with her co-ordination involvement accordingly. A Memorandum of Understanding is now being prepared.

New updates presented to committee included:

- Artwork and draft program shown to committee. Suggestions for change to be directed to The Whole Creative.
- Meeting held with licensing police and discussions with OLGR regarding the appropriate licensing for event.
- Traffic Manager to supply written approval for use of space
- Approval has been received from the Attorney General Crime Prevention Division to use grant funding for the activation
- Draft Terms and Conditions for use of space by food stallholders and entertainers have been prepared.
- A memorandum of understanding has been drafted between Council and The Whole Creative
- A risk assessment for the event has been submitted.
- More consultation needed – most businesses in immediate area have now been advised but need to ensure all know.

- Chamber of Commerce will promote in their internal newsletter once artwork in ready.

It was agreed that Council need to arrange for the limited suspension of Alcohol Free Zone in that space for the purpose of the event.

MOTION (Le Surf / Heasman)

That Council receive and note the recommendation of the Community Safety and Place Management Advisory Committee and advise the General Manager that Council:

1. Supports the *Market Place Saturday* concept as proposed by the Working Group;
2. Does not support the suspension of the Alcohol Free Zone, and
3. Support the event to operate on Saturdays between 6.30pm to 10.00pm – from 28 September 2013 to December 2013.

For the Resolution: Councillors Aird, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Councillor Burns

159/13 RESOLVED: (Le Surf / Heasman)

That Council receive and note the recommendation of the Community Safety and Place Management Advisory Committee and advise the General Manager that Council:

1. Supports the *Market Place Saturday* concept as proposed by the Working Group;
2. Does not support the suspension of the Alcohol Free Zone, and
3. Support the event to operate on Saturdays between 6.30pm to 10.00pm – from 28 September 2013 to December 2013.

Report Of Committees Report No. 30

Minutes for adoption by Council - Human Services & Social Planning Advisory Committee - 27 August 2013. (MC/13/105825)

This report was dealt with at the Human Services & Social Planning Advisory Committee meeting of 27 August 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 3 MATTERS ARISING

Committee Membership

The need for wider Committee representation and amendment of the Committee's Terms of Reference (TOR) to represent the broadest range of issues and to accommodate extra members with local knowledge was discussed. In terms of improving youth coverage, it was suggested that a representative from the Manly Youth Council be approached and that the DECS representative be from a local school. Ms Christine Del Gallo, the School Principal, from Northern Beaches Secondary College Mackellar Girls Campus was suggested. It was also suggested that Medicare Local be asked to join the Committee. To reflect this, the following changes to the Terms of Reference to add members to the committee were suggested:

Membership of Committee shall consist of:

- The Manly Club for Seniors
- Home and Community Care (HACC) Representative
- Department of Education and Communities (DECS) School Representative

- Manly Youth Council
- Medicare Local and up to 3 Community members.

The quorum would also need to be changed to be the majority of appointed members.

Applications previously received from Judy Rice from the Manly Club for Seniors and Hania Norman from the Precincts was to go to General Manager and Council to be confirmed.

MOTION (Heasman / Burns)

That the minutes of the Human Services & Social Planning Advisory Committee meeting on 27 August 2013 be adopted including the following items:

ITEM 3 MATTERS ARISING

The Committee recommends to the General Manager and Council that:

1. The Terms of reference be changed and that the following be added to the Membership of Committee:
 - The Manly Club for Seniors
 - Home and Community Care (HACC) Representative
 - Department of Education and Communities (DECS) School Representative
 - Manly Youth Council
 - Medicare Local,
and up to 3 Community members.
2. The quorum is changed to be the majority of appointed members.
3. The Committee recommends to the General Manager and Council that the following people be confirmed as appointed:

Hania Norman
Judy Rice

Precinct Representative
The Manly Club for Seniors

The Committee recommends to the General Manager and Council that Ms Christine Del Gallo, the School Principal, from Northern Beaches Secondary College Mackellar Girls Campus is asked to submit an application to be appointed.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

160/13 RESOLVED: (Heasman / Burns)

That the minutes of the Human Services & Social Planning Advisory Committee meeting on 27 August 2013 be adopted including the following items:

ITEM 3 MATTERS ARISING

The Committee recommends to the General Manager and Council that:

1. The Terms of reference be changed and that the following be added to the Membership of Committee:

- The Manly Club for Seniors
 - Home and Community Care (HACC) Representative
 - Department of Education and Communities (DECS) School Representative
 - Manly Youth Council
 - Medicare Local,
and up to 3 Community members.
2. The quorum is changed to be the majority of appointed members.
3. The Committee recommends to the General Manager and Council that the following people be confirmed as appointed:

Hania Norman	Precinct Representative
Judy Rice	The Manly Club for Seniors

The Committee recommends to the General Manager and Council that Ms Christine Del Gallo, the School Principal, from Northern Beaches Secondary College Mackellar Girls Campus is asked to submit an application to be appointed.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 20

Report on Council Investments as at 31 August 2013 (MC/13/103567)

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 (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 August 2013 be received and noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

161/13 RESOLVED: (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 August 2013 be received and noted.

Corporate Services Division Report No. 22

Financial Statements for the Year Ended 30 June 2013 – Audit Statement (MC/13/106240)

SUMMARY

Council's Annual Financial Statements for the year ended 30 June 2013 are ready for referral to audit. An Audit Statement pursuant to Section 413(2)(c) of the Local Government Act 1993 is required in respect of the accounts from Council and Management in relation to the accuracy of the accounts. It is recommended Council sign the statement and refer the accounts for audit.

MOTION (Le Surf / J Griffin)

That:

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

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

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

The General Purpose Financial Statements for the year ended 30 June 2013, have 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, these Statements:

- 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 any matter that would render these Statements for the twelve months ending 30 June 2013, false or misleading in any way.

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

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

The Special Purpose Annual Financial Statements for the year ended 30 June 2013, have been prepared in accordance with:-

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

To the best of Council's knowledge and belief, these Statements:

- Present fairly 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 Statements for the twelve months ending 30 June 2013, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2013 be referred for audit by Council's Auditors.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

162/13 RESOLVED: (Le Surf / J Griffin)

That:

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

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

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

The General Purpose Financial Statements for the year ended 30 June 2013, have 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, these Statements:

- 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 any matter that would render these Statements for the twelve months ending 30 June 2013, false or misleading in any way.

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

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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

The Special Purpose Annual Financial Statements for the year ended 30 June 2013, have been prepared in accordance with:-

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

To the best of Council's knowledge and belief, these Statements:

- Present fairly 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 Statements for the twelve months ending 30 June 2013, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2013 be referred for audit by Council's Auditors.

MATTER OF URGENCY

Councillor Bingham moved a Matter of Urgency.

The Mayor ruled, in accordance with the Code of Meeting Practice, the matter put by Councillor Bingham was not of an urgent nature.

Motion of Dissent: (Burns/Aird)

That Council dissent from the ruling of the Chairperson on Councillor Bingham's Urgency Motion.

For the Resolution: Councillors Aird, Burns, Bingham and C Griffin

Against the Resolution: Councillors Heasman, Pickering, Le Surf, J Griffin and Hay

The **Motion** was declared **lost**.

QUESTIONS WITHOUT NOTICE**QWN46/13 Councillor Bingham - Manly Council's 2015 Fact Sheet**

I note that Council has removed from Council's Manly 2015 'Fact Sheet' and on the website generally, in response to a direction from Treasury Corporation, all reference to the claim that the Manly 2015 proposal:

"Has been independently assessed by TCorp (The New South Wales Treasury corporation)"

When will Council be formally notifying all precincts groups and the general public of this error?

At the request of the Mayor Anthony Hewton, Executive Manager, Corporate Support Services advised he would take this question on notice.

QWN47/13 Councillor Heasman - Meeting with Ausgrid

What was the outcome of the meeting with Precinct Representatives, Ausgrid and Council Senior Staff.

At the request of the Mayor the General Manager, advised that Council met with the community through the Precincts. They understood the difficulties and issues concerned and have been given certain undertakings in relation to a comprehensive street tree strategy for the Local Government Area.

QWN48/13 Councillor Burns - Consultants

In my previous Questions Without Notice 42/13 - Manly 2015 and QWN43/13 - Seaforth TAFE of 12 August 2013 I asked questions which had dot points. Could I have these questions answered in detail?

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

QWN49/13 Councillor Aird - Rate Notices on line

When will Council's resolution of over 12 months ago, to offer the option for rates payers to receive Rates Notices online (as distinct from payment of rates on-line) be implemented?

At the request of the Mayor the General Manager advised that the supplier has gone into administration.

QWN50/13 Councillor Aird - Mayor's trip to America

Would Council provide a written report of details of the Mayor's recent trip to America, including responses to each of the questions within my QWN 45/13 of 12 August 2013.

The Mayor responded to Councillor Aird in the Chamber.

QWN52/13 Councillor C Griffin - Angle parking in Kenneth Road

Has the RTA given approval for the proposed angle parking in Kenneth Road as part of the Swim Centre upgrade?

At the request of the Mayor the General Manger advised that this matter would go to the Traffic Committee as part of the DA process for consideration.

CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 14

Organisational Review (MC/13/101696)

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.

Human Services And Facilities Division Report No. 3

2013 2014 Community & Cultural Grants (MC/13/106163)

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

CLOSED SESSION**MOTION (Heasman / Hay AM)**

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

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

163/13 RESOLVED: (Heasman / Hay AM)

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

OPEN COUNCIL RESUMED

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

General Managers Division Report No. 14

Organisational Review (MC/13/101696)**MOTION (Le Surf / C Griffin)**

Progressed as discussed in closed session.

For the Resolution: Councillors Aird, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Councillor Burns

164/13 RESOLVED: (Le Surf / C Griffin)

Progressed as discussed in closed session.

Human Services And Facilities Division Report No. 3

2013 2014 Community & Cultural Grants (MC/13/106163)**MOTION (Heasman / Le Surf)**

Progressed as discussed in closed session.

For the Resolution: Councillors Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

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

165/13 RESOLVED: (Heasman / Le Surf)

Progressed as discussed in closed session.

CLOSE

The meeting closed at 11.35pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [9 October 2013](#).

MAYOR

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