

Minutes

Extraordinary Meeting of Council

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 15 October 2012

All minutes are subject to confirmation at a subsequent meeting.

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Council's website:*

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The Extraordinary Meeting of Council was held in the Council Chambers, Town Hall, Manly, on Monday 15 October 2012. The meeting commenced at 7.31pm.

PRESENT

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

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

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS (Hay / Heasman)

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 20 – Election of Deputy Mayor and Corporate Services Division Report No 21 Appointment of Chairperson and Deputy Chairperson for Planning and Strategy.

172/12 RESOLVED: (Hay / Heasman)

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 20 – Election of Deputy Mayor and Corporate Services Division Report No 21 Appointment of Chairperson and Deputy Chairperson for Planning and Strategy.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 20

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 15 October 2012.

MOTION (Le Surf / Pickering)

1. That Council elect a Deputy Mayor for the period to **October 2013**.
2. That Council determine the method of voting for the election of Deputy Mayor for the 2012/2013 term.

173/12 RESOLVED: (Le Surf / Pickering)

1. That Council elect a Deputy Mayor for the period to **October 2013**.
2. That Council determine the method of voting for the election of Deputy Mayor for the 2012/2013 term.

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

Against the Resolution: Nil.

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

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

1. Councillor Le Surf was nominated by Councillor Heasman and Councillor Pickering
Councillor Le Surf had signed the consent to the nomination.
2. Councillor Aird was nominated by Councillor C Griffin and Councillor Bingham.
Councillor Aird had signed the consent to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Le Surf

Councillor Hay
Councillor Pickering
Councillor Heasman
Councillor J Griffin
Councillor Le Surf

In favour of Councillor Aird

Councillor C Griffin
Councillor Bingham
Councillor Aird
Councillor Burns

The Returning Officer therefore declared Councillor Le Surf duly elected as Deputy Mayor for the period to October 2013.

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

Corporate Services Division Report No. 21

Appointment of Chairperson and Deputy Chairperson for Planning and Strategy

SUMMARY

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

MOTION (Heasman / Burns)

1. That Council determine the voting method authorised in the report regarding the election of the Deputy Mayor report.
2. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to October 2013.

174/12 RESOLVED: (Heasman / Burns)

1. That Council determine the voting method authorised in the report regarding the election of the Deputy Mayor report.
2. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to October 2013.

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

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 Heasman was nominated for Chairperson of the Planning and Strategy Committee by Councillor Le Surf and Councillor J Griffin. Councillor Heasman consented to the nomination.
2. Councillor Aird was nominated for Chairperson of the Planning and Strategy Committee by Councillor Griffin and Councillor Burns. Councillor Aird consented to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Heasman

Councillor Hay
Councillor Pickering
Councillor Heasman
Councillor J Griffin
Councillor Le Surf

In favour of Councillor Aird

Councillor C Griffin
Councillor Burns
Councillor Aird
Councillor Bingham

The Returning Officer therefore declared Councillor Heasman duly elected as Chairperson of the Planning and Strategy Committee for the period to October 2013.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor Heasman on her 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 Pickering was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Heasman and Councillor J Griffin. Councillor Pickering consented to the nomination.
2. Councillor Aird was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor C Griffin and Councillor Burns. Councillor Aird consented to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Pickering

Councillor Hay
Councillor Pickering
Councillor Heasman
Councillor J Griffin
Councillor Le Surf

In favour of Councillor Aird

Councillor C Griffin
Councillor Burns
Councillor Aird
Councillor Bingham

The Returning Officer therefore declared Councillor Pickering duly elected as Deputy Chairperson of the Planning and Strategy Committee for the period to October 2013.

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

RESUMPTION OF STANDING ORDERS (Hay / Heasman)

That Standing Orders be resumed.

175/12 RESOLVED: (Hay / Heasman)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 10

Free third hour for Residents and Ratepayers parking in Council Car parks**PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

In support of the Motion: Digby Hughes

MOTION (Hay)

That:

1. the General Manager takes administrative steps to implement a system and scheme that permits each bonafide Manly residential household and ratepayer up to 3 continuous hours per day of free parking at Council's CBD carparks, and
2. the scheme to commence as soon as possible but by no later than the 3rd December 2012.

176/12 RESOLVED: (Hay)

That:

1. the General Manager takes administrative steps to implement a system and scheme that permits each bonafide Manly residential household and ratepayer up to 3 continuous hours per day of free parking at Council's CBD carparks, and
2. the scheme to commence as soon as possible but by no later than the 3rd December 2012.

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

Against the Resolution: Councillors C Griffin, Aird and Burns

NOTE: A rescission Motion in respect of this decision of the Council has been received.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 22

Declaration of Polls**SUMMARY**

The Mosman/Manly Returning Officer, Ms Suzanne Turner, declared the Polls for the positions of Mayor and Councillors for the election held on 8 September 2012, as follows:

MOTION (Heasman / LeSurf)

That the results of the election be noted, and that Ms Suzanne Turner, the Mosman/Manly Returning Officer be thanked.

177/12 RESOLVED: (Heasman / LeSurf)

That the results of the election be noted, and that Ms Suzanne Turner, the Mosman/Manly Returning Officer be thanked.

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

The General Manager advised Council that all Pecuniary Interest Forms had been submitted to Council on time.

Corporate Services Division Report No. 23

Adoption of Council's Policy Register

SUMMARY

This report outlines the status of Council's Policy Register and recommends re-adoption of the Register.

MOTION (LeSurf / Heasman)

That:

- a) (i) the report be received and noted; and
- (ii) Council's Policy Register be re-adopted until the next comprehensive review is undertaken and presented to Council in 2013.
- b) The matter be referred to the Councillors Workshop scheduled for February 2013.

178/12 RESOLVED: (LeSurf / Heasman)

That:

- a) (i) the report be received and noted; and
- (ii) Council's Policy Register be re-adopted until the next comprehensive review is undertaken and presented to Council in 2013.
- b) The matter be referred to the Councillors Workshop scheduled for February 2013.

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

Corporate Services Division Report No. 24

Adoption of General Manager's Delegation

SUMMARY

Under Section 380 of the *Local Government Act*, Councils are required to review the General Manager's Delegation within 12 month of a Council general election.

MOTION (Heasman / Le Surf)

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
8. Authorisation of:
 - (a) expenditure for goods and services beyond \$300,000,
 - (b) general expenditure, including contract payments beyond the value of \$200,000,
 - (c) investments on behalf of Council beyond \$1,000,000,
 - (d) loan repayments beyond \$500,000, and

- (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

179/12 RESOLVED: (Le Surf / Heasman)

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
8. Authorisation of:
 - (a) expenditure for goods and services beyond \$300,000,
 - (b) general expenditure, including contract payments beyond the value of \$200,000,
 - (c) investments on behalf of Council beyond \$1,000,000,
 - (d) loan repayments beyond \$500,000, and
 - (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any

of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

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

Against the Resolution: Nil.

Corporate Services Division Report No. 25

Establishment of Council's Special Purpose Advisory Committees 2012-2016

SUMMARY

The purpose of this report is to provide Council with information on the recommended process to establish the new Council's Special Purpose Advisory Committees.

MOTION (Heasman/ Le Surf)

That:

1. the report be received and noted;
2. the formation of Special Purpose Advisory Committees be discussed at the next Councillor Strategic Workshop scheduled for 24 October 2012;
3. the outcomes of the workshop be the basis for calling of Expressions Of Interest (EOI) from the community to fill community positions available on the Special Purpose Advisory Committees; and
4. a further report with recommendations be submitted to the November Ordinary meeting to formalise the establishment of Special Purpose Advisory Committees and appointment of community members for the new term of Council.

Amendment (C Griffin / Aird)

That we determine which Councillors would be represented on the Committees listed on the Report.

For the Amendment: Councillors C Griffin and Aird

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

The **Amendment** was declared **Lost**.

180/12 RESOLVED: (Heasman / Le Surf)

That:

1. the report be received and noted;
2. the formation of Special Purpose Advisory Committees be discussed at the next Councillor Strategic Workshop scheduled for 24 October 2012;
3. the outcomes of the workshop be the basis for calling of Expressions Of Interest (EOI) from the community to fill community positions available on the Special Purpose Advisory Committees; and
4. a further report with recommendations be submitted to the November Ordinary meeting to

formalise the establishment of Special Purpose Advisory Committees and appointment of community members for the new term of Council.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 9.20pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 12 November 2012.

MAYOR

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