

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 9 March 2015

All minutes are subject to confirmation at a subsequent meeting.

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Council's website:*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 March 2015. The meeting commenced at 7.35pm.

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
Councillor S Pickering Deputy Mayor

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
Helen Lever, Manager Administration
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by David Rowe, Seaforth Baptist.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Le Surf / J Griffin)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 February 2015, 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 Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM
Against the Motion: Nil.

18/15 RESOLVED: (Le Surf / J Griffin)

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 February 2015, 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 (Heasman / J Griffin)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 March 2015, 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 Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM
Against the Motion: Nil.

19/15 RESOLVED: (Heasman / J Griffin)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 March 2015, 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
Digby Hughes	Council Boundaries
David Parsons	Governance

NOTICES OF MOTION

Notice of Motion Report No. 9

Manly Environment Centre (MEC) Resources Collection Development Policy (MC/15/25810)

Councillor Cathy Griffin moved:

The following person addressed the meeting on this item:

In support – Denise Keen

MOTION (C Griffin / Heasman)

That Manly Council:

1. Develop a Manly Environment Centre Resources Collection Development Policy in conjunction with the Manager of the Manly Environment Centre and this policy be placed on public exhibition, prior to implementation; and
2. Amend the Community Strategic Plan Section C Environment One Year Plan to include Manly Environment Centre Resources Collection Development Policy at 1.1.5.5 with a KPI that the Policy be developed, exhibited and the collection catalogued.

AMENDMENT (Burns / Aird)

That :

The Manager of the Manly Environment Centre work with the Deputy General Manager to develop and document the practice of collecting materials for the Manly Environment Centre with a view to developing a set of policies and procedures to guide future collections at the Centre.

For the Amendment: Councillors Aird, Burns, Heasman, Le Surf and Hay AM

Against the Amendment: Councillors Bingham, Pickering, J Griffin and C Griffin

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

MOTION (Burns / Aird)

That :

The Manager of the Manly Environment Centre work with the Deputy General Manager to develop and document the practice of collecting materials for the Manly Environment Centre with a view to developing a set of policies and procedures to guide future collections at the Centre.

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

Against the Motion: Nil.

20/15 RESOLVED: (Burns / Aird)

That :

The Manager of the Manly Environment Centre work with the Deputy General Manager to develop and document the practice of collecting materials for the Manly Environment Centre with a view to developing a set of policies and procedures to guide future collections at the Centre.

SUSPENSION OF STANDING ORDERS (Heasman / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 14 Compromise Option for expanding car parking capacity in Manly CBD.

Notice of Motion Report No. 14

**Compromise Option for expanding car parking capacity in Manly CBD (MC/15/26136)
Councillor Barbara Aird moved:**

The following person addressed the meeting on this item:

In support – Terry le Roux

Against – Stephen Bowhill

MOTION (Aird / Bingham)

That:

1. Manly Council procures thorough, comprehensive and independent assessments in relation to all of the implications and consequences, both positive and negative, and the financial impacts on Manly ratepayers of Options 1 and 6 and the status quo, with upgrade of the access and fire safety of the Whistler Street car park in Manly CBD. These assessments to include (but not be restricted to) parking demand study, sustainable transport options, environmental and town planning implications, and based on quadruple bottom line accounting; and
2. This assessment be undertaken in an open, transparent and community inclusive way. To achieve this, the Council establishes a Reference Group (that includes residents, ratepayers and independent experts) to be involved in the management and undertaking of the review process.

AMENDMENT (Pickering / J Griffin)

That Council;

1. Request proposals (conduct market testing) from interested parties for the construction of the oval carpark putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
2. Request for proposals for the long term lease of the existing Whistler Car park site for a mixed use development based on meeting all of Council's existing planning controls for the site and putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
3. A process flow chart be provided to Councillors; and
4. Develop a report for tabling on the submissions received at the next suitable meeting of Council.

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

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

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

MOTION (Pickering / J Griffin)

That Council;

1. Request proposals (conduct market testing) from interested parties for the construction of the oval carpark putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
2. Request for proposals for the long term lease of the existing Whistler Car park site for a mixed use development based on meeting all of Council's existing planning controls for the site and putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
3. A process flow chart be provided to Councillors; and
4. Develop a report for tabling on the submissions received at the next suitable meeting of Council.

For the Motion: Councillors Heasman, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

Against the Motion: Councillors Aird, Burns and Bingham

21/15 RESOLVED: (Pickering / J Griffin)

That Council;

1. Request proposals (conduct market testing) from interested parties for the construction of the oval carpark putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
2. Request for proposals for the long term lease of the existing Whistler Car park site for a mixed use development based on meeting all of Council's existing planning controls for the site putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
3. A process flow chart be provided to Councillors; and
4. Develop a report for tabling on the submissions received at the next suitable meeting of Council.

RESUMPTION OF STANDING ORDERS (Heasman / LeSurf)

That Standing Orders be resumed.

RESOLVED: (Le Surf/ 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. 10

Allocation of Funding for Tree Management (MC/15/25813)

Councillor Candy Bingham moved:

The following person addressed the meeting on this item:

In support – David Barr

MOTION (Bingham / Heasman)

That :

1. The General Manager bring back a report to Council on the budget allocation for Parks and Reserves over the past 5 years;
2. The report contain an estimate of the funding required to adequately cover tree maintenance in 2015/2016 including the implementation of the Street Tree Management Plan; and
3. Council support the allocation of funds from the Environment Levy for the implementation of the Street Tree Management Plan.

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

Against the Motion: Nil.

22/15 RESOLVED: (Bingham / Heasman)

That :

1. The General Manager bring back a report to Council on the budget allocation for Parks and Reserves over the past 5 years;
2. The report contain an estimate of the funding required to adequately cover tree maintenance in 2015/2016 including the implementation of the Street Tree Management Plan; and
3. Council support the allocation of funds from the Environment Levy for the implementation of the Street Tree Management Plan.

Notice of Motion Report No. 11

Review of Fencing at Jump Rock (MC/15/26049)

Councillor Candy Bingham moved:

MOTION (Bingham / Burns)

That:

The General Manager prepares a report including:

1. The current condition of the fencing at jump rock and existing warning signs;
2. A review of the existing fencing and signage, and suggestions for any improvement to highlight the dangers; and
3. The legal ramifications of dismantling the fence, as well as any alternatives in amending the fence and signage whilst satisfying Manly Council's legal responsibility.

For the Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering and C Griffin

Against the Motion: Councillors Le Surf, J Griffin and Hay AM

23/15 RESOLVED: (Bingham / Burns)

That:

The General Manager prepares a report including:

1. The current condition of the fencing at jump rock and existing warning signs;
2. A review of the existing fencing and signage, and suggestions for any improvement to highlight the dangers; and
3. The legal ramifications of dismantling the fence, as well as any alternatives in amending the fence and signage whilst satisfying Manly Council's legal responsibility.

Notice of Motion Report No. 12

Manly 2015 - Sydney Road CBD Upgrade (MC/15/26122)

Councillor Hugh Burns moved:

MOTION (Burns / Hay AM)

That:

1. Council proceeds to develop the Manly2015 Sydney Road public domains upgrade to enable its exhibition for public comment by June 2015;
2. Following the consideration of public comments, its design be finalized for construction by September 2015;
3. The Public Domains Advisory Committee to provide design advice and guidance to the General Manager on the design development of the project;

4. A communication strategy be developed and is to include briefing meetings with key stakeholders, in particular, shopkeeper, to explain the proposal and its likely impacts during its delivery, and to seek feedback on the scheme;
5. A budget for the works be allocated in the 2015-16 financial year;
6. Commensurate with the original name, the completed project be named "Fountain Street Plaza", which should include a design feature in the scheme; and
7. Notwithstanding it being funded from the Town Centre Improvement Levy, that Council also investigate any opportunities for outside (non Council/ratepayer) funding of 2015 projects, including State and Federal Grants (either capital or interest rate subsidy) over the next two years.

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

Against the Motion: Nil.

24/15 RESOLVED: (Burns / Hay AM)

That:

1. Council proceeds to develop the Manly2015 Sydney Road public domains upgrade to enable its exhibition for public comment by June 2015;
2. Following the consideration of public comments, its design be finalized for construction by September 2015;
3. The Public Domains Advisory Committee to provide design advice and guidance to the General Manager on the design development of the project;
4. A communication strategy be developed and is to include briefing meetings with key stakeholders, in particular, shopkeeper, to explain the proposal and its likely impacts during its delivery, and to seek feedback on the scheme;
5. A budget for the works be allocated in the 2015-16 financial year;
6. Commensurate with the original name, the completed project be named "Fountain Street Plaza", which should include a design feature in the scheme; and
7. Notwithstanding it being funded from the Town Centre Improvement Levy, that Council also investigate any opportunities for outside (non Council/ratepayer) funding of 2015 projects, including State and Federal Grants (either capital or interest rate subsidy) over the next two years.

Notice of Motion Report No. 13

Digitisation of Post 1960 Manly Council Meeting Minutes and Agendas (MC/15/26131)

Councillor Hugh Burns moved:

MOTION (Burns / Heasman)

That:

1. Council proceeds to progressively digitise its Council Meeting papers between 1960 and 2004 with a view to the project being completed and these records available on-line by September 2016; and
2. depending on resources, digitisation of post 1960 Council Committee papers also be considered (as far as they still exist and are not covered by digitising the principle meeting records).

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

Against the Motion: Nil.

25/15 RESOLVED: (Burns / Heasman)

That:

1. Council proceeds to progressively digitise its Council Meeting papers between 1960 and 2004 with a view to the project being completed and these records available on-line by September 2016; and
2. depending on resources, digitisation of post 1960 Council Committee papers also be considered (as far as they still exist and are not covered by digitising the principle meeting records).

Notice of Motion Report No. 15

Queenscliff Rock Pool (MC/15/26759)

Councillor Adele Heasman moved:

MOTION (Heasman / Pickering)

That:

Manly Council carry out an immediate investigation of the recent works undertaken by Warringah Council to the Queenscliff Rock Pool, in order to make an assessment as to the veracity of the claims that these works have caused a change in wave action at Queenscliff Beach.

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

Against the Motion: Nil.

26/15 RESOLVED: (Heasman / Pickering)

That:

Manly Council carry out an immediate investigation of the recent works undertaken by Warringah Council to the Queenscliff Rock Pool, in order to make an assessment as to the veracity of the claims that these works have caused a change in wave action at Queenscliff Beach.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 4

Items For Brief Mention (MC/15/26870)**1. Notices of Motion status report.**

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
8/15	9 Feb	Notice of Motion No. 4 – Telstra Phone Booths	Request Telstra select more appropriate colours for public phone booths in the Manly CBD; and prepare a report outlining suggestions for their consideration.	Report being compiled for Telstra
7/15	9 Feb	Notice of Motion No. 3 – Audit & Strategic Plan for Cycling in Manly	A report be prepared on Council's bicycling networks and facilities	Report in progress
6/15	9 Feb	Notice of Motion No. 2 – Commission of History of Manly Council	Refer to the Heritage Committee the proposal to commission a book.	Item with Committee
199/14	8/12	Notice of Motion No. 65 – Council car parks	Scoping Parking Study to increase utilisation of Council's Carparks	Study in progress
198/14	8/12	Notice of Motion No. 64 - Feasibility of becoming an Internet Service Provider (ISP) as part of the NBN	Request that SHOROC undertake a preliminary feasibility study/analysis and brief report to Council.	SHOROC letter sent awaiting response
195/14	8/12	Notice of Motion No. 61 – East Esplanade Reserve	Improve toilet facilities at East Esplanade	Report being prepared for April OM
178/14	10/11	Notice of Motion No. 53 - Manly Wharf Signpost	Signpost be designed and installed at Manly Wharf directing people to the key attractions of Manly.	Sign in design phase
156/14	13/10	Notice of Motion No. 50 - Upgrading of Electronic display of Car Park Free Spaces	That parking availability of Council car parks be published on line and mobile devices or App.	App being scoped
158/14	13/10	Notice of Motion No. 52 - Council Report on the Bat Camp at Burnt Bridge Creek	Council staff bring back the Management Plan to Council in regards to the bat camp located adjacent to Burnt Bridge Creek	In progress for April OM

MOTION (Le Surf / Bingham)

That the report be received and noted.

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

Against the Motion: Nil.

27/15 RESOLVED: (Le Surf / Bingham)

That the report be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 10

Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/15/26683)

MOTION (Burns / Le Surf)

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings are tabled at this meeting.

1. Manly Local Traffic Committee – 9 February 2015
2. Meals on Wheels Advisory Committee – 11 February 2015
3. Public Domains Advisory Committee – 18 February 2015
4. Access & Mobility Advisory Committee – 17 February 2015
5. Surf Club Liaison Working Group – 17 February 2015
6. Waste Advisory Committee – 18 February 2015
7. Economic Development & Tourism Advisory Committee – 19 February
8. Human Services & social Planning Advisory Committee 24 February 2015

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

Against the Motion: Nil.

28/15 RESOLVED: (Burns / Le Surf)

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings be noted.

1. Manly Local Traffic Committee – 9 February 2015
2. Meals on Wheels Advisory Committee – 11 February 2015
3. Public Domains Advisory Committee – 18 February 2015
4. Access & Mobility Advisory Committee – 17 February 2015
5. Surf Club Liaison Working Group – 17 February 2015
6. Waste Advisory Committee – 18 February 2015
7. Economic Development & Tourism Advisory Committee – 19 February
8. Human Services & social Planning Advisory Committee 24 February 2015

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 6

2015 National General Assembly of Local Government (MC/15/25589)

MOTION (Le Surf / Heasman)

That the report be received and noted.

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

Against the Motion: Nil.

29/15 RESOLVED: (Le Surf / Heasman)

That: the report be received and noted.

Corporate Services Division Report No. 7

Report on Council Investments as at 28 February 2015 (MC/15/26157)

MOTION (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 28 February 2015 be received and noted.

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

Against the Motion: Nil.

30/15 RESOLVED: (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 28 February 2015 be received and noted.

CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 3

Balgowlah and Pittwater Roads Pedestrian Access and Mobility Plan (MC/15/27771)

MOTION (Heasman / Le Surf)

That Council:

1. Notes the Bitzios Report and endorses its recommendations as summarised in this report;
2. Notes that the works identified for Routes 1 and 2 will be prepared for the endorsement of the Manly Local Traffic Committee with the implementation of works before the end of the current

fiscal year, and

3. Notes that the remaining minor works will be scheduled for completion commencing the first quarter of the 2015/16 fiscal year.

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

Against the Motion: Nil.

31/15 RESOLVED: (Heasman / Le Surf)

That Council:

1. Notes the Bitzios Report and endorses its recommendations as summarised in this report;
2. Notes that the works identified for Routes 1 and 2 will be prepared for the endorsement of the Manly Local Traffic Committee with the implementation of works before the end of the current fiscal year, and
3. Notes that the remaining minor works will be scheduled for completion commencing the first quarter of the 2015/16 fiscal year.

QUESTIONS WITHOUT NOTICE

QWN7/15 Councillor C Griffin - Flying Fox Management Plan

Has the Flying Fox Management Plan been completed. If so what are the recommendations and will it be placed on exhibition for comment?

At the request of the Mayor, the General Manager advised that the Report was not complete and it would come to Council when it is available, which is expected to be April.

QWN8/15 Councillor Aird – Visual Pollution

There is a proliferation of advertising material taped to telegraph poles on Pittwater Road to North Steyne and the CBD area and they are increasing, could we attend to that?

At the request of the Mayor, the General Manager advised he would look into this matter.

QWN9/15 Councillor Burns - Kangaroo Lane

Could Council send the cleansing team to clean the pedestrian walk up Kangaroo Lane as there is rubbish on both sides on the verge and the banks?

At the request of the Mayor, the General Manager advised he would attend to this.

QWN10/15 Councillor Burns - Balgowlah Road parking

There have been complaints of trailers parked on the verge near the Golf Club. Could Council regulate parking in this area?.

At the request of the Mayor, the General Manager advised the only way we can control this is to put it to the Traffic Committee to introduce new regulations/signage in this area.

QWN11/15 Councillor Burns - Pot Holes in Balgowlah Road

Would Council repair the pot holes in Balgowlah Road?

At the request of the Mayor, the General Manager advised that it is on the program of works and will be re sheeted as scheduled.

QWN12/15 Councillor Heasman - Manly Cemetery

Has Council received permission from the Anglican or Catholic Churches for the volunteers to undertake maintenance at the site? If not could we write to the Churches again?

At the Request of the Mayor, the General Manager advised that Council had not heard back from the churches and that 2/3rds of the Cemetery belonged to the Churches and the balance remains in private ownership.

The General Manager also advised that given the history of Council's involvement with the Cemetery, Council would reinstate managing volunteers at the site.

QWN13/15 Councillor Bingham - Peninsula Car Park

Could the "Car Park Full – expect a short wait" sign at the Peninsula Car park be changed to read "Car Park Busy – expect a short wait". This will avoid the ongoing situation where people think the car park is full, when in fact there are often many spots still available, particularly on the second level?

At the request of the Mayor, the General Manager advised that he would get staff to assess this option.

QWN14/15 Councillor Bingham - Boy Charlton Swim Centre

Would the General Manager arrange an onsite inspection and briefing for Councillors on the current progress at the new Manly Swim Centre?

At the request of the Mayor, the General Manager advised he would put the request to the Executive Manager, Major Projects who will look into arranging this (including an induction).

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 4

Staff Matter (MC/15/27891)

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

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

CLOSED SESSION**MOTION (Le Surf / Heasman)**

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

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

Against the Motion: Nil.

32/15 RESOLVED: (Le Surf / Heasman)

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.

Mayoral Minute Report No. 4

Staff Matter (MC/15/27891)**MOTION**

Progressed as discussed in closed Committee

RECOMMENDATION

Progressed as discussed in closed Committee.

CLOSE

The meeting closed at [12.10am Tuesday 10 March 2015](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [20 April 2015](#).

MAYOR

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