



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 16 July 2012

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 16 July 2012. The meeting commenced at 7:41 PM.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
 Councillor B Aird
 Councillor H Burns
 Councillor L Elder
 Councillor C Griffin
 Councillor A Heasman
 Councillor A Le Surf, Deputy Mayor
 Councillor R Morrison
 Councillor D Murphy
 Councillor M Norek
 Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
 Stephen Clements, Deputy General Manager, Executive Manager, 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 Rev David Gore, Manly Village Uniting Church

APOLOGIES

Apologies were tendered on behalf of Councillor Dr Peter Macdonald OAM, for non-attendance.

MOTION (Burns / Elder)

That the apology received from Councillor Dr Peter Macdonald OAM, be accepted and leave be granted.

114/12 RESOLVED: (Burns / Elder)

That the apology received from Councillor Dr Peter Macdonald OAM, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Lauren Elder	Notice of Motion Report No 23	Performs staff training for the applicant.
Councillor Cathy Griffin	Notice of Motion Report No 31	Resides in the area and IBM Committee Report.

CONFIRMATION OF MINUTES**MOTION (Whitting / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 04 June 2012, 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. Subject to request for clarification to General Manager regarding Notice of Motion Report No 22.

115/12 RESOLVED: (Whitting / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 04 June 2012, 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. Subject to request for clarification to General Manager regarding Notice of Motion Report No 22.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
David Parsons	Governance
Jacqueline French	Progress in Manly

MATTER OF URGENCY Councillor Aird**MOTION (Aird / Hay)**

That the next Council meeting be a combined Ordinary and Planning and Strategy meeting on 6 August 2012.

116/12 RESOLVED: (Aird / Hay)

That the next Council meeting be a combined Ordinary and Planning and Strategy meeting on 6 August 2012.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 8

Manly Aquatic Leisure Centre wins Local Government Infrastructure Renewal Scheme (LIRS) Round One Funding**MOTION (Hay)**

Moved that:

1. The General Manager and staff be thanked for the strong business case Council has

submitted for interest subsidy funding under LIRS;

2. The General Manager be congratulated for the Council's competitive success in receiving Ministerial approval for the \$15mil subsidised funding to enable the redevelopment of the Manly Aquatic Centre, which will be much appreciated by our residents; and
3. The Minister be thanked for creating the fund to enable local councils to deal with the infrastructure backlogs.

117/12 RESOLVED: (Hay)

Moved that:

1. The General Manager and staff be thanked for the strong business case Council has submitted for interest subsidy funding under LIRS;
2. The General Manager be congratulated for the Council's competitive success in receiving Ministerial approval for the \$15mil subsidised funding to enable the redevelopment of the Manly Aquatic Centre, which will be much appreciated by our residents; and
3. The Minister be thanked for creating the fund to enable local councils to deal with the infrastructure backlogs.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 6

End of Term Report

MOTION (Hay/ Heasman)

Moved that:

1. The Mayoral Minute be received and noted.
2. The Tabled report, Manly Council's End of Term report on Council's Ten Year Community Strategic Plan, comprising its Resourcing Strategy, Four Year Delivery Program 2011-2015 and One Year Operational Plan 2011-2012 for the period 1 July 2011 to 30 June 2012, be adopted.
3. The End of Term Report be referred to the Division of Local Government and made available to the general public via Council's Library, Customer Service Centre and via Council's website.

118/12 RESOLVED: (Hay / Heasman)

Moved that:

1. The Mayoral Minute be received and noted.
2. The Tabled report, Manly Council's End of Term report on Council's Ten Year Community Strategic Plan, comprising its Resourcing Strategy, Four Year Delivery Program 2011-2015 and One Year Operational Plan 2011-2012 for the period 1 July 2011 to 30 June 2012, be

adopted.

3. The End of Term Report be referred to the Division of Local Government and made available to the general public via Council's Library, Customer Service Centre and via Council's website.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Councillor Elder left the Chamber having declared a conflict of interest in the following Notice of Motion.

Notice of Motion Report No. 23

PUBLIC ADDRESSES

The following persons addressed the meeting on this item:

In support of the Motion: Peter Rockland

Against the Motion: Robert Sargis

Proposed Mobile Phone Base Station Councillor Adele Heasman moved:

That Manly Council voice its opposition to the installation of the proposed Mobile Phone Base Station, on a lighting pole at 71A New Street West, Balgowlah Heights.

In a letter dated 1 June 2012 to residents, Aurecon states that:

"The objective of the community notification process is to provide members of the local community and the Council with information about the proposed facility and to enable Telstra to give consideration to any comments or concerns raised by the community before making a decision to proceed with the installation of the proposed facility".

In light of the above statement, it is vital that Manly Council demand Telstra take our concerns into account before they make the final decision to proceed with the installation of the facility.

That Manly Council forward its concerns urgently to Aurecon.

MOTION (Heasman / Whitting)

That:

- i) Manly Council voice its opposition to the installation of the proposed Mobile Phone Base Station, on a lighting pole at 71A New Street West, Balgowlah Heights.

In a letter dated 1 June 2012 to residents, Aurecon states that:

"The objective of the community notification process is to provide members of the local community and the Council with information about the proposed facility and to enable Telstra to give consideration to any comments or concerns raised by the community before making a

decision to proceed with the installation of the proposed facility".

In light of the above statement, it is vital that Manly Council demand Telstra take our concerns into account before they make the final decision to proceed with the installation of the facility.

- ii) That Manly Council forward its concerns urgently to Aurecon.

119/12 RESOLVED: (Heasman / Whitting)

That:

- i) Manly Council voice its opposition to the installation of the proposed Mobile Phone Base Station, on a lighting pole at 71A New Street West, Balgowlah Heights.

In a letter dated 1 June 2012 to residents, Aurecon states that:

"The objective of the community notification process is to provide members of the local community and the Council with information about the proposed facility and to enable Telstra to give consideration to any comments or concerns raised by the community before making a decision to proceed with the installation of the proposed facility".

In light of the above statement, it is vital that Manly Council demand Telstra take our concerns into account before they make the final decision to proceed with the installation of the facility.

- ii) That Manly Council forward its concerns urgently to Aurecon.

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

Against the Resolution: Nil.

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

SUSPENSION OF STANDING ORDERS (Burns / Elder)

That Standing Orders be suspended to allow for consideration of items of public interest Environmental Services Division Report No. 18 Draft Manly Local Environment Plan 2011 (Post Exhibition) and Environmental Services Division Report No. 22 – Draft Manly Development Control Plan 2011 (Post Exhibition).

120/12 RESOLVED: (Burns / Elder):

That Standing Orders be suspended to allow for consideration of items of public interest Environmental Services Division Report No. 18 Draft Manly Local Environment Plan 2011 (Post Exhibition) and Environmental Services Division Report No. 22 – Draft Manly Development Control Plan 2011 (Post Exhibition).

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

Against the Resolution: Councilor Morrison.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 18

**Draft Manly Local Environmental Plan 2011 (Post Exhibition)
PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

In support of the Motion: Bob Power

MOTION (Murphy / Norek)

That:

1. Council consider and discuss all submissions and make necessary amendments to the final draft LEP in light of recommendations made.
2. After considering all submissions and final amendments to the final draft LEP, resolve to make a Section 68 Submission (recommended adoption of final draft LEP) to the Director-General, NSW Planning & Infrastructure.
3. The definition of zone B2 – Local Centre to recognise use and cater for residential use and amenities.
4. Council thank the Staff, Chair, Committee members and the Mayor for the work in producing the Draft LEP.

121/12 RESOLVED: (Murphy / Norek)

That:

1. Council consider and discuss all submissions and make necessary amendments to the final draft LEP in light of recommendations made.
2. After considering all submissions and final amendments to the final draft LEP, resolve to make a Section 68 Submission (recommended adoption of final draft LEP) to the Director-General, NSW Planning & Infrastructure.
3. The definition of zone B2 – Local Centre to recognise use and cater for residential amenities use.
4. Council thank the Staff, Chair, Committee members and the Mayor for the work in producing the Draft LEP.

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

Against the Resolution: Nil.

Councillors Aird and Whitting were not in the Chamber when the voting took place.

Environmental Services Division Report No. 22

Draft Manly Development Control Plan 2011 (Post Exhibition)

MOTION (LeSurf/Burns)

That:

1. Council consider the reported issues arising from the exhibition of draft DCP 2011 as amended in relation to the review of submissions and approve the amended and Manly DCP as reported.
2. When the Manly draft LEP 2011 is published, that Council administratively give statutory notice in the Manly Daily of the commencement of the reported Manly DCP.

AMENDMENT (Griffin/Burns)

That:

1. Request that the late night venues be tightened to include venues that open until midnight and later be subject to the same development control plans as they do in the town centre.
2. A statement of amenity impacts to be included, in the objectives of the DCP especially at page 131.
3. Notification process 2.21 to include to include a description on DA information posted on Council's website.
4. Council to investigate the mobile signage.

For the Amendment: Councillors Griffin, Aird and Burns

Against the Amendment: Councillors Hay, Elder, Heasman, Murphy, LeSurf, and Norek

The **Amendment** was declared **LOST**

Councillors Morrison and Whitting were not in the Chamber when the voting took place.

122/12 RESOLVED: (LeSurf / Burns)

That:

1. Council consider the reported issues arising from the exhibition of draft DCP 2011 as amended in relation to the review of submissions and approve the amended and Manly DCP as reported.
2. When the Manly draft LEP 2011 is published, that Council administratively give statutory notice in the Manly Daily of the commencement of the reported Manly DCP.

The **Motion** was put and declared **CARRIED**

For the Resolution: Councillors Hay, Elder, Heasman, Burns, Murphy, LeSurf, and Norek

Against the Resolution: Councillors Griffin and Aird

Councillor Morrison and Whitting were not in the Chamber when the voting took place.

SUSPENSION OF STANDING ORDERS (Burns / Elder)

That Standing Orders be suspended and Notices of Motion Numbers 25, 26,27, 28, 29 and 30 be

09/12	13 Feb	Notice of Motion No. 5 - Investigation and trial of LED tube replacement lighting by Manly Council	That Council: 1. Carry out an audit of what fluorescent tubes are in its buildings and facilities to determine the life of the lamp, tube size, numbers, and usual operating hours;	Report to Council P&S Committee Meeting 6 August 2012.
06/12	13 Feb	Notice of Motion No. 2 - Marine Parade Upgrade	i) Council seeks grant funding and initiates a process similar to that for the now completed upgrade of the Ocean Beach front.	In progress
05/12	13 Feb	Notice of Motion No. 1 - Facebook for Manly Council	Prepare a marketing plan on how it can best utilise a Facebook page and costs associated to launch a Facebook page.	In progress

3. Tabled Documents

No.	Doc. Date	Author/Authority	Title/Summary
1.	25 May 2012	Stepan Kerkyasharian AO Chairperson	Community Relations Report 2011
2.	21 May 2012	Frank Bazik General manager Northern Beaches Health Services	Response to Council re Smoking in bus shelters and litter issues outside Manly Hospital.
3.	1 June 2012	The Hon Katrina Hodgkinson MP Minister for Primary Industries Minister for Small Business	Response regarding Cabbage Tree Bay Aquatic Reserve at Manly
4.	1 June 2012	The Hon Don Page MP Minister for Local Government Minister for the North Coast	Ministerial Circular M12-06 Temporary policy to apply to proposals to change local government boundaries in NSW
5.	5 June 2012	Ross Woodward Chief Executive, Local Government	DLG Circular 12-16 Destination 2036 – Action Plan June 2012 (50 page presentation)
6.	6 June 2012	Ross Woodward Chief Executive, Local Government	Release of the Destination 2036 Action Plan
7.	6 June 2012	Sam Haddad Director-General	Planning Circular PS12-003 Initiatives to improve housing supply
8.	7 June 2012	Mayor Genia McCaffery President Australian Local Government Association	Constitutional Recognition of Local Government – Final Report December 2011
9.	12 June 2012	Mike Baird State Member for Manly	Providing Council with copy of Minister for Primary Industries letter regarding management of Cabbage Tree Bay Aquatic Reserve
10.	25 June 2012	Ross Woodward Chief Executive, Local Government	Circular to Councils 12-19 September 2012 Local Government Elections – Caretaker Provisions
11.	28 June 2012	Ross Woodward Chief Executive, Local Government	Circular to Councils 12-20 September 2012 Local Government Elections – Use of Council Resources and Electoral Material

MOTION (LeSurf / Burns)

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

124/12 RESOLVED: (LeSurf / Burns)

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

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 28

Minutes for adoption by Council - Special Purpose Committees - without recommendatons.

The following Special Purpose Committee minutes are tabled at this meeting.

- i) Sustainable Transport Committee – 15 March 2012
- ii) Manly Arts Festival Working Group – 16 May 2012
- iii) Sustainable Transport Committee – 3 May 2012
- iv) Traffic Committee – 14 May 2012
- v) Sister Cities Committee – 30 May 2012
- vi) Sustainable Transport Committee – 31 May 2012
- vii) Harbour Foreshores & Coastline Management Committee – 5 June 2012
- viii) Manly LEP/DCP Working Group – 12 June 2012
- ix) Surf Club Liaison Working Group – 12 June 2012
- x) Meals on Wheels Committee – 13 June 2012
- xi) Community Environment Committee – 13 June 2012
- xii) Community Safety Committee – 14 June 2012
- xiii) Playground Committee – 14 June 2012
- xiv) Traffic Committee – 18 June 2012
- xv) Art & Culture Committee – 19 June 2012
- xvi) Waste Committee – 20 June 2012
- xvii) Manly LEP and DCP Working Group – 10 July 2012

MOTION (LeSurf / Burns)

That the minutes of the following Special Purpose Committee meetings be adopted:

- i) Sustainable Transport Committee – 15 March 2012
- ii) Manly Arts Festival Working Group – 16 May 2012
- iii) Sustainable Transport Committee – 3 May 2012
- iv) Traffic Committee – 14 May 2012
- v) Sister Cities Committee – 30 May 2012
- vi) Sustainable Transport Committee – 31 May 2012
- vii) Harbour Foreshores & Coastline Management Committee – 5 June 2012
- viii) Manly LEP/DCP Working Group – 12 June 2012
- ix) Surf Club Liaison Working Group – 12 June 2012
- x) Meals on Wheels Committee – 13 June 2012
- xi) Community Environment Committee – 13 June 2012
- xii) Community Safety Committee – 14 June 2012
- xiii) Playground Committee – 14 June 2012
- xiv) Traffic Committee – 18 June 2012
- xv) Art & Culture Committee – 19 June 2012
- xvi) Waste Committee – 20 June 2012
- xvii) Manly LEP and DCP Working Group – 10 July 2012

125/12 RESOLVED: (LeSurf / Burns)

That the minutes of the following Special Purpose Committee meetings be adopted:

- i) Sustainable Transport Committee – 15 March 2012
- ii) Manly Arts Festival Working Group – 16 May 2012
- iii) Sustainable Transport Committee – 3 May 2012
- iv) Traffic Committee – 14 May 2012
- v) Sister Cities Committee – 30 May 2012
- vi) Sustainable Transport Committee – 31 May 2012
- vii) Harbour Foreshores & Coastline Management Committee – 5 June 2012
- viii) Manly LEP/DCP Working Group – 12 June 2012
- ix) Surf Club Liaison Working Group – 12 June 2012
- x) Meals on Wheels Committee – 13 June 2012
- xi) Community Environment Committee – 13 June 2012
- xii) Community Safety Committee – 14 June 2012
- xiii) Playground Committee – 14 June 2012
- xiv) Traffic Committee – 18 June 2012
- xv) Art & Culture Committee – 19 June 2012
- xvi) Waste Committee – 20 June 2012
- xvii) Manly LEP and DCP Working Group – 10 July 2012

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

Against the Resolution: Nil.

Councillors Murphy and Whitting were not in the Chamber when the voting took place.

Report Of Committees Report No. 29

Minutes for adoption by Council - Manly Scenic Walkway Committee - 1 May 2012

This report was dealt with at the Manly Scenic Walkway Committee meeting of 1 May 2012 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 5 Consideration for Swing Set Installation near Fairlight Beach

At the Manly Scenic Walkway Committee meeting held on 6 March 2012, the Committee was made aware of a resident request to Council's Playground Committee requesting a swing set be installed at Fairlight Beach.

The report included photos of the Fairlight Beach area with the purpose of determining whether a swing set was appropriate, and if so to identify a preferred location. It was decided at the meeting that some of the members would like to look at the site prior to making a recommendation.

The Committee members will now make a recommendation on whether to support the installation of swings near Fairlight Beach on the basis of the site inspections that they have undertaken.

Note The Playground Committee in their minutes 23/2/12 have recommended that the Fairlight beach Reserve is unsuitable for such infrastructure.*

MOTION (LeSurf / Norek)

That the minutes of the Manly Scenic Walkway Committee meeting on 1 May 2012 be adopted including the following items:

ITEM 5 Consideration for Swing Set Installation near Fairlight Beach

That the committee recommend to the General Manager that they support the Playground Committees recommendation that Fairlight Beach Reserve is unsuitable for any such swing infrastructure.

126/12 RESOLVED: (LeSurf / Norek)

That the minutes of the Manly Scenic Walkway Committee meeting on 1 May 2012 be adopted including the following items:

ITEM 5 Consideration for Swing Set Installation near Fairlight Beach

That the committee recommend to the General Manager that they support the Playground Committees recommendation that Fairlight Beach Reserve is unsuitable for any such swing infrastructure.

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

Against the Resolution: Nil.

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

Report Of Committees Report No. 30

Minutes for adoption by Council - Audit and Risk Committee - 5 June 2012

These reports were dealt with at the Audit and Risk Committee meeting of 5 June 2012 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. ITEM 9 Chairman's Report on the Operation of the Committee 2010 to 2012 – First Report

The Chair spoke to his Report. The purpose of the report is to provide Council with a summary of the operations of the Committee in accordance with the Committee Charter.

In summary, the Chair stated that the Committee had a successful term of operations and met its objectives.

The Committee is pleased with the engagement of Council and Management in improved internal control and sound governance.

2. ITEM 10.1 Status of the Committee

As the term of the current Council ends in September the Chair had sought clarification on the status of the Committee post September 2012.

After discussion, it was agreed that in order to ensure continuity for the Committee for the review of the 6/2012 Financial Statements the Committee recommends to Council an amendment to the Audit Committee Charter to extend the terms of the independent members

until the end of the financial year following the elections (30/6/2013 for the current term). In this way, continuity of the Committee is assured and the new Council has more time to subsequently re-consider the Committee membership.

3. ITEM 10.2 Review of Remuneration for the two independent community representatives of the Audit and Risk Committee

The Deputy General Manager informed the Committee of a matter arising from the recent General Manager's Internal Audit Meeting.

There was consensus amongst the Councils at that meeting of the need to review the fee paid to the independent internal audit committee members. The Group subsequently agreed to increase the fee from \$400 per meeting to \$500 per meeting.

The increase would not apply until after the Committee is re-appointed after the September Council election. The new fees would be reported to Council as part of the report appointing the Committee.

MOTION (LeSurf / Norek)

That the minutes of the Audit and Risk Committee meeting on 5 June 2012 be adopted including the following items:

1. ITEM 9 Chairman's Report on the Operation of the Committee 2010 to 2012 – First Report

The Committee recommends to Council that the Chairman's Report on the operation of the Committee for the period 28.4.2010 to 30.5.2012 be received and noted.

2. ITEM 10.1 Status of the Committee

The Committee recommends to Council that the Audit Committee Charter be amended to extend the terms of the independent members until the end of the financial year following the September 2012 elections (30/6/2013 for the current term).

3. ITEM 10.2 Review of Remuneration for the two independent community representatives of the Audit and Risk Committee

The Committee recommends to Council that the proposed increase in remuneration for independent community representatives be endorsed.

Retirement

Mr Ross Fleming advised the Committee that he would be soon retiring from Manly Council and this Committee. The Committee resolved to place on record, recognition for Mr Fleming's long and successful career of 42 years in the Local Government industry and in particular, his valuable contribution to the Committee. The Committee wished him well in his retirement.

127/12 RESOLVED: (LeSurf / Norek)

That the minutes of the Audit and Risk Committee meeting on 5 June 2012 be adopted including the following items:

1. ITEM 9 Chairman's Report on the Operation of the Committee 2010 to 2012 – First Report

The Committee recommends to Council that the Chairman's Report on the operation of the

Committee for the period 28.4.2010 to 30.5.2012 be received and noted.

2. ITEM 10.1 Status of the Committee

The Committee recommends to Council that the Audit Committee Charter be amended to extend the terms of the independent members until the end of the financial year following the September 2012 elections (30/6/2013 for the current term).

3. ITEM 10.2 Review of Remuneration for the two independent community representatives of the Audit and Risk Committee

The Committee recommends to Council that the proposed increase in remuneration for independent community representatives be endorsed.

Retirement

Mr Ross Fleming advised the Committee that he would be soon retiring from Manly Council and this Committee. The Committee resolved to place on record, recognition for Mr Fleming's long and successful career of 42 years in the Local Government industry and in particular, his valuable contribution to the Committee. The Committee wished him well in his retirement.

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

Against the Resolution: Nil.

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

Councillor Griffin left the Chamber due to a conflict of interest in Item 5 – Little Manly Community Park Draft Consultant's Brief – Little Manly Precinct.

Report Of Committees Report No. 31

Minutes for adoption by Council - Landscape Management & Urban Design Committee - 20 June 2012

MOTION (Heasman / Norek)

That the minutes of the Landscape Management & Urban Design Committee meeting on 20 June 2012 be adopted including the following items:

1. ITEM 4 MARINE PARADE – Draft consultants' brief

That the draft brief should:

1. Include a 'Statement of Intention' discussing the multi-layered importance of the site, (including reference to its natural and historical value).
2. Include point regarding the idea of creating a 'sense of arrival' to this special place and identify the need to make comfortable and enticing spaces where people can enjoy its beauty.
3. Identify the project site at the Shelley Beach end of Marine Pde as including what can be easily seen when standing at Le Kiosk Restaurant and looking out over the beach and adjoining open areas. (i.e. the upper car park and road, paths and stairs linking to it are not in the project site area).

4. Include specific mention of the need for proposals to clearly delineate and define treatment at the interface between Shelley Beach, the adjoining reserve and Marine Parade at this eastern end of the project site.
5. Give special consideration to signage at the key site entry points (i.e. at Bower Lane, South Steyne and near Le Kiosk at the bottom of road there) is designed to be site specific and draws attention to the 'no take' aquatic reserve importance of Cabbage Tree Bay.
6. Given its heritage listing, work proposed to the seawall should be supported by report from an appropriately qualified heritage consultant and civil/structural engineer as applicable.
7. If these points are included in the Draft brief the document could be endorsed.

2. ITEM 5 Little Manly Community park Draft consultants' brief – Little Manly Precinct (LMP) comments on this draft brief.

That:

1. Reference to 40 Stuart St (as part of the project site) should stay in the Brief with an anticipation that it would be purchased by Council.
2. Specific mention of a boardwalk link along the beach seawall as the way of connecting the north and south end of the reserve be taken out of the brief as it is too prescriptive. There was agreement, however, in this regard that the brief should still include a point highlighting the need for the consultants to acknowledge the fact that there is an 'informal relationship' between these two parts of the reserve and that they should therefore consider the idea of 'a linking' of these two parts of the reserve.
3. Regarding the future use of 34 Stuart St (Council owned property) they agreed that a point be added to the brief to ensure the protection of amenity is important and wanted the following point included in the brief.

..."Any adaptive re-use of 34 Stuart St must clearly mitigate any undesirable effect on surrounding residents and the broader adjoining community (i.e. including but not limited to, vehicle parking and traffic creation, visual impacts, noise etc).It was also agreed that the addition of this clause, in the brief, was not intended to exclude appropriate commercial use of the 34 Stuart St."

4. Council endorse the selection of the four consultants (below) to be engaged by Council to submit Design proposals for this Little Manly Community Park project.
 1. McGregor Coxhill
 2. Manyo Design
 3. Tim Williams, Architect.
 4. Craig Burton Landscape Architect and Architect.

128/12 RESOLVED: (Heasman / Norek)

That the minutes of the Landscape Management & Urban Design Committee meeting on 20 June 2012 be adopted including the following items:

1. ITEM 4 MARINE PARADE – Draft consultants' brief

That the draft brief should:

1. Include a 'Statement of Intention' discussing the multi-layered importance of the site, (including reference to its natural and historical value).
2. Include point regarding the idea of creating a 'sense of arrival' to this special place and identify the need to make comfortable and enticing spaces where people can enjoy its beauty.
3. Identify the project site at the Shelley Beach end of Marine Pde as including what can be easily seen when standing at Le Kiosk Restaurant and looking out over the beach and adjoining open areas. (i.e. the upper car park and road, paths and stairs linking to it are not in the project site area).
4. Include specific mention of the need for proposals to clearly delineate and define treatment at the interface between Shelley Beach, the adjoining reserve and Marine Parade at this eastern end of the project site.
5. Give special consideration to signage at the key site entry points (i.e. at Bower Lane, South Steyne and near Le Kiosk at the bottom of road there) is designed to be site specific and draws attention to the 'no take' aquatic reserve importance of Cabbage Tree Bay.
6. Given its heritage listing, work proposed to the seawall should be supported by report from an appropriately qualified heritage consultant and civil/structural engineer as applicable.
7. If these points are included in the Draft brief the document could be endorsed.

2. ITEM 5 Little Manly Community park Draft consultants' brief – Little Manly Precinct (LMP) comments on this draft brief.

That:

1. Reference to 40 Stuart St (as part of the project site) should stay in the Brief with an anticipation that it would be purchased by Council.
2. Specific mention of a boardwalk link along the beach seawall as the way of connecting the north and south end of the reserve be taken out of the brief as it is too prescriptive. There was agreement, however, in this regard that the brief should still include a point highlighting the need for the consultants to acknowledge the fact that there is an 'informal relationship' between these two parts of the reserve and that they should therefore consider the idea of 'a linking' of these two parts of the reserve.
3. Regarding the future use of 34 Stuart St (Council owned property) they agreed that a point be added to the brief to ensure the protection of amenity is important and wanted the following point included in the brief.

..."Any adaptive re-use of 34 Stuart St must clearly mitigate any undesirable effect on surrounding residents and the broader adjoining community (i.e. including but not limited to, vehicle parking and traffic creation, visual impacts, noise etc). It was also agreed that the addition of this clause, in the brief, was not intended to exclude appropriate commercial use of the 34 Stuart St."

4. Council endorse the selection of the four consultants (below) to be engaged by Council to submit Design proposals for this Little Manly Community Park project.
 1. McGregor Coxhill
 2. Manyo Design
 3. Tim Williams, Architect.

4. Craig Burton Landscape Architect and Architect.

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

Against the Resolution: Nil.

Councillors Griffin and Morrison were not in the Chamber when the voting took place.

Report Of Committees Report No. 32

Minutes for adoption by Council - Human Services Planning and Policy Committee - 26 June 2012

MOTION (LeSurf / Heasman)

That the minutes of the Human Services Planning and Policy Committee meeting on 26 June 2012 be adopted including the following items:

ITEM 6 Aboriginal Youth Support

That :

- 1) An Aboriginal youth program be developed at Manly Council within the framework of the Sister City relationship with Gunnedah Shire Council, and in association with Manly Youth Council for the 2012-13 year;
- 2) Further community partnerships be explored by Council to support the program (especially local Manly high schools, Royal Far West, Sydney Harbour Federation Trust and the Quarantine Station owners);
- 3) A marketing program and press release be prepared to support the program; and
- 4) Council use its \$15,000 budgeted for the development and funding of this program for the 2012-13 year and subsequent years.

129/12 RESOLVED: (LeSurf / Heasman)

That the minutes of the Human Services Planning and Policy Committee meeting on 26 June 2012 be adopted including the following items:

ITEM 6 Aboriginal Youth Support

That :

- 1) An Aboriginal youth program be developed at Manly Council within the framework of the Sister City relationship with Gunnedah Shire Council, and in association with Manly Youth Council for the 2012-13 year;
- 2) Further community partnerships be explored by Council to support the program (especially local Manly high schools, Royal Far West, Sydney Harbour Federation Trust and the Quarantine Station owners);
- 3) A marketing program and press release be prepared to support the program; and
- 4) Council use its \$15,000 budgeted for the development and funding of this program for the 2012-13 year and subsequent years.

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

Against the Resolution: Nil.

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

Report Of Committees Report No. 33

Minutes for adoption by Council - Sister Cities Committee - 27 June 2012

MOTION (LeSurf / Norek)

That the minutes of the Sister Cities Committee meeting on 27 June 2012 be adopted including the following items:

ITEM 4.7 Report - Waikiki

That Council no longer pursue a Sister City relationship with Waikiki, due to the association now established with the city of Huntington Beach, and that the Australian Open of Surfing being held in Manly is the sister event of the US Open of Surfing which is held in Huntington Beach.

130/12 RESOLVED: (LeSurf / Norek)

That the minutes of the Sister Cities Committee meeting on 27 June 2012 be adopted including the following items:

ITEM 4.7 Report - Waikiki

That Council no longer pursue a Sister City relationship with Waikiki, due to the association now established with the city of Huntington Beach, and that the Australian Open of Surfing being held in Manly is the sister event of the US Open of Surfing which is held in Huntington Beach.

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

Against the Resolution: Nil.

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 17

Land Classification

SUMMARY

Council completed the purchased Seaforth TAFE on 12 June 2012 and is now required to Classify this acquisition in accordance with the Section 31 (2) of the *Local Government Act*.

MOTION (Burns / LeSurf)

That:

Pursuant to Section 31(2) of the Local Government Act 1993, Lot 1 DP 1041057 - Sydney Road Seaforth, being the land acquired from the Minister for Education and Training on 12 June 2012 be classified as "operational".

131/12 RESOLVED: (Burns / LeSurf)

That:

Pursuant to Section 31(2) of the Local Government Act 1993, Lot 1 DP 1041057 - Sydney Road Seaforth, being the land acquired from the Minister for Education and Training on 12 June 2012 be classified as "operational".

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

Against the Resolution: Nil.

Environmental Services Division Report No. 19

Heritage Grant Applications Received

SUMMARY

Since 1995, Council has conducted an Annual Local Heritage Assistance Grants Scheme. The Scheme provides funding to the owners of properties listed as heritage items under Schedule 4 of the Manly Local Environmental Plan 1988 for conservation projects.

The grant for any individual project generally ranges in value from \$250 to \$2,000. The maximum amount available to each application is determined on a merit basis and available funds are matched dollar for dollar by the applicant. The fund has an annual budget of \$15,000. The NSW Heritage Office has for the past two years provided annual assistance to this grant program of up to \$7,500 (on a dollar for dollar basis partly reimbursing Councils small grants scheme).

MOTION (LeSurf / Murphy)

That:

1. Council receives and notes the report.
2. Council supports the staff recommendation to General Manager to grant the funds as per the presented table.

132/12 RESOLVED: (LeSurf / Murphy)

That:

1. Council receives and notes the report.
2. Council supports the staff recommendation to General Manager to grant the funds as per the presented table.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 20

Current Appeals Relating to Development Applications During July 2012.

MOTION (LeSurf / Murphy)

THAT the information be noted.

133/12 RESOLVED: (LeSurf / Murphy)

THAT the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 21

Development Applications Being Processed During July 2012.

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JULY 2012.

MOTION (Whitting / LeSurf)

THAT the information be noted.

134/12 RESOLVED: (Whitting / LeSurf)

THAT the information be noted.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 18

Local Government Association of New South Wales - Annual Conference 2012

SUMMARY

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from

28 - 30 October 2012 at Dubbo.

2. The purpose of this report is to advise and confirm Council's delegation numbers (including observers) to attend the Conference and to call for Motions to be submitted on behalf of Council to the Conference.

MOTION (Griffin / Aird)

1. That Council be represented at the Local Government Association of New South Wales 2012 Annual Conference in Dubbo from 28-30 October 2012 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That the determination of councillor delegates and observers to attend the conference be referred to the first meeting of the new Council.
3. That Council note the Motion received from Councillor Griffin and this shall be submitted to the conference via the General Manager.

135/12 RESOLVED: (Griffin / Aird)

1. That Council be represented at the Local Government Association of New South Wales 2012 Annual Conference in Dubbo from 28-30 October 2012 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That the determination of councillor delegates and observers to attend the conference be referred to the first meeting of the new Council.
3. That Council note the Motion received from Councillor Griffin and this shall be submitted to the conference via the General Manager.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 19

Report on Council Investments as at May 2012

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 (LeSurf / Burns)

That: the statement of Bank Balances and Investment Holdings as at 31 May 2012 be received and noted.

136/12 RESOLVED: (LeSurf / Burns)

That: the statement of Bank Balances and Investment Holdings as at 31 May 2012 be received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 20

Report on Council Investments as at June 2012

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 (LeSurf / Burns)

That: the statement of Bank Balances and Investment Holdings as at 30 June 2012 be received and noted.

137/12 RESOLVED: (LeSurf / Burns)

That: the statement of Bank Balances and Investment Holdings as at 30 June 2012 be received and noted.

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

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Notice of Motion Report No. 31

Property Matter

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.

Notice of Motion Report No. 24

Property Matter

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.

General Managers Division Report No. 10

Staff Matter

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.

General Managers Division Report No. 11

Property Acquisition

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) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Civic and Urban Services Division Report No. 8

Tender No. T2012/05 - Selective Tender for the Design, Construction and Leasing of Tennis Courts, Sports Facilities at LM Graham Reserve

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.

Environmental Services Division Report No. 23

Tender T2012/15 - Manly LGA Flood Study

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.

Mayoral Minute Report No. 7

Staff Matter

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 (Elder / Heasman)**

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

The Chairperson, Mayor Jean Hay AM asked if any members of the public gallery objected to the matter being heard in closed Session.

It is noted that no representations were received from the public gallery.

138/12 RESOLVED: (Elder / Heasman)

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

The Chairperson, Mayor Jean Hay AM asked if any members of the public gallery objected to the matter being heard in closed Session.

It is noted that no representations were received from the public gallery.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Notice of Motion Report No. 31

Property Matter**MOTION (Burns / Murphy)**

As progressed in closed session.

139/12 RESOLVED: (Burns / Murphy)

As progressed in closed session.

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

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

Notice of Motion Report No. 24

Property Matter
MOTION (Burns / Norek)

As progressed in closed session.

140/12 RESOLVED: (Burns / Norek)

As progressed in closed session.

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

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

General Managers Division Report No. 10

Staff Matter
MOTION (Heasman / Hay)

As progressed in closed session.

141/12 RESOLVED: (Heasman / Hay)

As progressed in closed session.

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

General Managers Division Report No. 11

Property Acquisition
MOTION (Burns / Murphy)

As progressed in closed session.

142/12 RESOLVED: (Burns / Murphy)

As progressed in closed session.

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

Councillor Griffin was not in the Chamber at the time of voting.

Civic and Urban Services Division Report No. 8

Tender No. T2012/05 - Selective Tender for the Design, Construction and Leasing of Tennis Courts, Sports Facilities at LM Graham Reserve

MOTION (LeSurf / Heasman)

THAT:

1. The tender from Design Landscape Pty Ltd in the amount of \$484,841 be accepted by Council.
2. A contract be entered into with Design Landscapes Pty Ltd and Council for the Design Construction & Lease of the LM Grahams Tennis & Multi Purpose Courts.
3. A tenure for the lease of the courts for a 10 year period with 2 x 5 year options be accepted, with a review prior to the renewal.

143/12 RESOLVED: (LeSurf / Heasman)

THAT:

1. The tender from Design Landscape Pty Ltd in the amount of \$484,841 be accepted by Council.
2. A contract be entered into with Design Landscapes Pty Ltd and Council for the Design Construction & Lease of the LM Grahams Tennis & Multi Purpose Courts.
3. A tenure for the lease of the courts for a 10 year period with 2 x 5 year options be accepted, with a review prior to the renewal.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 23

Tender T2012/15 - Manly LGA Flood Study

MOTION (Burns / Griffin)

As progressed in closed session.

144/12 RESOLVED: (Burns / Norek)

As progressed in closed session.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 7

Staff Matter
MOTION (Hay)

That:

The Mayoral Minute be adopted.

145/12 RESOLVED: (Hay / Heasman)

That:

The Mayoral Minute be adopted.

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

Against the Resolution: Nil.

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

CLOSE

The meeting closed at [12.05am Tuesday 17 July 2012](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [6 August 2012](#).

MAYOR

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