

## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 10 August 2015**

*All minutes are subject to confirmation at a subsequent meeting.*

*Copies of business papers are available at the Customer Service Counters  
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Council's website:*

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

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**TABLE OF CONTENTS**

Item	Page No.
<b>PRESENT</b> .....	<b>3</b>
<b>APOLOGIES</b> .....	<b>3</b>
<b>DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST</b> .....	<b>3</b>
<b>CONFIRMATION OF MINUTES</b> .....	<b>3</b>
Ordinary Meeting - 13/07/2015 .....	3
Planning and Strategy Committee - 3/08/2015.....	4
<b>PUBLIC FORUM</b> .....	<b>5</b>
<b>Corporate Services Division Report No. 12</b> Market Sounding of Manly2015 Major Projects by Expressions of Interest (EOI) .....	5
<b>NOTICES OF RESCISSION</b> .....	<b>7</b>
<b>Notice of Rescission Report No. 2</b> Notice of Rescission .....	7
<b>NOTICES OF MOTION</b> .....	<b>7</b>
<b>Notice of Motion Report No. 33</b> Lagoon Park Lighting.....	7
<b>Notice of Motion Report No. 34</b> Power for Emergency Services Operation .....	8
<b>Notice of Motion Report No. 35</b> 2014/2015 Performance of Council's car parks.....	8
<b>Notice of Motion Report No. 36</b> Support for Save our Councils Coalition .....	9
<b>ITEMS FOR BRIEF MENTION</b> .....	<b>10</b>
<b>Item For Brief Mention Report No. 12</b> Items For Brief Mention .....	10
<b>REPORTS OF COMMITTEES</b> .....	<b>11</b>
<b>Report Of Committees Report No. 21</b> Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature.....	11
<b>Report Of Committees Report No. 22</b> Minutes for notation by Council - Community Environment Advisory Committee - 8 July 2015 .....	11
<b>Report Of Committees Report No. 23</b> Minutes for notation by Council - Community Safety & Place Management Advisory Committee -16 July 2015.....	13
<b>CORPORATE SERVICES DIVISION</b> .....	<b>13</b>
<b>Corporate Services Division Report No. 11</b> Report on Council Investments as at 31 July 2015 .....	13

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**QUESTIONS WITHOUT NOTICE..... 14**

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 10 August 2015. The meeting commenced at 7.38pm.

## 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  
Secretariat Officer

## OPENING PRAYER

The Opening Prayer was given by Clifton McDonnell, Senior Minister, all Saints' Anglican Church Balgowlah.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor A Le Surf	Notice of Motion No. 34.	Councillor works in these premises.

## CONFIRMATION OF MINUTES

### MOTION (Le Surf / Burns)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 July 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. With the provision of Resolution 93/15 wording being amended as follows:

**93/15 Resolution**

That:

1. Council sufficiently clear the former tramway line right-of-way from the Spit Terminus to where the line is covered by the present alignment of Linkmead Avenue to enable the public to walk and inspect the route. That interpretive signage on the route also be installed for public information; and
2. The matter be referred to the Heritage and the Manly Scenic Walkway Committees.

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

**Against the Motion:** Nil.

**107/15 RESOLVED: (Le Surf / Burns)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 July 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. With the provision of Resolution 93/15 wording being amended as follows:

**93/15 Resolution**

That:

1. Council sufficiently clear the former tramway line right-of-way from the Spit Terminus to where the line is covered by the present alignment of Linkmead Avenue to enable the public to walk and inspect the route. That interpretive signage on the route also be installed for public information; and
2. The matter be referred to the Heritage and the Manly Scenic Walkway Committees.

**CONFIRMATION OF MINUTES****MOTION (Le Surf / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 03 August 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.

**108/15 RESOLVED: (Le Surf / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 03 August 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**

<b>NAME</b>	<b>SUBJECT/PUBLIC SPEAKERS</b>
Suren Krishnan	Aboriginal Recognition
David Parsons	Governance
Digby Hughes	Manly Beachfront Facilities
Douglas Brown	Transparency and process by Council

**SUSPENSION OF STANDING ORDERS (Pickering / J Griffin)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Corporate Services Division Report No. 12 – Market Sounding of Manly2015 Major Projects by Expressions of Interest (EOI)

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

**Against the Motion:** Nil.

**109/15 RESOLVED: (Pickering / J Griffin)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Corporate Services Division Report No. 12 – Market Sounding of Manly2015 Major Projects by Expressions of Interest (EOI)

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Corporate Services Division Report No. 12

**Market Sounding of Manly2015 Major Projects by Expressions of Interest (EOI)  
(MC/15/97444)**

The following people addressed the meeting on this item:

In support                      Mark Stanley – Manly Chamber of Commerce  
Not in support                 Jack Steggall

**SUMMARY**

Following its resolution of April this year, Council conducted a market sounding exercise through a public invitation of expressions of interest for the design and construction of an underground carpark at Manly Oval and for the long-term lease of the Whistler Street town centre site for 99 years.

From the responses received, the market not only has affirmed advice previously provided to Council in relation to these projects, the delivery of the Manly Oval underground car park in two stages based on the demand study may mean that the 470 space stage one the Oval underground car park can be funded entirely without the need for long term loans.

**MOTION (C Griffin / Bingham)**

That no further action be taken in regard to the Manly Oval car park proposal or the Whistler Street car park site.

**AMENDMENT (LeSurf / Heasman)**

That:

1. the Report be received and noted; and
2. the General Manager provide information to the public about the EOI outcome and a report come back to the next Council meeting.

**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**.

**FORESHADOWED AMENDMENT (Aird / Burns)**

That Manly Council convenes a public meeting with an independent facilitator to allow the public to explore by means of questions and discussion the options as expressed in the EOIs for both the Manly Oval underground car park and the Whistler Street site.

The **Foreshadowed Amendment Lapsed**

**MOTION (Le Surf / Heasman)**

That:

1. the Report be received and noted; and
2. the General Manager provide information to the public about the EOI outcome and a report come back to the next Council meeting.

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

**110/15 RESOLVED: (Le Surf / Heasman)**

That:

1. the Report be received and noted; and
2. the General Manager provide information to the public about the EOI outcome and a report come back to the next Council meeting.

**RESUMPTION OF STANDING ORDERS (Pickering /J Griffin )**

That Standing Orders be resumed.

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

**Against the Motion:** Nil.

**111/15 RESOLVED: (Pickering / J Griffin)**

That Standing Orders be resumed.

**NOTICES OF RESCISSION**

Notice of Rescission Report No. 2

**Notice of Rescission (MC/15/96808)**

**Councillor Candy Bingham, Councillor Barbara Aird, and Councillor Cathy Griffin moved:**

That the Council's decision of 13 July 2015 being Notice of Motion No. 31 in respect of Closure of Sydney Road be and is hereby rescinded.

**MOTION (Bingham / Aird)**

That the Council's decision of 13 July 2015 being Notice of Motion No. 31 in respect of Closure of Sydney Road be and is hereby rescinded.

**For the Motion:** Councillors Aird, Bingham and C Griffin

**Against the Motion:** Councillors Heasman, Pickering, Le Surf, Burns, J Griffin and Hay AM

The **Motion** was put and declared **Lost**.

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**NOTICES OF MOTION**

Notice of Motion Report No. 33

**Lagoon Park Lighting (MC/15/95700)**

**Councillor Hugh Burns moved:**

**MOTION (Burns / C Griffin)**

That Council:

1. trial installation at the Pittwater Road end of Lagoon Park, two solar powered lights of the type currently installed at the Gasworks Reserve at Little Manly Point to assess their effectiveness and seek community feedback on these as a possible solution to illuminate the entire path; and
2. obtain community feedback in the affirmative prior to proceeding with point 1 above.



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

**112/15 RESOLVED: (Burns / C Griffin)**

That Council:

1. trial installation at the Pittwater Road end of Lagoon Park, two solar powered lights of the type currently installed at the Gasworks Reserve at Little Manly Point to assess their effectiveness and seek community feedback on these as a possible solution to illuminate the entire path; and
2. obtain community feedback in the affirmative prior to proceeding with point 1 above.

\*\*\*\*\*

Notice of Motion Report No. 34

**Power for Emergency Services Operation (MC/15/95704)**  
**Councillor Hugh Burns moved:**

**MOTION (Burns / Aird)**

That the matter be referred to the next meeting of the Community Safety Committee.

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

**113/15 RESOLVED: (Burns / Aird)**

That the matter be referred to the next meeting of the Community Safety Committee.

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Notice of Motion Report No. 35

**2014/2015 Performance of Council's car parks (MC/15/95845)**  
**Councillor Candy Bingham moved:**

**MOTION (Bingham /Aird)**

To enable Councillors to track the performance of Council's four public car parks it is moved that:

1. The General Manager prepare and make available as soon as practicable an updated report to Council on the performance of Council's car parks for the period from 1 July 2014 to 30 June 2015, in the same format as that provided for the year ending June 2013. (Tabled on 2 June 2014); and
2. The report should include permanent parkers, with the non revenue line for "other than casual parking under 2 hours" to be expanded to include details of non revenue parking from the use of the Manly Resident card for parking greater than 2 hours but less than 3 hours.

**For the Motion:** Councillors Aird, Burns, Heasman, Bingham, Pickering, J Griffin,

**Against the Motion:** C Griffin and Hay AM  
Councillor Le Surf

**114/15 RESOLVED: (Bingham / Aird)**

To enable Councillors to track the performance of Council's four public car parks it is moved that:

1. The General Manager prepare and make available as soon as practicable an updated report to Council on the performance of Council's car parks for the period from 1 July 2014 to 30 June 2015, in the same format as that provided for the year ending June 2013. (Tabled on 2 June 2014); and
2. The report should include permanent parkers, with the non revenue line for "other than casual parking under 2 hours" to be expanded to include details of non revenue parking from the use of the Manly Resident card for parking greater than 2 hours but less than 3 hours.

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Notice of Motion Report No. 36

**Support for Save our Councils Coalition (MC/15/97463)**

**Councillor Cathy Griffin moved that:**

**MOTION (C Griffin / Aird )**

That Council pledge its support for the Save our Councils Coalition including by, where appropriate, sharing information and materials prepared by the Save our Councils coalition aimed at encouraging residents to have their say about amalgamations and the Fit for the Future process as well as promoting Save our Councils coalition in Council newsletters and on Council's website and electronic media.

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

**Against the Motion:** Nil.

**115/15 RESOLVED: (C Griffin / Aird)**

That Council pledge its support for the Save our Councils Coalition including by, where appropriate, sharing information and materials prepared by the Save our Councils coalition aimed at encouraging residents to have their say about amalgamations and the Fit for the Future process as well as promoting Save our Councils coalition in Council newsletters and on Council's website and electronic media.

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 12

**Items For Brief Mention (MC/15/86853)****1. LGNSW Conference 2015 - Update**

To inform Councillors four delegates have been registered to attend as voting representatives of Manly Council. No motions were received for lodgement to LGNSW.

**2. Notices of Motion status report.**

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
93/15	13 July	Notice of Motion 32 – Clearing of Former Tramway Reservation from Terminus to Manly road for a Public Walking Track	Council sufficiently clear the former tramway line right-of-way from the Spit Terminus near Manly Road to enable the public to walk and inspect the route, including interpretive signage.	Item referred to the two committees.
55/15	11 May	Notice of Motion No. 19 – Community Art Project	Report on developing and supporting a Manly Community Art Project.	Research undertaken and report being prepared
25/15	9 Mar	Notice of Motion No. 13 - Digitisation of Manly Council Minutes/ Agendas	Council to progressively digitise its Council Meeting papers between 1960 and 2004.	Project expected to be fully delivered in October 2015

**3. Tabled**

Date	Author	Subject
4 Aug 15	Mike Baird MP State Member for Manly	Acknowledgement of Council's letter regarding proposed amendment to the Manly Local Environment Plan 2013 in relation to the provision of boarding houses in strategically determined areas.
5 Aug 15	Tony Abbott Prime Minister	Reply to Council's letter regarding indexation of Financial Assistance Grants to local governments.

**MOTION (Le Surf / J Griffin)**

- That the Item for Brief Mention reports 1, 2 and 3 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.

**116/15 RESOLVED: (Le Surf / J Griffin)**

- That the Item for Brief Mention reports 1, 2 and 3 be received and noted.

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**REPORTS OF COMMITTEES**

Report Of Committees Report No. 21

**Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature (MC/15/95814)**

**MOTION (Le Surf / Burns)**

That the minutes of the following Special Purpose advisory Committee meetings are tabled at the meeting, for formal notation:

1. Art & Culture Advisory Committee – 21 July
2. Manly Scenic Walkway Advisory Committee – 7 July 2015
3. Audit & Risk Advisory Committee – 3 June 2015

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

**Against the Motion:** Nil.

**117/15 RESOLVED: (Le Surf / Burns)**

That the minutes of the following Special Purpose advisory Committee meetings be noted.

1. Art & Culture Advisory Committee – 21 July
2. Manly Scenic Walkway Advisory Committee – 7 July 2015
3. Audit & Risk Advisory Committee – 3 June 2015

\*\*\*\*\*

Report Of Committees Report No. 22

**Minutes for notation by Council - Community Environment Advisory Committee - 8 July 2015 (MC/15/96007)**

**MOTION (Burns / C Griffin)**

That the minutes of the Community Environment Advisory Committee meeting of 8<sup>th</sup> July 2015 be received and noted by Council with the exception of Items 4 and 7 which Council amends the recommendation of the committee to be adopted as follows:

1. **ITEM 4 Ecological Australia on their Management Plan for the Balgowlah Grey-headed Flying Fox (GHFF) Camp Management Plan**
  - a. Have a public exhibition of the Management Plan for the Balgowlah Grey-head Flying Fox Camp;
  - b. Prepare a Community Engagement Strategy with an emphasis on facilitating the public's understanding of the unique role the Flying Fox plays in pollinating and seed dispersal of vegetation over an area of up to 100km per night, compared to the small range of bees;
  - c. Evaluate the research which has been done by other communities in relation to education and management;

- d. Consult with Pittwater Council and determine what was done to move on the GHFF Colony and determine how effective the move was and how humane the process was; and
- e. A report be brought back to this Council outlining the above, following presentation of the Environment Committee.

**2. ITEM 7 Progress on Fisheries Regulatory Signage for Cabbage Tree Bay Aquatic Reserve**

Council note item 7 and provides feed back to the committee that only Council staff should liase with the Premiers Officer.

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

**Against the Motion:** Nil.

**118/15 RESOLVED: (Burns / C Griffin)**

That the minutes of the Community Environment Advisory Committee meeting of 8<sup>th</sup> July 2015 be received and noted by Council with the exception of Items 4 and 7 which Council amends the recommendation of the committee to be adopted as follows:

**1. ITEM 4 Ecological Australia on their Management Plan for the Balgowlah Grey-headed Flying Fox (GHFF) Camp Management Plan**

- a. Have a public exhibition of the Management Plan for the Balgowlah Grey-head Flying Fox Camp;
- b. Prepare a Community Engagement Strategy with an emphasis on facilitating the public's understanding of the unique role the Flying Fox plays in pollinating and seed dispersal of vegetation over an area of up to 100km per night, compared to the small range of bees;
- c. Evaluate the research which has been done by other communities in relation to education and management;
- d. Consult with Pittwater Council and determine what was done to move on the GHFF Colony and determine how effective the move was and how humane the process was; and
- e. A report be brought back to this Council outlining the above, following presentation of the Environment Committee.

**2. ITEM 7 Progress on Fisheries Regulatory Signage for Cabbage Tree Bay Aquatic Reserve**

Council note item 7 and provides feed back to the committee that only Council staff should liase with the Premiers Officer.

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Report Of Committees Report No. 23

**Minutes for notation by Council - Community Safety & Place Management Advisory Committee -16 July 2015 (MC/15/93483)**

**MOTION (Le Surf / Burns)**

That the minutes of the Community Safety & Place Management meeting on 16 July 2015 be received and noted, including the following items:

**1. ITEM 3.2 Late Night Planning**

That the committee recommend to the General Manager that a review of the Manly after Midnight Policy and the Late Night Venues DCP be undertaken and that a sub-committee be formed including appropriate staff to assist with the review as required.

**2. ITEM 6.1 Liquor Accord**

That the Committee recommends to the General Manager that consideration be given to exploring options for car parking arrangements for late night and essential service workers in Manly CBD.

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

**Against the Motion:** Nil.

**119/15 RESOLVED: (Le Surf / Burns)**

That the minutes of the Community Safety & Place Management meeting on 16 July 2015 be received and noted, including the following items:

**1. ITEM 3.2 Late Night Planning**

That the committee recommend to the General Manager that a review of the Manly after Midnight Policy and the Late Night Venues DCP be undertaken and that a sub-committee be formed including appropriate staff to assist with the review as required.

**2. ITEM 6.1 Liquor Accord**

That the Committee recommends to the General Manager that consideration be given to exploring options for car parking arrangements for late night and essential service workers in Manly CBD.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 11

**Report on Council Investments as at 31 July 2015 (MC/15/98557)**

**SUMMARY**

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

**MOTION (Le Surf / Pickering)**

**That:** the statement of Bank Balances and Investment Holdings as at 31 July 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.

**120/15 RESOLVED: (Le Surf / Pickering)**

**That:** the statement of Bank Balances and Investment Holdings as at 31 July 2015 be received and noted.

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**QUESTIONS WITHOUT NOTICE****QWN41/15 Councillor C Griffin - Rosebery Street**

What is happening in Roseberry Street at the back of the Depot. There is also an EOI Sign on this site? Is it our land and if so what is happening?

*At the request of the Mayor the General Manager advised the Council that there are two portions of land one of which is subject to a right of way, the other is being leased under EOI.*

**QWN42/15 Councillor C Griffin - RMS Land**

Would Council consider putting something out advising the community that the RMS land and Crown Land where the Manly Water works are, have nothing to do with Council?

*At the request of the Mayor the General Manager advised it is best the liquidator deals with this matter.*

**QWN43/15 Councillor Bingham - Cost of Andrew Boy Charlton Swimming complex**

Would the General Manager advise the latest estimated cost of the Andrew Boy Charlton Swimming complex including details of any variations in costs over the originally approved amount.

*At the request of the Mayor the General Manager advised the budget for the Andrew Boy Charlton Swimming complex has not changed, but the wet weather we have had would have had a small impact on the time table and costs.*

**QWN44/15 Councillor Bingham** - Outdoor seating in Raglan Street

Would the General Manager please explain why the cost of outdoor dining in Raglan Street has been increased by 30%, to the same levels as that paid in The Corso even though the passing traffic is substantially less?

*At the request of the Mayor the General Manager advised the rates were approved and adopted by Council. Seating is now at the same rate for the city fringe area of Manly.*

**QWN45/15 Councillor Burns** - Cleaning of Exeloo toilets

What is the maintenance arrangements for the Exeloo toilets near the bus stops?

*At the request of the Mayor the General Manager advised that Council clean the facility at least twice a day. The system is supposed to be self-cleaning however if the system is not doing this we need to notify the supplier.*

**QWN46/15 Councillor Burns** - Cleaning of The Corso

What is the cleaning regime of The Corso and how far does the cleansing go in relation to the surrounding parkland?

*At the request of the Mayor the General Manager advised that The Corso is cleaned every day and the cleaning does not extend to the Parks, which is looked after by a different team.*

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**CLOSE**

The meeting closed at 10.55pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 September 2015.

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**MAYOR**

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