

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 21 April 2008

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 March 2008, 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.

37/08 **RESOLVED: (Lambert / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 March 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Morrison / Aird)

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 10 March 2008, 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.

38/08 **RESOLVED: (Morrison / Aird)**

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 10 March 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Mr Greg Mullens	Stuart Street acquisition
Mr John Partridge	RSA Enforcement – random breath testing at point of service
Mr Tom Shanahan	Enforcement of regulations on drink-spiking

SUSPENSION OF STANDING ORDERS (Aird / Evans)

That Standing Orders be suspended to consider items of public interest, being Notice of Motion No.8, the TAFE Poll and General Managers Division Report No.6, Number of Councillors.

39/08 **RESOLVED: (Aird / Evans)**

That Standing Orders be suspended to consider items of public interest, being Notice of Motion No.8, the TAFE Poll and General Managers Division Report No.6, Number of Councillors.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 8

The TAFE Poll

Councillor Morrison moved:

1. That the poll be subject of prominent articles in the Manly Council News in the Manly Daily on each of the remaining Saturdays up to and including the day of the poll (If that is permissible).
2. That the articles include advice that the for and against case will be distributed by the State Electoral Office to all households eligible to participate in the poll.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

In Support of the Recommendation: Mr Peter Fysh

MOTION (Morrison / Heasman)

That:

1. The poll be the subject of prominent articles in the Manly Council News in the Manly Daily on each of the remaining Saturdays up to and including the day of the poll (If that is permissible).
2. The articles include advice that the for and against case has been distributed by the State Electoral Office to all households eligible to participate in the poll.

40/08 **RESOLVED: (Morrison / Heasman)**

That:

1. The poll be the subject of prominent articles in the Manly Council News in the Manly Daily on each of the remaining Saturdays up to and including the day of the poll (If that is permissible).
2. The articles include advice that the for and against case has been distributed by the State Electoral Office to all households eligible to participate in the poll.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 6

Number of Councillors**SUMMARY**

The Local Government Amendment (Elections) Bill 2008 was passed in State Parliament on 8 April 2008 to amend the Local Government Act 1993 and its provisions include allowing councils to reduce the number of councillors without holding a referendum up to 30 June 2008. It was felt that

this would save money and be particularly useful for councils that currently have an even number of councillors. Using the metropolitan average on Councillors to population ratio as a guide, there may be a case for Manly to review the present representation on Manly Council.

PUBLIC ADDRESSES

The following persons addressed the meeting in relation to this item:

Against the Recommendation: Mr Tom Shanahan

In Support of the Recommendation: Mr Digby Hughes

MOTION (Aird / Hay)

That Manly Council make application to the Minister for Local Government to reduce the number of councillors to 9.

AMENDMENT (Lambert / Daley)

That Council retain the full number of councillors.

For the Amendment: Councillors Daley, Lambert, Morrison and Norek

Against the Amendment: Councillors Aird, Evans, Hay, Heasman and Macdonald

The Amendment was declared **LOST** and a Foreshadowed Amendment was put.

FORESHADOWED AMENDMENT (Norek / Morrison)

That Council conduct a referendum on the issue of the reduction of the number of councillors at the September 2008 local elections, or hold a plebiscite on said issue.

For the Foreshadowed Amendment: Councillors Morrison and Norek

Against the Foreshadowed Amendment: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert and Macdonald

The Foreshadowed Amendment was declared **LOST** and the Motion was put.

41/08 RESOLVED: (Aird / Hay)

That Manly Council make application to the Minister for Local Government to reduce the number of councillors to 9.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman and Macdonald

Against the Resolution: Councillors Lambert, Morrison and Norek

RESUMPTION OF STANDING ORDERS (Daley / Heasman)

That Standing Orders be resumed.

42/08 RESOLVED: (Daley / Heasman)

That Standing Orders be resumed.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald
Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 3

Renaming Queenscliff Bridge

MOTION (Macdonald / Hay)

That:

1. the proposed renaming of the Queenscliff Bridge to "Stuart Somerville Bridge" be jointly undertaken with Warringah Council's input and agreement;
2. the proposal be placed on exhibition for a period of at least 28 days for public comment and input from relevant precincts; and Council in accordance with its powers under Section 162 of the Roads Act 1993, give notice of this proposal in the Manly Daily.
3. Council seek the advice of the Geographical Names Board on the proposal, and
4. staff assess the merits of the proposal and prepare a report for a meeting of Council in June following the exhibition period.

43/08 **RESOLVED:** (Macdonald / Hay)

That:

1. the proposed renaming of the Queenscliff Bridge to "Stuart Somerville Bridge" be jointly undertaken with Warringah Council's input and agreement;
2. the proposal be placed on exhibition for a period of at least 28 days for public comment and input from relevant precincts; and Council in accordance with its powers under Section 162 of the Roads Act 1993, give notice of this proposal in the Manly Daily.
3. Council seek the advice of the Geographical Names Board on the proposal, and
4. staff assess the merits of the proposal and prepare a report for a meeting of Council in June following the exhibition period.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

Mayoral Minute Report No. 4

Project to Encourage Use of Tap Water on The Corso and Discourage the Use of Plastic Bottled Water

MOTION (Macdonald)

That Council work with the Bottled Water Alliance on the viability of this proposed project and report back to Council in 6 weeks.

44/08 **RESOLVED: (Macdonald)**

That Council work with the Bottled Water Alliance on the viability of this proposed project and report back to Council in 6 weeks.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 9

Costs to Council re Late Night Management of Manly

Councillor Aird moved:

That Council provide

1. a report of the costs per annum to Council in relation to the late night management of Manly (namely Corso and C.B.D.), including: cleaning, vandalism, repairs and graffiti, CCTV, Night Owls, Security controls, late night transport, bollards, signage, etc.
2. a list of all licensed premises, the approved number of patrons and licensed hours for each.

MOTION (Aird / Evans)

That Council provide

1. a report of the costs per annum to Council in relation to the late night management of Manly (namely Corso and C.B.D.), including: cleaning, vandalism, repairs and graffiti, CCTV, Night Owls, Security controls, late night transport, bollards, signage, etc.
2. a list of all licensed premises, the approved number of patrons and licensed hours for each.

AMENDMENT (Norek)

That Council provide

1. a report of the costs per annum to Council in relation to the late night management of Manly (namely Corso and C.B.D.), including: cleaning, vandalism, repairs and graffiti, CCTV, Night Owls, Security controls, late night transport, bollards, signage, etc.
2. a list of all licensed premises, the approved number of patrons and licensed hours for each.
3. an additional report on how much businesses contribute in rates and special levies, and

that this include a comparison with how much other areas similar to ours are paying in rates.

The Amendment **LAPSED** due to a lack of a seconder.

45/08 **RESOLVED: (Aird / Evans)**

That Council provide

1. a report of the costs per annum to Council in relation to the late night management of Manly (namely Corso and C.B.D.), including: cleaning, vandalism, repairs and graffiti, CCTV, Night Owls, Security controls, late night transport, bollards, signage, etc.
2. a list of all licensed premises, the approved number of patrons and licensed hours for each.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison,
Norek and Macdonald

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 5

Quarterly Review of the Management Plan 2007 - 2010 from 1st January 2008 to 31st March 2008

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2007 – 2010 for the period 1st January 2008 to 31st March 2008, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (Evans / Hay)

That:

1. the report on the third quarterly review of the Management Plan 2007 - 2010 for the period ending 31st March 2008 be received and noted.
2. various matters raised be noted by staff.

46/08 **RESOLVED: (Evans / Hay)**

That:

1. the report on the third quarterly review of the Management Plan 2007 - 2010 for the period ending 31st March 2008 be received and noted.
2. various matters raised be noted by staff.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison,
Norek and Macdonald

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 5

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**1. i) Allocation of funds from Spit Bridge Widening Project Budget**

At its Ordinary meeting held on the 21st May 2007 Council resolved [66/07] *inter alia* as follows:

“That:

1. *Manly Council does not support the funds from Spit Bridge budget to be spent on an interchange at the Wakehurst Parkway and Warringah Road intersection.*
2. *This council believes these funds should be quarantined for environmentally sustainable public transport solutions that have a broad community support.*
3. *This council believes the Northern beaches needs a holistic plan focussed on integrated public transport funded directly from the \$59M identified for the now abandoned upgrade to the Spit Bridge.”*

A letter was sent to the Minister for Transport informing him of The Council’s resolution and attaching a “wish list” of public transport improvement projects developed by SHOROC.

A response from the Parliamentary Secretary for Transport is to hand and is attached for the information of The Council (refer to Attachment 1). It is recommended that this information from the Parliamentary Secretary for Transport be received and noted.

ii) \$1.6 Million Grant Funded Effluent Re-Use Project - Progress Report

In July 2007, Council approved the signing of a Memorandum of Understanding between Council and Sydney Water to progress the \$1.6m grant funded effluent reuse project to enable the re-use of 500,000 litres per day of ‘surplus’ high quality treated effluent produced from North Head STP.

Sydney Water commenced a Land Suitability Assessment in early September 2007 (at its expense) to assess the capacity of the Manly “environment” at the designated end-users to accept recycled effluent in the long-term. The final report is anticipated to be finished in June 2008.

In response to the unexpected failure of the performance of the “return pipe” in the Northside Storage Tunnel in pressure tests and difficulties in gaining safe access, Sydney Water initiated the investigation of alternatives, including: 1. shallow trenching a new pipeline from North Head directly to end-uses, and 2. using other disused service pipelines. These alternatives have proved cost-prohibitive.

At the latest stakeholder meeting held on 31 March 2008 in Manly, Sydney Water indicated their contractor (Network Alliance) has scheduled to re-enter the Northside Storage Tunnel in April 2008 to isolate a section of 3 km returned pipeline under Manly from the total 16 km pipeline to significantly reduce investigation and repair costs, and future maintenance costs. The contractor will inspect, pressure test and repair the isolated 3 km section if any leak is located. The work is expected to be finished in May 2008.

The Funding administrative body DECC has confirmed the status of funding for the Project, noting that the \$1.6 million grant will expire at the end of 2009. Subsequently, Council has

directed correspondence to the Managing Director of Sydney Water expressing concern regarding the apparent delays of the project to date and requested assistance to make the project a Sydney Water priority.

All stakeholders will meet at the end of May, or when the scheduled inspection and repair work is completed, to discuss the next stages of the project.

Council staff will continue to provide The Council with regular updates as the project progresses.

2. Minutes of Meetings without recommendations of a substantial nature:

- i) Sister Cities Committee – 13 February, 2008
- ii) Joint Services Committee – 21 February, 2008
- iii) Sydney Water & Manly Council Partnership – 21 February, 2008
- iv) Project Manly LEP Working Party – 26 February, 2008
- v) Scientific Advisory Panel – 28 February, 2008
- vi) Surf Clubs Liaison Working Group - 28 February, 2008
- vii) Heritage Committee – 5 March, 2008
- viii) LM Graham Reserve Committee – 12 March, 2008
- ix) Manly Bicycle Committee – 13 March, 2008
- x) Manly Visitor and Community Board - 13 March, 2008
- xi) Manly Youth Council Committee - 17 March, 2008
- xii) Manly Access Committee - 20 March, 2008
- xiii) Manly Community Safety Committee – 20 March, 2008
- xiv) Heritage Committee – 2 April, 2008

3. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

i) Climate Change Working Group – 27 February 2008

a) Item 6.2 Climate Change Levy

Recommendation

In recognition of the importance of reducing greenhouse gas emissions and community support for climate change action, that Council staff develop a full proposal to implement a Climate Change Levy that will be used to fund climate change mitigation projects (reducing greenhouse gas emissions) such as a professional energy assessment of Council facilities and the implementation of energy efficiency projects at Council facilities with a focus on demonstration/education value to the wider community.

ii) Many Sustainability Strategy Management - 11 March, 2008**a) Item 7.2 Climate Change Working Group Representative**Recommendation

Given Josh Dowse's intention to resign from the Manly Sustainability Strategy Management Group, that upon notice of Josh's resignation, Richard Hewitt be nominated as the MSSMG representative on the Climate Change Working Group.

iii) Manly Meals on Wheels Service Committee – 12 March, 2008**a) Item 5 Correspondence In – Master Catering**Recommendation

That a letter of confirmation be written to notify Master Catering of recommendation to agree to the increase in service fees including change of date for increase.

Divisional Manager's Note:

Council is informed of the second increase in the cost of providing Meals on Wheels through our Service. This second increase will be absorbed by the Meals on Wheels funding as recommended by the Committee with no impact passed on to the clients of the Service.

iv) Sister Cities Committee – 12 March 2008**a) Item 6 General Business**Recommendation

That Council confirm the appointment to the Sister Cities Committee of Diane Sullivan.

v) Manly Lagoon Catchment Committee – 13 March 2008**a) Item 5.3 Resignation of Two Community Representatives from the Committee**Recommendation

- i. That Council accept the resignation of Mr David Bolton and Mr Steve Firth and extend appreciation for their service to the Committee.
- ii) That Tom Hazell be appointed to the Committee to formally replace Mr Steve Firth following his resignation.
- iii) That Council advertise for the remaining community representative position.

vi) Manly Community Environment Committee – 27 March 2008**a) Item 6 Environmental Levy Review and Environmental Levy 2008/9**Recommendation

We retain the view that Climate Change is an appropriate criterion (together with

bushcare & water quality) for assessing bids & that Climate Change projects (especially of the iconic mitigation type recommended last month) could appropriately be funded through the Levy.

We accept there needs to be a careful delineation of criteria to avoid overlap if a Climate Change Levy is approved but would still expect that a Climate Change function remain in the Environment Levy.

Whether the Climate Change Levy is approved or not, we repeat our recommendation that at least \$150k be committed to an iconic climate change project(s) related to making Manly Council energy efficient and self sufficient through alternative energy sources, as the basis for a major program of community education and leadership toward greater energy efficiency and self-sufficiency in Manly homes and businesses.

Divisional Manager's Note

At its recent budget strategy meeting in March, Councillors confirmed their wish for the General Manager to proceed with an application to the Department of Local Government to apply for a special rate variation to fund both adaption and mitigation measures to address issues of Climate Change in the Manly LGA. Work on this is progressing as part of the 2008-2011 Management Plan. It is therefore not recommended that this recommendation be considered by Council until such time as the outcome of the Climate Change Levy application to the Department of Local Government is known.

vii) Traffic Committee – 31 March 2008

a) Item 18/08 Childcare Centres - Policy

Recommendation

1. That the RSO meets with *Kids and Traffic* and Council Childcare Centre Directors to develop an education program and artwork displays.
2. That Council installs "Children Warning" signage plus the Preschool "supplementary plate" on the approach outside all local child care centres.
3. That Council incorporate a policy in the Childcare DCP that all Development Applications for child care centres shall be required to install Children Warning" signage plus the Preschool "supplementary plate" on the approach outside all local child care centres and the provision of a double "holding pen" gate to stop a child from running directly out of a facility onto the street.

b) Item 20/08 Traffic Management Plan – Stage 1 & 2 Totem Development

Recommendation

1. That Council note the pedestrian and traffic management plan for the proposed Stage 1 and Stage 2 works at the Totem Redevelopment site.
2. That Council's Law Enforcement Officers be notified of the ban on any truck movement in local streets (other than the skip bin collection of one truck a day in Griffiths Street).
3. That Council's Development and Assessment Unit be notified of the proposed Stage 1 and Stage 2 works and the details of the pedestrian and traffic management plan.

4. That Abi Group be requested to notify the residents in Woodland Street, Condamine Street, Lombard Street and Griffith Street of major concrete pours, milestones of the project to keep the community informed.

c) Item 23/08 Manly Cove Shared Path – Evaluation of Trial

Recommendation

1. That Council continue with the current shared path arrangements around Manly Cove, from the Art Gallery to the yacht club.
2. That Council continue to monitor the safety record of the shared path arrangements.
3. That Council repaint the shared path pavement logos for the sections between the Art Gallery and the yacht club.
4. That Council review improvements to signage at the dismount location behind the Art Gallery, and at the wharf end to highlight the 'No bicycles' area.
5. That the Council Law Enforcement Officers be requested to continue to monitor and enforce the bicycle dismount area.

viii) LM Graham Reserve – 3 April 2008

a) Item 6.4 Future Direction

Recommendation

The committee recommended that Council staff prepare at least three concept options/plans for the committee to discuss for the next meeting. These options included:

- Option 1. Enhancing the existing facilities.
- Option 2. Including as many of the desired facilities as possible (based on the initial issues workshop notes which incorporate all consultation results to-date).
- Option 3. A workable option with active sports areas being the main priority.

MOTION (Lambert / Heasman)

1.i) That:

a) the response from the Parliamentary Secretary for Transport to Council's letter concerning allocation of funds from Spit Bridge Widening Project Budget be received and noted.

b) given the response from the Parliamentary Secretary, Council make further representations to the Minister for Roads on this matter.

47/08 **RESOLVED: (Lambert / Heasman)**

1.i) That:

a) the response from the Parliamentary Secretary for Transport to Council's letter concerning allocation of funds from Spit Bridge Widening Project Budget be received and noted.

b) given the response from the Parliamentary Secretary, Council make further representations to the Minister for Roads on this matter.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Daley / Heasman)

1.ii) That the Progress Report on the \$1.6 Million Grant Funded Effluent Re-Use Project be received and noted.

48/08 **RESOLVED: (Daley / Heasman)**

1.ii) That the Progress Report on the \$1.6 Million Grant Funded Effluent Re-Use Project be received and noted.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Evans)

2.a) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **(i) to (xiii) and (x) to (xiv)**, be **adopted**.

49/08 **RESOLVED: (Hay / Evans)**

2.a) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **(i) to (xiii) and (x) to (xiv)**, be **adopted**.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Evans)

2.b) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **(ix)**, the Manly Bicycle Committee of 13th March 2008, be **adopted**, apart from Item 7.2, Bicycle Racks Outside Council & Coles, which should only be **noted**.

50/08 **RESOLVED: (Hay / Evans)**

2.b) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **(ix)**, the Manly Bicycle Committee of 13th March 2008, be **adopted**, apart from Item 7.2, Bicycle Racks Outside Council & Coles, which should only be **noted**.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Heasman)

- 3 i) That the minutes of the **Climate Change Working Group – 27 February 2008** be **adopted**, including the following recommendation of a substantial nature:

a) **Item 6.2 Climate Change Levy**

In recognition of the importance of reducing greenhouse gas emissions and community support for climate change action, that Council staff develop a full proposal to implement a Climate Change Levy that will be used to fund climate change mitigation projects (reducing greenhouse gas emissions) such as a professional energy assessment of Council facilities and the implementation of energy efficiency projects at Council facilities with a focus on demonstration/education value to the wider community.

51/08 **RESOLVED: (Aird / Heasman)**

- 3 i) That the minutes of the **Climate Change Working Group – 27 February 2008** be **adopted**, including the following recommendation of a substantial nature:

a) **Item 6.2 Climate Change Levy**

In recognition of the importance of reducing greenhouse gas emissions and community support for climate change action, that Council staff develop a full proposal to implement a Climate Change Levy that will be used to fund climate change mitigation projects (reducing greenhouse gas emissions) such as a professional energy assessment of Council facilities and the implementation of energy efficiency projects at Council facilities with a focus on demonstration/education value to the wider community.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Heasman)

- 3 i) That the following recommendation of a substantial nature from the **Climate Change Working Group – 27 February 2008** be the subject of a Council report:

b) **Item 7.1 Parking Pass sub-working group proposal**

52/08 **RESOLVED: (Aird / Heasman)**

- 3 i) That the following recommendation of a substantial nature from the **Climate Change Working Group – 27 February 2008** be the subject of a Council report:

b) **Item 7.1 Parking Pass sub-working group proposal**

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Lambert / Aird)

3. ii) That the minutes of the **Manly Sustainability Strategy Management - 11 March, 2008** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 7.2 Climate Change Working Group Representative**

Given Josh Dowse's intention to resign from the Manly Sustainability Strategy Management Group, that upon notice of Josh's resignation, Richard Hewitt be nominated as the MSSMG representative on the Climate Change Working Group.

53/08 **RESOLVED: (Lambert / Aird)**

3. ii) That the minutes of the **Manly Sustainability Strategy Management - 11 March, 2008** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 7.2 Climate Change Working Group Representative**

Given Josh Dowse's intention to resign from the Manly Sustainability Strategy Management Group, that upon notice of Josh's resignation, Richard Hewitt be nominated as the MSSMG representative on the Climate Change Working Group.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Heasman / Norek)

3. iii) That the minutes of the **Manly Meals on Wheels Service Committee – 12 March, 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5 Correspondence In – Master Catering**Recommendation

That a letter of confirmation be written to notify Master Catering of recommendation to agree to the increase in service fees including change of date for increase.

54/08 **RESOLVED: (Heasman / Norek)**

3. iii) That the minutes of the **Manly Meals on Wheels Service Committee – 12 March, 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5 Correspondence In – Master Catering**Recommendation

That a letter of confirmation be written to notify Master Catering of recommendation to agree to the increase in service fees including change of date for increase.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Heasman / Morrison)

3. iv) That the minutes of the **Sister Cities Committee – 12 March 2008** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 General Business**

Recommendation

That Council confirm the appointment to the Sister Cities Committee of Diane Sullivan.

55/08 **RESOLVED: (Heasman / Morrison)**

3. iv) That the minutes of the **Sister Cities Committee – 12 March 2008** - be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 General Business**

Recommendation

That Council confirm the appointment to the Sister Cities Committee of Diane Sullivan.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Evans / Lambert)

3. v) That the minutes of the **Manly Lagoon Catchment Coordinating Committee -13 March 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.3 Resignation of Two Community Representatives from the Committee**

- i. That Council accept the resignation of Mr David Bolton and Mr Steve Firth and extend appreciation for their service to the Committee.
- ii) That Tom Hazell be appointed to the Committee to formally replace Mr Steve Firth following his resignation.
- iii) That Council advertise for the remaining community representative position.

56/08 **RESOLVED: (Evans / Lambert)**

3. v) That the minutes of the **Manly Lagoon Catchment Coordinating Committee -13 March 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.3 Resignation of Two Community Representatives from the Committee**

- i. That Council accept the resignation of Mr David Bolton and Mr Steve Firth and extend appreciation for their service to the Committee.
- ii) That Tom Hazell be appointed to the Committee to formally replace Mr Steve Firth following his resignation.
- iii) That Council advertise for the remaining community representative position.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Lambert / Aird)

3. vi) That the minutes of the **Manly Community Environment Committee – 27 March 2008** - be **adopted**, apart from the following recommendation of a substantial nature, which should be **noted**, with the exception of a decision on the allocation of funds, which should be **deferred** until the outcome of Council's application for a Climate Change Levy is known.

a) **Item 6 Environmental Levy Review and Environmental Levy 2008/9**

We retain the view that Climate Change is an appropriate criterion (together with bushcare & water quality) for assessing bids & that Climate Change projects (especially of the iconic mitigation type recommended last month) could appropriately be funded through the Levy.

We accept there needs to be a careful delineation of criteria to avoid overlap if a Climate Change Levy is approved but would still expect that a Climate Change function remain in the Environment Levy.

Whether the Climate Change Levy is approved or not, we repeat our recommendation that at least \$150k be committed to an iconic climate change project(s) related to making Manly Council energy efficient and self sufficient through alternative energy sources, as the basis for a major program of community education and leadership toward greater energy efficiency and self-sufficiency in Manly homes and businesses.

57/08 **RESOLVED: (Lambert / Aird)**

- vi) That the minutes of the **Manly Community Environment Committee – 27 March 2008** - be **adopted**, apart from the following recommendation of a substantial nature, which should be **noted**, with the exception of a decision on the allocation of funds, which should be **deferred** until the outcome of Council's application for a Climate Change Levy is known.

a) **Item 6 Environmental Levy Review and Environmental Levy 2008/9**

We retain the view that Climate Change is an appropriate criterion (together with bushcare & water quality) for assessing bids & that Climate Change projects (especially of the iconic mitigation type recommended last month) could appropriately be funded through the Levy.

We accept there needs to be a careful delineation of criteria to avoid overlap if a Climate Change Levy is approved but would still expect that a Climate Change function remain in the Environment Levy.

Whether the Climate Change Levy is approved or not, we repeat our recommendation that at least \$150k be committed to an iconic climate change project(s) related to making Manly Council energy efficient and self sufficient through alternative energy sources, as the basis for a major program of community education and leadership toward greater energy efficiency and self-sufficiency in Manly homes and businesses.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

MOTION (Heasman / Daley)

3. vii) That the minutes of the **Traffic Committee – 31 March 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 18/08 Childcare Centres - Policy**

1. That the RSO meet with *Kids and Traffic* and Council Childcare Centre Directors to develop an education program and artwork displays.
2. That Council install “Children Warning” signage plus the Preschool “supplementary plate” on the approach outside all local child care centres.
3. That Council incorporate a policy in the Childcare DCP that all Development Applications for child care centres shall be required to install Children Warning” signage plus the Preschool “supplementary plate” on the approach outside all local child care centres and the provision of a double “holding pen” gate to stop a child from running directly out of a facility onto the street.

58/08 **RESOLVED: (Heasman / Daley)**

3. vii) That the minutes of the **Traffic Committee – 31 March 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 18/08 Childcare Centres - Policy**

1. That the RSO meet with *Kids and Traffic* and Council Childcare Centre Directors to develop an education program and artwork displays.
2. That Council install “Children Warning” signage plus the Preschool “supplementary plate” on the approach outside all local child care centres.
3. That Council incorporate a policy in the Childcare DCP that all Development Applications for child care centres shall be required to install Children Warning” signage plus the Preschool “supplementary plate” on the approach outside all local child care centres and the provision of a double “holding pen” gate to stop a child from running directly out of a facility onto the street.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

MOTION (Daley / Evans)

3. vii) That the following recommendation of a substantial nature from the **Traffic Committee – 31 March 2008** be **adopted**:

b) **Item 20/08 Traffic Management Plan – Stage 1 & 2 Totem Development**

1. That Council note the pedestrian and traffic management plan for the proposed Stage 1 and Stage 2 works at the Totem Redevelopment site.
2. That Council’s Law Enforcement Officers be notified of the ban on any truck movement in local streets (other than the skip bin collection of one truck a day in Griffiths Street).

3. That Council's Development and Assessment Unit be notified of the proposed Stage 1 and Stage 2 works and the details of the pedestrian and traffic management plan.
4. That Abi Group be requested to notify the residents in Woodland Street, Condamine Street, Lombard Street and Griffith Street of major concrete pours, milestones of the project to keep the community informed.

59/08 **RESOLVED: (Daley / Evans)**

3. vii) That the following recommendation of a substantial nature from the **Traffic Committee** – 31 **March 2008** be adopted:

b) **Item 20/08 Traffic Management Plan – Stage 1 & 2 Totem Development**

1. That Council note the pedestrian and traffic management plan for the proposed Stage 1 and Stage 2 works at the Totem Redevelopment site.
2. That Council's Law Enforcement Officers be notified of the ban on any truck movement in local streets (other than the skip bin collection of one truck a day in Griffiths Street).
3. That Council's Development and Assessment Unit be notified of the proposed Stage 1 and Stage 2 works and the details of the pedestrian and traffic management plan.
4. That Abi Group be requested to notify the residents in Woodland Street, Condamine Street, Lombard Street and Griffith Street of major concrete pours, milestones of the project to keep the community informed.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

MOTION (Evans / Daley)

3.vii) That the following recommendation of a substantial nature from the **Traffic Committee** – 31 **March 2008** be adopted:

c) **Item 23/08 Manly Cove Shared Path – Evaluation of Trial**

Recommendation

1. That Council continue with the current shared path arrangements around Manly Cove, from the Art Gallery to the Yacht Club.
2. That Council continue to monitor the safety record of the shared path arrangements.
3. That Council repaint the shared path pavement logos for the sections between the Art Gallery and the Yacht Club.
4. That Council review improvements to signage at the dismount location behind the Art Gallery, and at the wharf end to highlight the 'No Cycling' area.

5. That the Council Law Enforcement Officers be requested to continue to monitor and enforce the bicycle dismount area.

60/08 **RESOLVED:** **(Evans / Daley)**

- 3.vii) That the following recommendation of a substantial nature from the **Traffic Committee** – 31 March 2008 be **adopted**:

c) **Item 23/08 Manly Cove Shared Path – Evaluation of Trial**

Recommendation

1. That Council continue with the current shared path arrangements around Manly Cove, from the Art Gallery to the Yacht Club.
2. That Council continue to monitor the safety record of the shared path arrangements.
3. That Council repaint the shared path pavement logos for the sections between the Art Gallery and the Yacht Club.
4. That Council review improvements to signage at the dismount location behind the Art Gallery, and at the wharf end to highlight the 'No Cycling' area.
5. That the Council Law Enforcement Officers be requested to continue to monitor and enforce the bicycle dismount area.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

MOTION (Heasman / Lambert)

- 3.vii) That the following recommendation of a substantial nature from the **Traffic Committee** – 31 March 2008 be **deferred**:

d) **Item 24/08 Parking Safety Issue at New Street West**

That the item be deferred until the next Traffic Committee Meeting on 28th April 2008, to be discussed with new information at hand.

61/08 **RESOLVED:** **(Heasman / Lambert)**

- 3.vii) That the following recommendation of a substantial nature from the **Traffic Committee** – 31 March 2008 be **deferred**:

d) **Item 24/08 Parking Safety Issue at New Street West**

That the item be deferred until the next Traffic Committee Meeting on 28th April 2008, to be discussed with new information at hand.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

MOTION (Hay / Evans)

3. viii) That the minutes of the **LM Graham Reserve – 3 April 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6.4 Future Direction**

The committee recommended that Council staff prepare at least three concept options/plans for the committee to discuss for the next meeting. These options included:

- Option 1. Enhancing the existing facilities.
- Option 2. Including as many of the desired facilities as possible (based on the initial issues workshop notes which incorporate all consultation results to-date).
- Option 3. A workable option with active sports areas being the main priority.

62/08 **RESOLVED: (Hay / Evans)**

3. viii) That the minutes of the **LM Graham Reserve – 3 April 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6.4 Future Direction**

The committee recommended that Council staff prepare at least three concept options/plans for the committee to discuss for the next meeting. These options included:

- Option 1. Enhancing the existing facilities.
- Option 2. Including as many of the desired facilities as possible (based on the initial issues workshop notes which incorporate all consultation results to-date).
- Option 3. A workable option with active sports areas being the main priority.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

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

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 12

Report on Council Investments as at 31 March 2008

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 (Daley / Evans)

That the statement of Bank Balances and Investment Holdings as at 31 March, 2008 be received and noted.

63/08 **RESOLVED: (Daley / Evans)**

That the statement of Bank Balances and Investment Holdings as at 31 March, 2008 be received and noted.

For the Resolution: Councillors Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek
and Macdonald

Against the Resolution: Nil.

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

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 13

Preparation of draft Amendment No. 80 to Manly Local Environmental Plan 1988

SUMMARY

This report identifies a number of proposed minor 'housekeeping' amendments to Manly Local Environmental Plan 1988 (LEP) which warrant earlier attention ahead of the exhibition of the comprehensive Manly (Standard Instrument) Local Environmental Plan later this year.

Matters for consideration in amendment No. 80 to Manly LEP 1988

The following matters have been identified for amendments to Manly LEP 1988:

- a) New Definition of 'Restricted Premises';
- b) Deletion of an existing heritage item where heritage significance is not retained;
- c) Amended provisions for referral of Heritage Items to the Heritage Office; and
- d) Update zoning map to reflect Council's previous acquisition of 36 Stuart Street Manly i.e. from Open Space- 'hatched' (to be acquired) to Open Space 'unhatched' (existing).

The report recommends that Council resolve to prepare the draft LEP amendment for exhibition.

MOTION (Aird / Heasman)

That Council:

1. Prepare a draft amendment to Manly Local Environmental Plan 1988 under the provisions of section 54 of the *Environmental Planning and Assessment Act 1979*, to insert a new definition of 'restricted premises'; to delete 16 Edgecliffe Esplanade, Seaforth as a heritage item; to amend provisions concerning the referral of Heritage Items; and to update the LEP zoning map to reflect Council's previous acquisition of 36 Stuart Street Manly;

2. Notify the Department of Planning of its decision and request 'Written Authorisation to Exercise its Delegation' for the issue of a Section 65 Certificate, and the preparation of Section 69 Report following exhibition;
3. Consult as required by Section 62 of the *Environmental and Planning Assessment Act, 1979*, including with relevant Government and other Authorities and all owners of any properties affected by matters identified in the report;
4. Exhibit the draft Local Environmental Plan pursuant to Section 66 of the *Environmental and Planning Assessment Act, 1979*, following the issue of a Certificate under Section 65 of the *Environmental and Planning Assessment Act, 1979*.

64/08 **RESOLVED:** (Aird / Heasman)

That Council:

1. Prepare a draft amendment to Manly Local Environmental Plan 1988 under the provisions of section 54 of the *Environmental Planning and Assessment Act 1979*, to insert a new definition of 'restricted premises'; to delete 16 Edgecliffe Esplanade, Seaforth as a heritage item; to amend provisions concerning the referral of Heritage Items; and to update the LEP zoning map to reflect Council's previous acquisition of 36 Stuart Street Manly;
2. Notify the Department of Planning of its decision and request 'Written Authorisation to Exercise its Delegation' for the issue of a Section 65 Certificate, and the preparation of Section 69 Report following exhibition;
3. Consult as required by Section 62 of the *Environmental and Planning Assessment Act, 1979*, including with relevant Government and other Authorities and all owners of any properties affected by matters identified in the report;
4. Exhibit the draft Local Environmental Plan pursuant to Section 66 of the *Environmental and Planning Assessment Act, 1979*, following the issue of a Certificate under Section 65 of the *Environmental and Planning Assessment Act, 1979*.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

Planning And Strategy Division Report No. 14

Report of the Independent Expert Panel into the NSW Heritage Act 1977.

SUMMARY

This report presents a summary of the 'Report of the Independent Expert Panel into the NSW Heritage Act 1977' for the NSW Minister for Planning, and the implications to Council. The Minister released this report to the public on 19 March 2008. The press release states: *The 105-page report contains 65 recommendations, including greater fairness and rigour in the heritage listing process and retaining key elements of the current system including local and State listings and a Heritage Council. The report will now be considered by the NSW Government.*

A full copy of the full report is available on line at:
http://www.heritage.nsw.gov.au/09_subnav_02.htm

MOTION (Lambert / Aird)

That Council:

1. Receive and note the Report of the Independent Expert Panel into the *NSW Heritage Act, 1977*;
2. Request the Department of Planning to advise Council on the impact of the Heritage Act Review Panel recommendations on the current preparation and timing of the new Manly LEP and the current Heritage Review;
3. Request ongoing consultation with The Council regarding the detail of proposed amendments to the system of Heritage Assessment and conservation in NSW; and
4. Request the Department of Planning to provide additional funding to local government to promote and support the preservation of local heritage in recognition of its cultural significance.
5. Write to the Minister for Planning expressing continuing concerns that the outcomes of the Expert Panel review are contrary in several respects to enhancement of protection and conservation of heritage, which is an important contributor to the amenity of Manly, and that a copy of the letter be sent to the Local Government Association.

65/08 RESOLVED: (Lambert / Aird)

That Council:

1. Receive and note the Report of the Independent Expert Panel into the *NSW Heritage Act, 1977*;
2. Request the Department of Planning to advise Council on the impact of the Heritage Act Review Panel recommendations on the current preparation and timing of the new Manly LEP and the current Heritage Review;
3. Request ongoing consultation with The Council regarding the detail of proposed amendments to the system of Heritage Assessment and conservation in NSW; and
4. Request the Department of Planning to provide additional funding to local government to promote and support the preservation of local heritage in recognition of its cultural significance.
5. Write to the Minister for Planning expressing continuing concerns that the outcomes of the Expert Panel review are contrary in several respects to enhancement of protection and conservation of heritage, which is an important contributor to the amenity of Manly, and that a copy of the letter be sent to the Local Government Association.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN14/08 Councillor Lambert - Impacts of parking ticket littering

At a recent Sydney Coastal Councils Group meeting, there was persuasive advice

about increasing levels of concern with waterway littering from discarded parking tickets. Tickets are now apparently printed on a different material which has a similar impact to plastic. Does the staff have any information, or any sense of the impact of such littering in Manly, and is it something we might follow up with the Sydney Coastal Council staff?

At the request of the Mayor, the General Manager advised that he would take that question on notice, but he did believe that parking tickets in Manly were paper based and half the size of previous tickets.

QWN15/08 Councillor Daley - Operating hours of public toilets

What are the operating hours of public toilets, especially those in the Whistler Street car park? Are there any toilets operating 24 hours a day?

At the request of the Mayor, the General Manager advised that due to increasingly high levels of vandalism, the Facilities Area has progressively implemented earlier closures of public toilets. He would take it on notice as to the exact times of closure.

QWN16/08 Councillor Morrison - Scrutineers for Seaforth TAFE Poll

Will Council provide scrutineers to oversee the vote on the plebiscite concerning the future of the Seaforth TAFE site?

At the request of the Mayor, the General Manager advised that the State Electoral Commission or the Returning Officer could provide scrutineers, and he understood that two people had already applied for eligibility to become a scrutineer. He would take it on notice as to the exact rules governing appointments of scrutineers.

QWN17/08 Councillor Morrison - Action taken on Stuart Street

What action has been taken by Council concerning the Stuart Street land since the date of the auction?

At the request of the Mayor, the General Manager advised that all points from Council's resolution from the February Ordinary Meeting concerning Stuart Street, have been progressed.

Councillor Morrison asked if the General Manager would provide a report on progress to date?

At the request of the Mayor, the General Manager advised that yes he would.

QWN18/08 Councillor Aird - Status on removal of stormwater pipes at Pine Street

What is the status on the proposal to remove the stormwater pipes at Pine Street?

At the request of the Mayor, the General Manager advised that all the scientific data is in and the Consultant is now in a position to provide final comments to Council.

QWN19/08 Councillor Aird - Cost of manning late-night toilet facility

The Safety Committee has raised concerns about people urinating in public late at night. Could Council come up with a figure on how much it would cost to man one of

the toilets, to allow usage but stop vandalism?

At the request of the Mayor, the General Manager advised that he would take the question on notice, but at that time of night, there would need to be two people managing these facilities because of OH&S responsibilities. He will provide a report, focussing on the beachfront facility at the end of The Corso.

QWN20/08 Councillor Evans - Compulsory acquisition of Stuart Street

Have we applied to the Minister for permission for the compulsory acquisition of Stuart Street?

At the request of the Mayor, the General Manager advised that that would be the subject of a report back to Council in May.

Councillor Evans then asked if the owner of Stuart Street was aware of the resolution of Council from the February Ordinary Meeting.

At the request of the Mayor, the General Manager advised that yes he was.

QWN21/08 Councillor Norek - Involvement of MOST in acquisition of 38 Stuart Street

Has MOST been asked to contribute to the acquisition of 38 Stuart Street, and have they been included in the negotiation process?

At the request of the Mayor, the General Manager advised that MOST is fully aware of Council's position and the General Manager has communicated on a number of occasions with MOST over the issue of acquisition of the property. However, it would be highly improper for a Local Authority to include a third party in its discussions on government business, and in particular acquisition of a property. So no, MOST have not been included in the negotiation process and won't be asked to do so.

QWN22/08 Councillor Norek - Loading zone on a Saturday night for soup kitchen in Eustace Street

The Soup Kitchen, run by the Uniting Church, in Eustace Street requires a loading zone on Saturday nights for 3 hours. Has this matter been progressed?

At the request of the Mayor, the General Manager advised that yes, he will take that matter on board and refer it to the Traffic Committee for immediate action at its next meeting.

CLOSE

The meeting closed at 11.14pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 19th May 2008.

MAYOR

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