



Agenda

Ordinary Meeting

Notice is hereby given that a Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 25 July 2005

Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

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CLOSED SESSION**QUESTIONS WITHOUT NOTICE****MATTERS OF URGENCY**

(In accordance with Clause 14 of the Local Government (Meetings) Regulations, 1993)

******* END OF AGENDA *******

TO: Ordinary Meeting - 25 July 2005
REPORT: Notice of Rescission No. 5
SUBJECT: DA76/05 243-259 Pittwater Rd, Manly
FILE NO:

Councillor Norek, Councillor Pedersen, and Councillor Aird will move:

“That the Council’s decision of 20 June 2005 being Item 29 in respect of DA76/05 243-259 Pittwater Rd, Manly be and is hereby rescinded.”

ATTACHMENTS

AT-1 Recision Motion 243-259 Pittwater Rd 1 page(s)

OM250705NR_1

***** End of Notice of Rescission No. 5 *****

ATTACHMENT 1

Notice of Rescission Report No. 5
DA76/05 243-259 Pittwater Rd, Manly
Rescission Motion 243-259 Pittwater Rd

25-FEB-2012 20:42 From:

To: 99771062

P.1/1

From Fax number To 089869006 Page 1/1 Date 6/22/2005 10:32:07 AM

A 9977-2784.

22 JUN 2005



RECISSION MOTION

That the Council's decision of: 20th June, 2005.

being Item No. 29 in respect of 243 259 Pittwater Rd, Manly.

be and is hereby rescinded.

Date: 22nd June

Councillors:

1. Mark Novek
2. BRAD PEDERSEN
3. BARBARA AIRD

This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.

General Manager
Manly Council

This fax was sent from Manly Council fax server.

10:32

089869006

2005 JUN 22 10:32 AM

TO: Ordinary Meeting - 25 July 2005
REPORT: Notice of Motion No. 25
SUBJECT: Review of Cost of Travel Passes & Travel Tens by Independent Pricing & Regulatory Tribunal
FILE NO:

Councillor Aird will move:

That Manly Council strongly opposes any fare increases on Sydney ferries or buses that would discourage commuters from using public transport.

This opposition is to be conveyed to the Premier of NSW, to the Independent Pricing Tribunal (IPART) and to the Ministers for the following departments: Environment, Transport, Health & for Local Government.

Additionally, the Council's opposition to any fare increases are to be conveyed to the SHOROC Councils of Mosman, Warringah and Pittwater.

This submission is to be prepared in the form of a detailed submission based on triple bottom line accounting highlighting the key factors; Economic, Environmental & Social impacts of price rises in commuter fares.

The Precinct newsletter co-ordinators are to be encouraged to include this information to inform the community of proposed fare increases to encourage individual submissions to be made to the above.

ATTACHMENTS

There are no attachments for this report.

OM250705NM_1

***** End of Notice of Motion No. 25 *****

TO: Ordinary Meeting - 25 July 2005

REPORT: Item For Brief Mention No. 6

SUBJECT: Item For Brief Mention

FILE NO:

1. Reports:

On 2nd June 2005, at the Local Emergency Management meeting, a cheque for \$55,000 was formally presented to Council's Civic Services Manager, Mr Ted Williams, from the Local Manly S.E.S. Controller, Mr Dave Curley, as their buildings subsidy grant contribution to the new Manly Council Depot.

The S.E.S. requested that Council be formally notified of their contribution.

2. Minutes Of Meetings:

- i ACCESS COMMITTEE MINUTES OF MEETING HELD ON 19 MAY 2005
- ii COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 21 APRIL 2005
- iii COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 19 MAY 2005
- iv PUBLIC ART COMMITTEE MINUTES OF MEETING HELD ON 18 MAY 2005
- v MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 11 APRIL 2005
- vi MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 16 MAY 2005
- vii. MANLY ART GALLERY & MUSEUM LIAISON COMMITTEE MINUTES OF MEETING HELD ON 11 MAY 2005
- viii. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 1 JUNE 2005
- ix. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 11 MAY 2005
- x. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 9 JUNE 2005
- xi. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 16 JUNE 2005
- xii. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 16 JUNE 2005
- xiii MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 20 JUNE 2005
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- xv. MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 9 JUNE 2005.

- xvi. 150 YEAR CELEBRATIONS OF MANLY WHARF AND THE CORSO REFERENCE GROUP HELD 7 JUNE 2005

THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:

3. a. Manly Public Art Committee - Minutes of a Meeting held on 18 May 2005.

Item Number: ITEM 5 - Market Lane Mural

Ruth Downes, Public Artist, had presented her design for the Market Lane mural to Councillors at dinner on 2 May 2005, with a positive response.

Permission had been received from Numbers 47 and 51 The Corso to proceed with the mural. Henry Wong, General Manager, will be asked to contact ANZ bank regarding permission to paint the mural on their facility.

Michael Biddulph, Council Architect, presented an elevation view of Market lane shop facades which Therese Kenyon, Director Art Gallery and Museum, would send to Ruth Downes so that she could finish off her design of this wall.

Barbara Todes, Manager Cultural and Information Services, reported that the design will be presented to both the Manly Chamber of Commerce and Corso Precinct in June 2005. It would be on display in the library thereafter.

Cr Brad Pedersen advised that he would contact and liaise with Manly Daily regarding publicity once this was done.

Cr Pedersen expressed concern regarding certain words on the mural design. Whilst not wanting to interfere with the artist's concept, the Committee agreed to discuss the matter with the artist via Cr Pederson and Therese Kenyon and to come to a mutually satisfactory agreement.

Sarah Johnston, Curator/Programs Coordinator Art Gallery, presented a list of potential sign writing contractors to paint mural design.

Cr Pedersen recommended that Michael Biddulph, Council Architect, speak with Manly Council painting department regarding the feasibility of doing the painting in-house.

Once the design was completed, Therese Kenyon, Director Art Gallery and Museum, to develop brief and meet with three signwriting companies (if Council was unable to do the job) to obtain quotes for the painting of the mural. The aim was to do this within the current financial year.

The Recommendation of the Committee was to:

That this report be received and that Council notes that work on the Market Lane mural is proceeding.

3. b. Community Safety Committee Minutes of Meeting Held on 16 June 2005

Item Number: ITEM 7.2 – Ranger Feedback

Council's Acting Manager Ranger Service, Terrence Mackaness tabled the rangers report for May and reported that the Rangers have been targeting the water feature at Manly Wharf over the last few weeks in response to committee concerns for skateboarders in the evening.

He outlined the difficulties with policing Marine Parade including the transient population including backpackers and language students, who don't speak English, have no bike helmet

awareness or any respect for the rules of the area. He also raised the problems of physically stopping a cyclist, ascertaining their identity and booking them. The rangers try and keep a high visibility in the CBD and particularly on the bike paths.

Concern was raised about the number of cyclists on the pedestrian path on Ocean Beach since the upgrade. This could be because there is not adequate signage differentiating the bike and pedestrian areas following the recent upgrade. There was discussion re various types of signage. It was agreed that the area may need more signage stencilled on the path, which is more effective for riders. It was also agreed that these issues be referred to the Bicycle Committee for their attention.

Heidi Oates Council's Road Safety Officer said a Cycle Safe kit is in the development stage and will be distributed to the English Language Schools and backpackers once complete.

Lindsay Freeman raised his concerns about the high potential risk for pedestrians and particularly injuries that could occur to small children from bike riders in Marine Parade. This follows his observations of this area in recent months.

Debate ensued about dangers posed to pedestrians on Marine Parade particularly in the more congested areas including the entrance area just east of the Surf Club and on the hill area coming down to Bower Lane. There was some debate about the fairness of banning cycles however it was agreed that it could become a dismount area or alternatively cycle to Shelly Beach via Darley Road & Bower Street. This would then make it safe for everyone. Also there was a suggestion of whether younger children could ride and if prams should be allowed – committee generally agreed that young children are supervised anyway and it was the older riders that posed the greatest risks. It was also agreed that if this occurred that both education and enforcement was integral to ensuring that the changed ruling was sustained. It was further agreed despite some physical improvement that was made with line markings etc. that this was not enough to reduce the risk and that the Risk Manager be asked to review the risk to pedestrians by cyclists on Marine Parade.

Moved: Errol Hunt Seconded: Lindsay Freeman

Majority agreement.

The Recommendation of the Committee was to:

That Marine Parade become a 'dismount' area for cyclists at all times due to the high risk of injury that could occur to pedestrians and young children in particular.

That an education and enforcement campaign accompany any future changes in order to ensure sustainability of the change.

That Council's Risk Manager conduct a review of the risk of cyclists to pedestrians on Marine Parade.

That the issue also be referred to the Bicycle Committee for discussion.

RECOMMENDATION

1. That Council receive and note the S.E.S's donation.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being **item no's i-xvi**, as listed above, be **adopted**.
- 3a. That item 5 - Market Lane Mural of Manly Public Art Committee Minutes of Meeting held on 18 May 2005 be adopted, as follows:

That this report be received and that Council notes that work on the Market Lane mural is proceeding.

- 3b. That item 7.2 Ranger Feedback of Community Safety Committee Minutes of Meeting Held on 16 June 2005 be adopted, as follows:

That the minutes be noted by Council and that Item 7.2 be referred to the General Manager for his consideration and action as:

- Council's Risk Manager has already been consulted on this matter
- It involves a significant policy change, whereby the current state of play requires cyclists to dismount along Marine Parade on weekends and public holidays
- To allow time for further consultation with the Bicycle Committee and other relevant stakeholders to occur before any change is either determined or implemented by Council.

ATTACHMENTS

There are no attachments for this report.

OM250705IBM_1

***** End of Item For Brief Mention No. 6 *****

TO: Ordinary Meeting - 25 July 2005
REPORT: Corporate Services Division Report No. 14
SUBJECT: Accounts – Report on Council Investment as at 31 May, 2005.
FILE NO: A2/12

SUMMARY

Latest accounting statements for the period to 31 May, 2005.

1. Statement showing general fund bank account balance as at 31 May, 2005.
2. Cash investments as at 31 May 2005.

REPORT

1. Statement Showing General Fund Bank Account Balance as at 31 May 2005.

Limit of overdraft arranged with bank	\$400,000.00 Dr
Bank Balance as at 31 May, 2005	\$1,640,238.96 Cr

2. Details of Council Investments Pursuant to the Financial Regulation as at 31 May, 2005.

In accordance with clause 16 of the Local Government (Financial Management) Regulation 1999, a report setting out the details of money invested must be presented to Council on a monthly basis.

For the information of Councillors, the following cash investments were held by Council as at 31 May, 2005.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
11/10/01	02/08/05	WBC	1391	6.32	1,005,003.08	15,799.99(1)
15/07/02	15/07/07	HSBC	1826	6.43	1,000,000.00	16,083.25(2)
15/08/02	15/07/07	HSBC	1795	6.43	2,008,481.93	32,166.50(2)
30/07/02	12/12/06	Bendigo Bank	1596	7.82	510,200.00	9,779.12(3)
14/10/02	12/12/06	Bendigo Bank	1520	7.82	504,476.45	9,779.12(3)
08/08/02	08/08/07	Bank of Qld	1826	6.97	1,000,000.00	17,424.99(4)
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00(5)
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00(6)
02/04/04	02/04/09	Adelaide Bank	1826	6.81	500,000.00	8,514.63(7)
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.78	700,000.00	11,870.77(8)
15/12/04	15/12/09	ACCU	1826	7.01	1,000,000.00	17,533.25(9)
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38(10)
12/04/05	11/07/05	Aust Central C/U	90	6.05	1,000,000.00	14,917.81
12/04/05	11/07/05	IMB	90	5.92	1,250,000.00	18,246.58
10/03/05	08/06/05	IMB	90	5.91	1,000,000.00	14,572.60
12/04/05	11/07/05	Bank West	90	5.80	2,000,000.00	28,602.74
26/04/05	26/07/05	Aust Central C/U	91	6.00	1,000,000.00	14,958.90
		IMB	@CALL	5.45	600,000.00	
		CBA	@CALL	5.45	<u>2,150,484.07</u>	
					19,953,732.69	

- 1) Interest to 02 August, 2005 only
- 2) Interest to 15 July, 2005 only
- 3) Interest to 12 June, 2005 only
- 4) Interest to 8 August, 2005 only

Corporate Services Division Report No. 14 (Cont'd)

- 5) Interest to 28 September, 2005 only
- 6) Interest to 18 August, 2005 only
- 7) Interest to 2 July, 2005 only
- 8) Interest to 3 June, 2005 only
- 9) Interest to 15 June, 2005 only
- 10) Interest to 21 May, 2006.

Except for (5), (6) and (10) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date(s).

Investment Performance	Council	Benchmark*	90 day BBSW**
Returns - May 2005 [%pa]:	6.25	5.93	5.68

* benchmark is 90day BBSW plus 0.25%pa

** 90 day BBSW is the average 90 day bank bill rate for the month.

Certification – Responsible Accounting Officer

The Chief Financial Officer hereby certifies that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 16 of the Local Government (Financial Management) Regulation 1999 and Council's Investment Policy.

RECOMMENDATION

1. That the statement of General Fund Bank Account balance as at 31 May, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 31 May, 2005 be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM250705CSD_1

***** End of Corporate Services Division Report No. 14 *****

TO: Ordinary Meeting - 25 July 2005
REPORT: Corporate Services Division Report No. 15
SUBJECT: Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2005/2006
FILE NO:

SUMMARY

1. The Local Government Remuneration Tribunal has completed its annual review of the category of Councils and the fees payable to the Mayor and Councillors.
2. The Tribunal has deferred any decision in regards to changes to the minimum and maximum fees for all Councils in all categories for Councillors and Mayors.
3. It is recommended that Council continue with its current adopted policy and set the Mayor and Councillor Remuneration fees at the maximum level determined by the Tribunal.

REPORT

The Local Government Remuneration Tribunal is required pursuant to the *Local Government Act 1993* to determine the categories of Councils for the purpose of determining fees for each elected person and to report to the Minister by the 1st May of each year on its determination. The Report and Determination of the Local Government Remuneration Tribunal under Sections 239 and 241 of the Act, has now been released, and was Gazetted on 6 May 2005. A copy of the Report is **attached** for information.

Under the Act, the Council must pay the Mayor and each Councillor an annual fee. The fee must be fixed by Council and must be in accordance with the appropriate determination of the Local Government Remuneration Tribunal being equal to or greater than the minimum but not greater than the maximum of the appropriate category. The same fee must be paid to each Councillor.

In undertaking the 2005 review the Tribunal sought submissions from councils and the Local Government and Shires Associations on both the categories of councils and the minimum and maximum level of fees payable to councillors and mayors. This year in particular, the Tribunal indicated its intention to undertake a review of the categories of councils which were initially determined in 1995.

The Minister for Local Government advised the Tribunal that the Department of Local Government was to undertake a review of the expenses policies adopted by councils with a view to guidelines being developed. As the issues surrounding the payment of fees and expenses are related, the Minister requested that the Tribunal defer its review of categories until such time as the Department has completed its review.

Underpinning the category structure developed by the Tribunal is the principle that like sized councils receive comparable fee levels to perform the roles and responsibilities for which they were elected.

Tribunal has deferred making any changes to the categories of councils for 2005/2006, and will continue its investigations with a view to finalising this matter as part of the 2006/2007 annual review process.

In the light of the review of the expenses policy the Tribunal has considered the quantum of fees for 2005/2006, and has determined to defer any changes to the fee structure until the results of the Government's inquiry are available.

Corporate Services Division Report No. 15 (Cont'd)

Manly Council is classified as a Category 2 (Suburban) Council - for which the Tribunal has set the following minimum and maximum fees to apply for 2005/2006 (ie. fees retained at same level as for 2004/2005):

	Minimum	Maximum
Mayor Allowance	\$12,490	\$28,215
Councillors Fees	\$ 5,875	\$12,925

The fee payable to Mayors is in addition to Councillor fees.

At Council's Meeting held on 27th July 1998, Council resolved as follows:

“That in respect of future determinations by the Local Government Remuneration Tribunal, Council, as policy, set the Mayor and Councillor remuneration fees at the maximum level determined by that body.”

In the event that the Tribunal should reconsider this matter following the review being undertaken by the Department of Local Government, it is recommended that Council resolve as follows:

RECOMMENDATION

1. That the Report be received and noted,
2. That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees at the maximum level determined by the Local Government Remuneration Tribunal.

ATTACHMENTS

AT-1 Report of the Local Government Remuneration Tribunal 3 page(s)

OM250705CSD_2

***** End of Corporate Services Division Report No. 15 *****

Corporate Services Division Report No. 15

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2005/2006

Report of the Local Government Remuneration Tribunal

REPORT:

Pursuant to Section 241 of the *Local Government Act 1993* (the Act) the Local Government Remuneration Tribunal hereby determines the categories for councils, county councils and mayoral officers and the maximum and minimum amount of fees to be paid during the period 1 July 2005 to 30 June 2006 to mayors and councillors of councils as well as chairpersons and members of county councils.

In undertaking the 2005 review the Tribunal sought submissions from councils and the Local Government and Shires Associations on both the categories of councils and the minimum and maximum level of fees payable to councillors and mayors. This year in particular, the Tribunal indicated its intention to undertake a review of the categories of councils which were initially determined in 1995.

The Minister for Local Government, the Hon Tony Kelly MLC, has advised the Tribunal that the Department of Local Government will undertake a review of the expenses policies adopted by councils with a view to guidelines being developed. Councils are currently required, pursuant to section 252 of the Act, to adopt a policy for the payment of expenses to mayors, deputy mayors and other councillors.

As the issues surrounding the payment of fees and expenses are related, the Minister has requested that the Tribunal defer its review of categories until such time as the Department has completed its review. One option being considered is the central regulation of expenses and whether different categories of councils should have variable expense structures.

Underpinning the category structure developed by the Tribunal is the principle that like sized councils receive comparable fee levels to perform the roles and responsibilities for which they were elected.

ATTACHMENT 1

Corporate Services Division Report No. 15

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2005/2006

Report of the Local Government Remuneration Tribunal

Expenses policies are, under the legislation, a matter for each council. There is no suggestion that this should change. What is at issue, however, is that under the current arrangements expenses policies adopted by councils within the same category may differ significantly in quantum and scope.

The proposed review provides the opportunity for the Tribunal to have regard to the impact, if any, of councils' expense policies on the current category and fee structures.

On this basis, and after consultation with the Assessors, the Tribunal has agreed to defer making any changes to the categories of councils for 2005/2006. In addition, the Tribunal has deferred its decision to visit and meet with councils until the review is complete, which is expected to be later this year. The Tribunal would like to thank those councils and the Associations who provided information in regard to the review of categories. The Tribunal will continue its investigations with a view to finalising this matter as part of the 2006/2007 annual review process. Submissions already received will be considered again at that time.

In the light of the review of the expenses policy the Tribunal has considered the quantum of fees for 2005/2006. It has been determined to defer any changes to the fee structure until the results of the Government's inquiry are available.

Local Government Remuneration Tribunal

(The Honourable Charles L Cullen QC)

Dated: 13 April 2005

ATTACHMENT 1

Corporate Services Division Report No. 15

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2005/2006

Report of the Local Government Remuneration Tribunal

DETERMINATION OF ANNUAL REMUNERATION FEES FOR COUNCILLORS AND MAYORS

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories determined under s.234 to Councillors, Mayors, members and chairpersons of County Councils during the period 1 July 2005 to 30 June 2006 are determined as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Category 5	5,875	6,460	6,240	10,615
Category 4	5,875	7,750	6,240	16,920
Category 3	5,875	12,925	12,490	28,215
* Category 2	5,875	12,925	12,490	28,215
Category 1	8,810	16,450	18,730	43,705
Category 1A	11,745	19,385	24,970	56,505
S4	1,175	6,460	2,500	10,615
S3	1,175	3,875	2,500	7,055
S2	11,745	19,385	24,970	56,505
S1	17,625	25,850	107,840	141,900

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Local Government Remuneration Tribunal

(The Honourable Charles L Cullen Q.C.)

Dated: 13 April 2005

TO: Ordinary Meeting - 25 July 2005
REPORT: Corporate Services Division Report No. 16
SUBJECT: Special Rate on Take-Away Food Shops
FILE NO:

SUMMARY

Council has asked for a report regarding the establishment of a special levy for take-away food/drink outlets that operate in Manly.

REPORT

Council at its Ordinary Meeting held 21 February 2005 resolved on a Notice of Motion, inter alia, (c) That Council prepare a report regarding the establishment of a special levy for takeaway food/drink outlets that operate within Manly.

S495 of the Local Government Act provides the legal power for Council to make and levy special rates. The section provides that Council may make and levy a special rate on land if the following requirements of the section are fully satisfied:

1. There must be some works, services, facilities or activities provided or undertaken, or proposed to be provided or undertaken, by Council within the whole or any part of Council's local government area (other than domestic waste management services).
2. The rate must be levied with a view to meeting the cost of those works, services, facilities or activities.
3. The rate must and can only be levied on such rateable land as, in Council's opinion (ie reasonable opinion)
 - (a) benefits or will benefit from the works, services, facilities or activities, or
 - (b) contributes or will contribute to the need for the works, services, facilities or activities, or
 - (c) has or will have access to the works, services, facilities or activities.

Council is required to form an "opinion" as to whether the land in question benefits or will benefit from the works, services, facilities or activities, or contributes or will contribute to the need for the works, services, facilities or activities, or has or will have access to the works, services, facilities or activities. The opinion formed must be a reasonable one; for example, if, in forming the required opinion, a council takes into account some irrelevant or extraneous consideration, or otherwise fails to apply the correct legal test, then the courts will hold the required opinion did not exist in law, and the rate would be struck down and declared invalid.

If Council decides to make and levy a special rate on fast food shop premises, there will need to be probative material that can establish that the required opinion is well-founded and reasonable. Adapting and applying the principle enunciated in case law, there will need to be probative material that can demonstrate (and thus support the requisite opinion) that the parcels of land in question will benefit from, contribute to the need for, or otherwise have access to the works, services, facilities or activities in question

It could be argued that waste and litter is generated in any number of ways and that any special rate that exclusively singled out certain premises was arbitrary and discriminatory.

There are also problems in seeking to delineate and define the types of premises in question. For eg. definitions of "fast food shop" and "take-away shop" include the following:

Fast Food Shop Means any premises used for the selling of quick meals including drinks mainly for consumption off the premises.

Corporate Services Division Report No. 16 (Cont'd)

Fast Food shop *Retail premises for the sale, often under franchise, of light, fast cooked food for eating on the premises or taking away.*

Take-away shop *A retail property for the preparation of meals which the customer purchases for consumption off the premises.*

There are differences between these 3 definitions, and each has its own problems and limitations, and capable of challenge on various grounds. For example, are ordinary sandwich shops to be caught as well, in addition to kebab shops, McDonalds, KFC, etc? Further practical difficulties will arise as Council will have to physically identify all "take-away food / drink outlets" throughout Manly in Council's rating data base, wherever they may be situated. A mechanism will need to be set up to identify new applications and delete those that are no longer used for such purposes.

Where "take-away food / drink outlets" are located within larger shopping centres and which might still have street frontage, this will present a problem as the individual shops are not generally separately rated – they are one shop amongst many other retail outlets. Unless the shopping complex is strata titled Council would have to levy the special rate on the whole of the complex.

Because of the inherent problems in defining the types of premises to which the special levy would apply, and establishing that the premises would in fact benefit from, or contribute to the need for, or otherwise have access to the services, etc, for which the rate was levied, in my opinion the rate could be subject to challenge. If Council is minded to pursue the matter then further specialist legal advice would need to be sought.

RECOMMENDATION

That the Report be received and noted

ATTACHMENTS

There are no attachments for this report.

OM250705CSD_3

***** End of Corporate Services Division Report No. 16 *****

TO: Ordinary Meeting - 25 July 2005
REPORT: Corporate Services Division Report No. 17
SUBJECT: Accounts – Report on Council Investment as at 30 June, 2005.
FILE NO: A2/12

SUMMARY

Latest accounting statements for the period to 30 June, 2005.

1. Statement showing general fund bank account balance as at 30 June, 2005.
2. Cash investments as at 30 June 2005

REPORT

1. Statement Showing General Fund Bank Account Balance as at 30 June 2005.

Limit of overdraft arranged with bank	\$400,000.00 Dr
Bank Balance as at 30 June, 2005	\$1,444,434.06 Cr

2. Details of Council Investments Pursuant to the Financial Regulation as at 30 June, 2005.

In accordance with clause 16 of the Local Government (Financial Management) Regulation 1999, a report setting out the details of money invested must be presented to Council on a monthly basis.

For the information of Councillors, the following cash investments were held by Council as at 30 June, 2005.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
11/10/01	02/08/05	WBC	1391	6.32	1,005,003.08	15,799.99(1)
15/07/02	15/07/07	HSBC	1826	6.43	1,000,000.00	16,083.25(2)
15/08/02	15/07/07	HSBC	1795	6.43	2,008,481.93	32,166.50(2)
30/07/02	12/12/06	Bendigo Bank	1596	7.67	510,200.00	9,587.49(3)
14/10/02	12/12/06	Bendigo Bank	1520	7.67	504,476.45	9,587.49(3)
08/08/02	08/08/07	Bank of Qld	1826	6.97	1,000,000.00	17,424.99(4)
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00(5)
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00(6)
02/04/04	02/04/09	Adelaide Bank	1826	6.81	500,000.00	8,514.63(7)
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.71	700,000.00	11,742.49(8)
15/12/04	15/12/09	ACCU	1826	6.87	1,000,000.00	17,174.99(9)
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38(10)
12/04/05	11/07/05	Aust Central C/U	90	6.05	1,000,000.00	14,917.81
12/04/05	11/07/05	IMB	90	5.92	1,250,000.00	18,246.58
12/04/05	11/07/05	Bank West	90	5.80	2,000,000.00	28,602.74
26/04/05	26/07/05	Aust Central C/U	91	6.00	1,000,000.00	14,958.90
		IMB	@CALL	5.45	1,600,000.00	
		CBA	@CALL	5.45	<u>2,160,438.16</u>	
					19,963,686.78	

- 1) Interest to 02 August, 2005 only
- 2) Interest to 15 July, 2005 only
- 3) Interest to 12 September, 2005 only
- 4) Interest to 8 August, 2005 only
- 5) Interest to 28 September, 2005 only

Corporate Services Division Report No. 17 (Cont'd)

- 6) Interest to 18 August, 2005 only
- 7) Interest to 2 July, 2005 only
- 8) Interest to 3 September, 2005 only
- 9) Interest to 15 June, 2005 only
- 10) Interest to 21 May, 2006.

Except for (5), (6) and (10) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date(s).

Investment Performance	Council	Benchmark*	90 day BBSW**
Returns - June 2005 [%pa]:	6.21	5.91	5.66

* benchmark is 90day BBSW plus 0.25%pa

** 90 day BBSW is the average 90 day bank bill rate for the month.

Certification – Responsible Accounting Officer

The Chief Financial Officer hereby certifies that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 16 of the Local Government (Financial Management) Regulation 1999 and Council's Investment Policy.

RECOMMENDATION

1. That the statement of General Fund Bank Account balance as at 30 June, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 June, 2005 be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM250705CSD_4

***** End of Corporate Services Division Report No. 17 *****

TO: Ordinary Meeting - 25 July 2005
REPORT: Corporate Planning and Strategy Division Report No. 40
SUBJECT: Manly Environment Centre Progress Report and Manly Environment Centre Working Party Report Back
FILE NO:

SUMMARY

- Council has resolved to build a sustainably designed special purpose Manly Environment Centre (MEC) on the third level of the Library building.
- Funding has been provided in Council's Budget and grant funds have been applied for.
- Council established a Working Party to review the MEC community role (refer to revised "Draft Statement of Intent" **circulated**).
- There have been issues associated with the proposed relocation of the MEC (including interim arrangements).
- This progress report updates Council on these matters.

REPORT

Background

Manly Environment Centre (MEC) is community based initiative which started in 1991. Council commenced its support for the MEC in 1992 with a contribution of \$30,000 and Council's support for the Centre and the Centre's relationship to Council changed progressively through until the year 2000, when the Council's financial support grew to about \$120,000.

In the year 2000, structural changes were made within the Planning and Strategy Division of Council and the Natural Resources Branch was established. Immediately thereafter, approximately \$70,000 was invested in upgrading the Centre's computer capacity as well as an upgraded fit out.

Since then, additional staff associated with the Council's environmental programmes have been attached to the Centre, and this year Council's funding for the activities stands at \$350,000. The MEC staff, administration and management is directly auspiced by Council.

Management Plan (Extract)

There are seven Key Strategies in relation to the environment in the Council's Management Plan. One of which relates to the Manly Environment Centre which states:-

"A shop front sustainability/environmental centre providing a key education and research service to the community, Council and its staff, businesses and schools. It aims to provide innovative ways to encourage an environmentally aware and active community in pursuit of Council's Sustainability Plan Objectives."

I might at this point remind Council that Council has a total of 52 Committees. Many of these Committees focus and concentrate on issues to do with the environment, such as the Sustainability Implementation Committee, the Manly Community Environment Committee, the Lagoon Estuary and Catchment Management Committee, the Coastal Management Committee, the Waste

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

Committee and various other committees such as Sydney Water Partnership and the Working Parties with Golf Clubs, etc.

The point is that there are many more Council officers, as well as Councillors, Precinct Forums and community representatives, monitoring and taking an active interest in the broad range of environmental issues impacting on our area (compared to 14 years ago).

So What is the Future of the MEC?

I would like to return to the Key Strategy as outlined in the Council's Management Plan for the Manly Environment Centre:-

"A shop front sustainability/environmental centre providing a key education and research service to the community, Council and its staff, businesses and schools. It aims to provide innovative ways to encourage an environmentally aware and active community in pursuit of Council's Sustainability Plan Objectives."

I am conscious of the fact that by present day standards, the education and research capacity of the Centre is limited and that by comparison with the advances made in various other areas of Council activity, particularly in relation to cataloguing and web access, etc., that there is considerable room for improvement.

In relation to the target audiences of staff, businesses and schools, we are again extremely limited in our "reach" capacity in relation to school visits, particularly as we have no audio visual or class room type space available to accept school (or other group) visits.

The Key Strategy also states that it aims to provide innovated ways to encourage community involvement and my personal view is that the present Centre does not present as innovative or inspiring. (The people associate with it - Yes!, but the physical presentation - No!)

Strategy and Planning

As Director of Corporate Planning and Strategy, one of my roles and responsibilities is to optimise Council's utilisation of assets and its financial resources. Presently, the MEC is located in rented premises and the rental is approximately \$50,000 per annum. Council receive no benefit (in a taxation sense) from renting premises.

Conversely, the Library building is an under utilised asset in the sense that the building was built to take an extra one or two levels of construction and \$250,000 was invested in the early 90's to make the building structurally capable of these further additions.

The more significant reason for proposing to move the MEC to the Library building is the perceived synergies which would occur by incorporating the MEC in the Library "Information Hub".

I make the following observations.

1. The material that is presently housed within the MEC is not catalogued.
2. There is overlap in terms of what is collected and stored in the MEC and in the Library collection (particularly in relation to the Local History Collection which includes material from the Manly Daily, etc., in relation to things such as the Quarantine Station, North Head Sewerage Treatment Plant, Threatened Species issues and the like.
3. The collections at the MEC and at the Library are complementary in that there are many texts within the Library collection which would be of interest to researchers.

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

Conversely, people doing research at the Library presently have no idea of what is available at the MEC.

4. If the MEC was housed in the Library building, as well as sharing technology resources, the meeting rooms and other community spaces such as an audio visual area could be shared.
5. The other advantage that the new third level on the Library building presents is that it can be a purpose designed space using environmentally friendly materials with solar power, demonstration facilities, water saving devices, energy rated appliances, worm farming and composting demonstration facilities, with the potential for a roof top garden and rainwater tanks, etc.

We already have considerable interest from eco friendly product suppliers to "donate" demonstration displays and assist with fit out costs.

Motivation - Inspiration

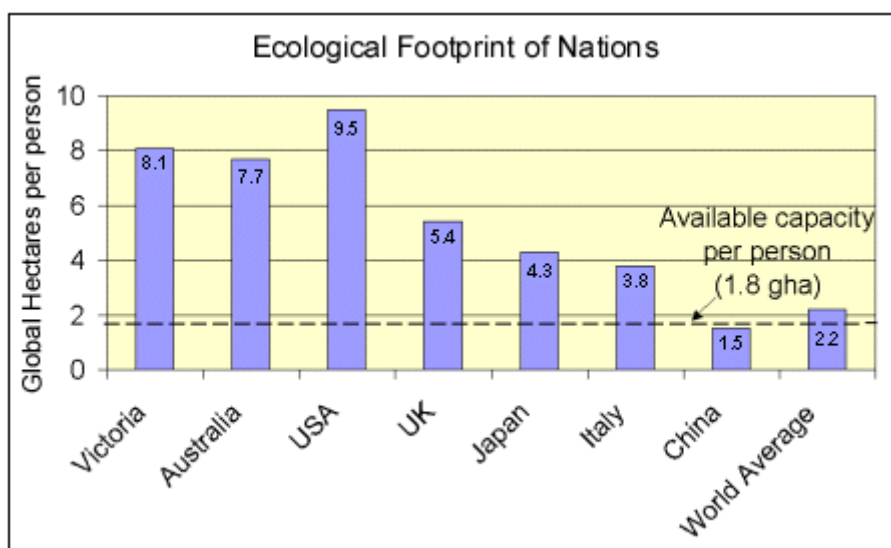
I have been associated with the management of the MEC for quite a while and I consider that in its rented premises, it is less secure than it would be if it was in a Council facility.

The Council has come to the end of a fairly long lease on the present premises in Belgrave Street and it is an appropriate point in time to reflect on whether we want to continue to go the lease option or peruse an alternative.

Alongside those issues of security of tenure for the MEC, alongside the issue of rent and outgoings, there is the fact that a new location will provide a great opportunity for innovation and technological advancement. There are also other drivers such as the desire of Council to pursue a more eco-tourism focus in its Tourism Policy and to link in with grant funds which may be available to develop this "new model" Environment Centre.

Councillors will be aware that Manly Council is a leader in many aspects to do with sustainability and one of the ways of helping us focus on eco tourism is to have people keenly aware of the vulnerability of the environment in which we live and the enormous pressures and challenges which we as a locality (within a national and global context) face. In the global context, please refer to **Figure 1** below.

Figure 1



Corporate Planning and Strategy Division Report No. 40 (Cont'd)

At the local level, we should note the fact that there will be some 650,000 extra dwellings in Sydney in the next 20 to 25 years and that international tourism has doubled in the last ten years and is likely to accelerate in the future. This has enormous implications for Manly and we need to have the broader community fully informed if we are to engage with them in terms of managing **our Local Government area sustainably**.

I remind Councillors that the last sentence of the Manly Environment Centre Objective in the Management Plan is:-

"To provide innovative ways to encourage an environmentally aware and active community in pursuit of Council's Sustainability Plan Objectives."

I think it is time for us to raise our sights from local micro issues to the macro perspective. We need to ensure that our community starts to see itself in terms of Figure 1 and to embark on strategies to address these issues. A new model of MEC with an Environmental History Museum will in my view provide the necessary perspective for this generation to see itself in this global context (Figure 1). This in turn will (one expects) trigger thoughtful contemplation on issues of sustainability, fairness and intergenerational equity at the local level "thinking globally acting locally".

Since the matter of the MEC relocation was raised, there has been considerable debate on the merits of the proposal.

The History of Council's Decisions Since the Matter was Introduced to Council and Community and Community Environment Committee Responses to Date

14/3/2005: Planning and Strategy Committee Resolution

- "1. That Council commit to building a sustainability designed special purpose level three on the Library building within the next two Budget cycles to accommodate the MEC and that the General Manager report in the current Budgetary process on a funding package for consideration in the adoption of the Three Year Management Plan.
2. That Council establish a Working Party consisting of the following:
 - * Mayor
 - * 2 Councillors
 - * 1 FOMEC
 - * 2 Precinct Representatives
 - * 2 Representatives from Community Environment Committee

to review the role and function of the MEC with a particular reference to its community role.
3. In the transitional move of the MEC to second floor of the Library the public access be maintained."

17/3/2005: Manly Environment Committee Recommendation

"This Committee:-

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

- (a) Deplores the lack of consultation in making transitional arrangements for moving the MEC to the second floor of the Library building; and
- (b) seeks an assurance that the floor space provided will be at least equal to that currently used by the MEC.
- (c) Before determining the final location of the MEC, that all available community options be thoroughly reviewed in consultation with the community.
- (d) Diana Deeley and Keelah Lam represent the Committee on the Community Reference Group."

21/3/2005: Ordinary Meeting Resolution

- 1. That the Terms of Reference for the Working Party be agreed between the Mayor and the General Manager, generally in accord with the objectives contained in the resolution.
- 2. That Council appoint to the Working Party:-
 - (a) The Mayor as Chairperson.
 - (b) The General Manager (or his nominee).
 - (c) Two Councillors representing Council being Cllr Pedersen and Cllr Lambert.
 - (d) Two Precinct representatives (to be selected by Mayor and General Manager following on from a "call for nominations" to be sent to all Precincts). In the interim while awaiting the nominations from Precincts two representatives from the inter-precinct forum to partake in this Working Party.
 - (e) Two representatives of the Community Environment Committee as nominated by the Committee.
 - (f) A representative from Friends of Manly Environment Centre (FOMEC).

5/4/2005: Manly Environment Centre Working Party Recommendation

"That staff bring to the next meeting sketch draft diagrams, using creative thinking, for options, including the proposal for level 2 and having a presence on Ground Floor, and Level 1, whilst ensuring that the proposed plans do not have an adverse impact on the Library's operations."

30/5/2005: Manly Environment Centre - Council Open Forum Recommendations/Resolutions Moved from the Floor of the Meeting

- "1. That the Manly Environment Centre should not be moved in

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

the interim period.

2. That this meeting endorses the action taken by Council and Council staff towards seeking grant funding, and relocation of the Manly Environment Centre.
3. That any plans for permanent location of the Manly Environment Centre should include a ground level shop front facility as part of the Manly Environment Centre."

Survey Result - Same Meeting (Council Open Forum 30/5/2005)

A survey, comprising five questions was distributed to guests who attended Council's Briefing and Open Forum regarding the MEC on the evening of Monday, 30th May, 2005.

Results were as follows:-

1. Do you believe the MEC should be part of Manly Council or a totally separate organisation? (please tick one)

- | | | |
|------------------------|----|-------|
| • Part of Council | 31 | 70.5% |
| • Totally separate | 9 | 20.5% |
| • Nil response offered | 4 | 9.0% |

2. What do you believe is the role of the MEC?

* Please note that respondents were free to tick more than one box.

** "All of the above" percentage of 88.6% has been added to each individual option.

- | | | | |
|----------------------------|----|-----------------|-------|
| • Education | 4 | 9.1% + 88.6% = | 97.6% |
| • Advocacy | 1 | 2.3% + 88.6% = | 90.9% |
| • Information | 5 | 11.4% + 88.6% = | 100 % |
| • Environmental Networking | 1 | 2.3% + 88.6% = | 90.9% |
| • All of the above | 39 | 88.6% | |

3. Are you happy with the current location of the MEC?

- | | | |
|------------------------|----|-------|
| • Yes | 13 | 29.5% |
| • No | 26 | 59.1% |
| • Nil response given | 4 | 9.1% |
| • Both responses given | 1 | 2.3% |

4. Do you believe that a new, state of the art Centre is the way of the future?

- | | | |
|------------------------|----|-------|
| • Yes | 35 | 79.5% |
| • No | 4 | 9.1% |
| • Nil response given | 4 | 9.1% |
| • Both responses given | 1 | 2.3% |

5. What is your vision for the MEC?

Comments generally relate to independence and shopfront

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

locality.

31/5/2005: Manly Environment Centre Working Party Recommendation

- "1. That any plans for the permanent MEC location should include a ground level, staffed, shop front facility.
2. That the proposed level 2 option for the temporary relocation of the MEC as an interim option is strongly opposed.
3. That the Working Party supports the resolution from the Open Forum on 30th May, 2005 and does not support the proposed interim move."

Current Position and Summary

1. Council resolved to commit to building a sustainably designed special purpose level 3 Environment Centre and Environmental Museum within the next two Budget cycles.
2. Council resolved to establish the Manly Environment Centre Working Party.
3. The matter has been raised several times by the Manly Community Environment Committee.
4. As a result of concerns about aspects of the proposed relocation of the Manly Environment Centre, a Public Forum was held on 30th May, 2005 (see details, chronology - previous page).
5. Budgetary provision has been made in next year's Budget for the construction of a third level on the Library Building and Council staff have continued to pursue grant funds to facilitate this.
6. During the course of the above processes, the Manly Environment Centre Working Party has met on numerous occasions, culminating in the meeting of 31st May, 2005, the outcome of which is recorded above (see Recommendation of 31st May, 2005).

It should also be noted that as well as the recommendations put forward in relation to the relocation of the Manly Environment Centre, the Working Party also redrafted a Statement of Intent for the Manly Environment Centre, which will ultimately need to be presented to Council for endorsement as well (see **Attachment 1**).

It should be noted that at the last meeting of the Working Party, the Draft Statement of Intent of the Manly Environment Centre was discussed and as Director of Corporate Planning and Strategy, I placed on record in the Minutes my reservations and concerns in relation to the Draft Statement of Intent document, particularly as (in my view) it may contravene Council's adopted Code of Conduct and it was agreed that the document should be referred to the General Manager for review.

Conclusion

The recommendations of the Manly Environment Centre Working Party are put forward to Council for consideration. Council has the option of accepting or rejecting the recommendations or amending them as they see fit. The recommendations are:-

Corporate Planning and Strategy Division Report No. 40 (Cont'd)

1. That any plans for the permanent relocation of the Manly Environment Centre should include a ground level, staffed, shop front facility.
2. That the proposed level 2 option for the temporary relocation of the Manly Environment Centre as an interim option be strongly opposed.
3. The Working Party supports the resolution from the Open Forum on 30th May, 2005 and does not support the proposed interim move.

Director Corporate Planning and Strategy Comment

The success or otherwise of Council's pursuit of grant funds is important in scoping the ultimate outcome in relation to the third level of the Library.

The notion that any permanent relocation of the Manly Environment Centre should include a ground level staffed shop front facility **has profound implications** in relation to the strategic direction previously put to Council and endorsed at its meeting on 14th March, 2005. Particularly as it was anticipated that \$50,000 per year in rent savings has been factored into the funding scenario. I could not recommend keeping two Environment Centres operationally or financially.

General Manager's Comment

I concur in the view that the project needs further reviews once greater certainty about the scope of the work is established and this will follow on from the grant application outcome in a couple of months.

In relation to the Statement of Intent for the MEC, as I understand it, the present document originates from a time when the MEC was less integral to Council's structures and more financially independent.

As the situation stands now, the framework within which the MEC operates is:-

Council is an incorporated body and it can delegate to a Committee or to the General Manager authority to do certain things.

The MEC is in effect a piece of infrastructure staffed by Council employees who are responsible and accountable to the General Manager. In turn, there are Codes of Practice and policies which all staff must observe.

The notion (as per the Statement of Intent) that the Manly Environment Centre "can challenge Council's policies, decisions and recommendations, based on sound research", etc., etc., raises the question of "who is the MEC?" - is it the body of staff or a particular staff member, or is it the Friends of the MEC, or is it the Manly Community Environment Committee.

We all need to understand who it is that has this right to challenge.

As far as I am concerned, Council can not delegate any authority or responsibility to staff (other than me as General Manager).

If the Council wishes to give the MEC some authority (or delegation), it will need to establish the MEC as a separate entity from Council (an incorporated body or association) or as a Committee of Council.

I suggest this matter be left in abeyance for further discussion between myself and the Mayor.

Corporate Planning and Strategy Division Report No. 40 (Cont'd)**RECOMMENDATION**

1. That the recommendations of the Manly Environment Centre Working Party of 31st May, 2005 be received and noted.
2. That Council defer further consideration of the relocation and future operations of the Manly Environment Centre for approximately two to three months, pending further advice regarding Council's success in relation to grant funding.
3. That in the interim period, no action be taken in relation to relocation of the Manly Environment Centre shop front operations.
4. That the matter be further reviewed in approximately three months.
5. That the Statement of Intent document be the subject of further discussion.

ATTACHMENTS

AT-1 Draft Statement of Intent 3 page(s)

OM250705CPSD_1

***** End of Corporate Planning and Strategy Division Report No. 40 *****

ATTACHMENT 1

Corporate Planning and Strategy Division Report No. 40
Manly Environment Centre Progress Report and Manly Environment Centre
Work Report Back
Draft Statement of Intent



Draft - Statement of Intent for MEC (31 May 2005)

For the operation of the

Manly Environment Centre

Since 1991 the Manly Environment Centre (MEC) has played a key role in protecting and advocating for the environment in the Manly area and beyond. Being positioned as an important interface between Council and the community, the MEC is a relatively unique venture. Through its work as a resource centre, an advocate and research centre, and an environmental educator, the MEC enables and encourages broad community involvement and goodwill in protecting the environment that makes Manly a special place for both residents and visitors.

This document was developed to provide a clear understanding of the role of the MEC and a consistent approach to its future management,

Our Mission:

The quality of life on our planet in this century will be directly proportional to the understanding we have – or lack - of our relationship with the environment today. The Manly Environment Centre aims to disseminate environmental knowledge to all stratas of our society, contributing to making citizens and tourists more aware of their rights and duties towards the environment.

Our Vision:

To ensure the future health of residents by seeking to eliminate land, air, water, noise and visual pollution and by restoring and protecting the natural environment.

Our Objectives:

- Recognise, appreciate and enhance the natural environment of Manly;
- Provide leadership and environmental expertise to all stakeholders;
- Continue to maintain and promote a visible and readily accessible environmental presence;
-

ATTACHMENT 1

Corporate Planning and Strategy Division Report No. 40 Manly Environment Centre Progress Report and Manly Environment Centre Working Party Report Back Draft Statement of Intent

Maintain role environmental advocacy role even when this may vary from Council's position on certain issues;

- To challenge Council's policies, decisions and recommendations, based on sound research, validated statements in writing and provision of source references within agreed protocol;
- Provide factual and unbiased information to Councillors when required;
- To continue to collect, hold and maintain a diverse environmental library and knowledge base relevant to the centres Mission and Funtion;
- Maintain professional working relationships with Council, sponsors and colleagues in order to:
 - Ensure that Ecological Sustainability (ES) and Total Catchment Management (TCM) principles are recognised and valued in all areas under Council control;
 - Model best environmental practices, the principles of ES and TCM through the ongoing daily operations of the centre and Manly Council;
 - Advise, assist and continue to create opportunities for Council to maximize the expertise and specialist services offered by the centre on a day to day basis;
 - Advise on significant development applications of environmental significance;
 - Advise on Council business management plans, etc;
 - Research issues, validate statements and provide reference sources on a variety of issues;
 - Provide education, training and information for local government, non-government organizations and community members;
 - Increase community awareness of relevant issues;
 - Facilitate community consultation, including community networking, participation and action on environmental matters;
 - Organise and implement local environmental events; design innovative programs, projects and events to facilitate long-term positive behavioural change;
 - Seek and secure funding for identified operational costs and projects through appropriate submissions;
 - Seek sponsorship consistent with Council's Ethical Policy;
 - Harness human resources and goodwill to implement special projects;
 - Encourage volunteer involvement in conservation works;
 -

ATTACHMENT 1

Corporate Planning and Strategy Division Report No. 40 Manly Environment Centre Progress Report and Manly Environment Centre Working Party Report Back Draft Statement of Intent

- Maintain a position as a centre of excellence promoting educational facilities on environmental issues, for the benefit of future generations;
 - Forge and strengthen links between local, national and global organisations;
 - Promote the concept of the Centre and its projects to outside organisations;
 - Advise Council on significant environmental matters.
- Maintain Council and Community awareness of environmental issues in Manly through close working relations with the Manly Community Environment Committee, which will continue to liaise with and provide ongoing support for the MEC.

* * *

TO: Ordinary Meeting - 25 July 2005

REPORT: Environmental Services Division Report No. 34

SUBJECT: Honorary Rangers

Ordinary Meeting at its meeting on 20 June 2005 resolved that the matter be deferred to the meeting to be held on 25 July 2005.

FILE NO:

SUMMARY

This item will be resubmitted to the Ordinary Meeting of Council 15 August 2005.

REPORT

RECOMMENDATION

ATTACHMENTS

There are no attachments for this report.

OM250705ESD_1

***** End of Environmental Services Division Report No. 34 *****

TO: Ordinary Meeting - 25 July 2005
REPORT: Civic Services Unit Report No. 4
SUBJECT: Tenders- Purchase of Major Plant– Tender No. 05/04 - Supply and delivery of two (2) Garbage Compactors – Tender No. 05/05 - Sale of plant no.s 620 & 624 by tender

FILE NO:

SUMMARY

1. Tenders have been received for the supply of two (2) garbage compactors together with the purchase and/or trade-in on council's plant nos 620 & 624.
2. It is recommended that the tender from Sydney Truck Sales Pty Ltd for the supply and delivery of two (2) garbage compactors and the tender by Sydney Truck Sales for the trade-in of plant nos 620 & 624 be accepted.

REPORT

Tenders were recently called for the Supply & Delivery Two (2) Garbage Compactors together with the direct Purchase and/or Trade-in on Council's Plant Nos 620 & 624.

The following four (4) companies made offers for the supply and delivery of the garbage compactors:-

- Sydney Truck Sales
- Best Hino - Sydney
- Binksie Services Pty Ltd
- MacDonald Johnston Engineering Company Pty Ltd

In conjunction with the above primary tenders, Binksie Services Pty Ltd and MacDonald Johnston Pty Ltd sub-tendered prices for the compactor bodies. (see confidential attachments)

The truck offered by Best Hino - Sydney, had two regular front seats and the possibility of a third front seat which provided limited leg room. It is often necessary for the three man crew to be accommodated in the cab when driving to the tip and between jobs. There were also OH&S issues associated with step height, and repeated access and egress into the cab over time, and general cab space and comfort, and it was therefore scored accordingly.

An analysis of the tenders is provided as a **Confidential Attachment** to this report. A detailed assessment of the respective plant was undertaken by Council's Manager Civic Services, and Manager Waste Services, Waste Coordinator and Fleet Coordinator to ensure that the plant met Council's specification and had the ability to perform the work in terms of general configuration and construction, maintenance requirements, spare parts availability and driver needs and comfort.

Seven evaluation criteria (weightings) were used for assessing the cab-chassis & compactor body offers i.e. operating cost, resale value, performance, reliability, service, ease of maintenance and occupational health & safety.

The lowest formal tendered cost per unit of value, for the cab-chassis after trade-ins on plant Nos 620 & 624 was from Sydney Truck Sales who offered an International cab chassis.

The majority of Council's existing garbage fleet are International cab chassis and this offers advantages in keeping a consistent cab chassis i.e. common parts and diagnostic engine equipment, driver familiarity with the existing vehicles, and satisfactory service from International.

Civic Services Unit Report No. 4 (Cont'd)

Of the two companies who offered 23 cubic meter compactor bodies, Binksie was the lowest tendered cost per unit of value. Council already has seven Binksie compactors in service and they have performed satisfactorily.

Three formal tenders were received for the purchase / trade-in of plant Nos 620 & 624 from:

- Best Hino - Sydney
- Sydney Truck Sales Pty Ltd
- Brigold Pty Ltd

An analysis of the tenders is provided as a **Confidential Attachment**.

The best formal price for the trade-in of plant No. 620 was \$50,000 including G.S.T. from Sydney truck Sales Pty Ltd and the trade-in of plant No. 624 was \$55,000 including GST, also from Sydney Truck Sales Pty Ltd. Indicative prices which could be expected by auctioning the trucks, were also lower than the definitive trade-in prices offered by Sydney Truck Sales Pty Ltd.

CHIEF FINANCIAL OFFICER'S COMMENTS:

Sufficient funds exist in the Domestic Waste Management Reserve Purchase of Major Plant – DWM – job No. 0671-4300-4526 for the purchase of these two garbage compactors and is in accordance with Council's planned plant replacement schedule for 2005/2006.

RECOMMENDATION

1. That Council accept the offer from Sydney Truck Sales Pty Ltd for the supply and delivery of two garbage compactors being two International cab chassis for \$317,000 excluding GST coupled with two Binksie 23 cubic meter compactor units for \$217,384 excluding GST for an all up cost of \$534,384 excluding GST.
2. That Council accept the offer from Sydney Truck Sales for the trade-in of plant No. 620 for \$50,000 including GST and also plant No. 624 for \$55,000 including GST.
3. That the unsuccessful tenderers be advised accordingly.

ATTACHMENTS

AT-1 TENDERS - PURCHASE OF MAJOR PLANT – TENDER NO. 05/04 - 4 page(s)
SUPPLY AND DELIVERY OF TWO (2) GARBAGE COMPACTORS –
TENDER NO. 05/05 - SALE OF PLANT NOS 620 & 624 BY TENDER -
CONFIDENTIAL ATTACHMENT - for the information of Councillors

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***** End of Civic Services Unit Report No. 4 ***** .