

MOSMAN MUNICIPAL COUNCIL



ORDINARY MEETING

AGENDA

MEETING DATE: 1 August 2005

INFORMATION ABOUT PROCEDURES FOR THE ORDINARY MEETING OF COUNCIL

Open Question Time

Council meetings are scheduled to commence at 6.00pm. However, Open Question Time is held for a maximum of 10 minutes if required, from 6.00pm prior to the commencement of the meeting. Questions from members of the gallery may be directed to the Mayor on any relevant matter unless it is on the Agenda for this meeting.

Open Question Time is an opportunity for questions only, not speeches, and every endeavour to answer will be given immediately by the Mayor or referred to the General Manager.

Ordinary Meeting

The Ordinary Meeting of Council commences in accordance with the Agenda prepared for the Meeting.

Committee of the Whole

The General Manager will ask residents prior to the commencement of the Council meeting if they seek to address Council on a General Manager's and Departmental Report listed on the agenda and will register their names.

Council will resolve into Committee of the Whole to allow residents to address the Committee and for Councillor discussion and questioning in relation to the report listed on the agenda.

Reports on which residents wish to address Council will be dealt with expeditiously as possible between 6.00pm and 8.00pm. Should there be too many matters to be heard or should residents have major matters that need lengthy discussion, the affected residents will be advised to come back to the meeting at a particular time. All remaining items will be dealt with following resolution of reports which residents have an interest in.

The Committee of the Whole is delegated authority to resolve items by majority vote.

Supper Adjournment

At approximately 9.00pm there is usually a recess break for 15 minutes at which time the Mayor will invite those people in the gallery to join the Councillors for supper.

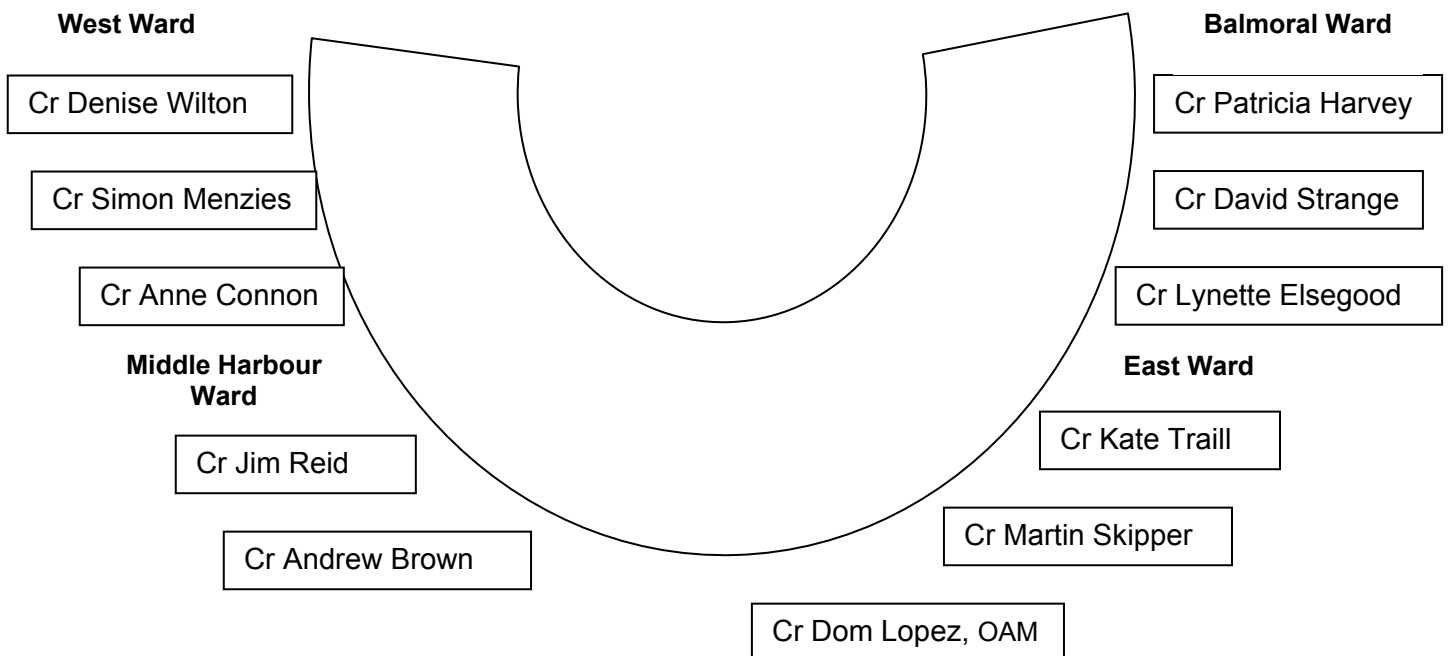
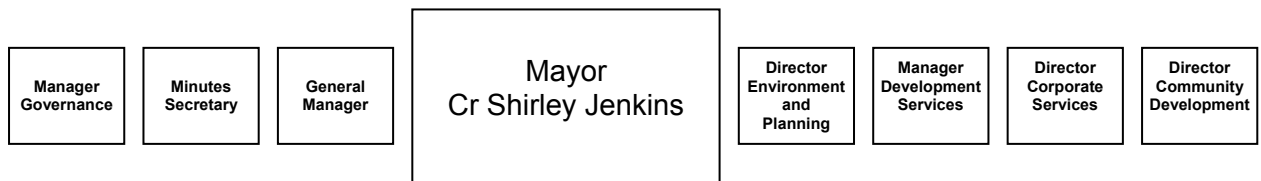
Resume Ordinary Meeting

The Ordinary Meeting resumes at the conclusion of the supper break.



MOSMAN MUNICIPAL COUNCIL

COUNCIL CHAMBERS SEATING 2004-2007 MAYORAL TERM



AGENDA - ORDINARY MEETING

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7. MAYORAL MINUTES

MM/15 **Mayoral Minute - Mosman Art Prize 2005****MOSPLAN REF:** **10.06.01**

RECOMMENDATION

That the Mayoral Minute be noted.

MAYORAL MINUTE

I was delighted to open the 2005 Mosman Art Prize opened on Friday evening, 10 June. This year 856 entries were received, and of these, 101 works were exhibited. This is the second largest number of entries in the last 28 years.

This year the Mosman Art Prize attracted an unprecedented level of media attention and consequently, a considerable increase in visitors to the Gallery. The attention began with a live interview of joint prize winner, Tom Carment, on ABC Radio, 2BL. The interview was conducted by Simon Marnie on his Saturday morning program of June 11. This was followed by a front page focus and page 3 review in the Sydney Weekly on June 15. Other features appeared in the Sydney Morning Herald (on three occasions), the Sun Herald, and the Mosman Daily.

The Prize was judged by Nick Waterlow OAM, who is the Director of the Ivan Dougherty Gallery, UNSW College of Fine Arts and Curator of the Macquarie Bank Art Collection. Nick Waterlow is also a former Director of the Sydney Biennale and the Visual Arts Board of the Australia Council. He scrutinised the entries and selected a diverse and compelling exhibition. The works covered the entire spectrum of art practice from highly realistic and detailed images to energetic, abstract expressionism. Nick Waterlow remarked that “the judging was no easy task, as there was a wide variety of accomplished work.”

Nick Waterlow was unable to award the major prize of \$15,000 to a single work, as he firmly believed that there were two paintings of equal merit. Consequently, the prize was divided between Tom Carment for his painting *Ships at Sea*, and Adam Cullen for his painting *Surfer Joe was Light Horse*. Each artist received \$7,500. Adam Cullen and Tom Carment are artists with impressive credentials and formidable exhibition records. Adam Cullen won the Archibald Prize in 2003 and is represented in Art Gallery of NSW and National Gallery of Australia. Tom Carment is a regular finalist in the Archibald Prize and Wynne Prize exhibitions and is also represented in the Art Gallery of NSW, State Library and Artbank.

The 2005 Commendation Prize of \$1,000, sponsored by Artlink Art Supplies, was awarded to Claire Martin for her painting titled, *Frangipani*, which according to Mr Waterlow is “an eloquent, fluent and almost bifocal close up of the subject in light and shade”.

The 2005 Allan Gamble Memorial Art prize for a painting with a ‘Built Environment’ theme was awarded to Colin Pennock for his “strongly choreographed linear work, titled, *Warehouse*, that evocatively captures the interior structure of an industrial building”.

I am very pleased to announce that the Viewers’ Choice prize, sponsored by Mosman Toyota, was won by Guy Troughton for his highly realistic portrait of local resident, artist and Principal of the Julian Ashton Art School, Paul Delprat. Guy Troughton is a former resident of Mosman and now lives at Balgowlah.

Mosman Council is very grateful to the following sponsors who have helped to make the 2005 Mosman Art Prize another wonderful success: Mosman Toyota and Artlink Art Supplies. Mosman Council is also grateful for the expertise and time provided by the judge, Nick Waterlow OAM.

8. GENERAL MANAGER'S REPORT

GM/22 **Local Government Association - Options for one Association in New South Wales**

MOSPLAN REF: **01.01.04**

REPORT BY: **Director Community Development, Kay Clarke**

SUMMARY

Options Paper for One Local Government Association in NSW.

OFFICER'S RECOMMENDATION

The General Manager recommends:

That the President of the LGA be advised that:

- A. Mosman Council continues to support one Association with one lobby voice.
 - B. The combined Association should have equal city/country (metropolitan/non metropolitan) representations with five country zones only.
 - C. The State Executive should be limited to 15 including office bearers.
 - D. Proportional voting be supported.
-

REPORT

There has been much discussion over recent years about the benefits of the NSW Local Government Association (LGA) and the Shires Association (SA) of NSW merging. The two associations commissioned Peter Woods OAM and John Wearne AM to prepare an Options Paper for One Local Government Association in NSW which is attached to Business Papers.

The President of the LGA, Cr Genia McCaffrey requests that each Council consider the Options Paper and the issues raised and advise of their views by 15 August 2005.

The gist of the Options Paper follows:

- One combined Local Government Association in NSW comprising General Purpose Councils and being made up of two divisions. The Metropolitan Division to comprise the current LGA area which includes 38 Councils with a population of 3.75m and to have no zones. The Country Division to be made up of 114 shire and country councils with a population of almost 3m and there to be 10 country zones.
- Proportional voting be applied to all Councils. This applies to voting for Association office bearers, voting for the Metropolitan Division, voting for the Country Division and voting within Country Zones as well as voting at conferences.
- Office Bearers to comprise
 - Patrons – former LG and Shires Associations Presidents and patrons.
 - President – elected by all Councils for a 2 year term and rotating between Metropolitan and Country Divisions. Option of second 2 year term with the support of both Divisions.

- Metropolitan Vice President elected for 2 year term by all Councils with option of nominating for further term.
- Country Vice President elected for 2 year term by all Councils with option of nominating for further term.
- Treasurer elected by all Councils for 2 years - no limit to number of terms served.
- Executive – elected by all Councils, but with candidates coming from their respective zones.
- Composition of the Executive - Options
 - Option 1: Equal representation between Metropolitan – and Country Division – 10 executive members from each. If the 10/10 model adopted the size of the State Executive would be 25 including the 5 office bearers.
 - Option 2: 10 Country and 13 Metropolitan members. Under this model each executive member would represent the same number of voters throughout the State. The size of the Executive would be 28.
 - Option 3: 13 Country and 16 Metropolitan members giving the largest country zones more representatives. The Executive would total 34 under this option.
- The paper suggests that in relation to Committees, the current Standing Policy Committee be retained with equal numbers of members from Metropolitan and Country Divisions. The Industrial panel would need to be reviewed. The current Joint Committee could be replaced by the 5 office bearers with the current system of bringing recommendations to the whole State Executive normally prevailing.
- Other matters relate to representation on external bodies with the suggestion that current principles apply or that a portfolio system applies. The paper prefers the former as it is more inclusive and consultative.

The SA resolved at its annual conference held in June 2005 that a working party be established jointly with the LGA to explore the options proposed with a view to formulating an agreed proposal for the consideration of all Councils. Further that there be two essential components in the constitution of the One Local Government Association in NSW:

1. The continuance of a Divisional or Zone structure in non-metropolitan NSW to ensure effective rural and regional representation.
2. An equal split between Metropolitan and Non Metropolitan Executive members to ensure equal Executive representation for Metropolitan and non Metropolitan Councils.

The Associations are to be commended for working towards one lobby voice, however the committee executive options provide for too many members. To maintain rural and regional representation the 'Country Division' should be reduced to five zones, with a representative from each and five metropolitan representatives, thus ensuring equal representation. The total State Executive should be no more than 15 including five office bearers.

COUNCILLORS' ATTACHMENTS

Circulations

- Options Paper for One Local Government Association in NSW, together with correspondence from the President of the LGA inviting submissions

GM/23 **Councillor Numbers**

MOSPLAN REF: **01.01**

REPORT BY: **General Manager, Viv May**

SUMMARY

Advice from Department of Local Government of one-off opportunity for reduction in number of Councillors.

OFFICER'S RECOMMENDATION

The General Manager recommends:

That a submission be made to the Director General, Department of Local Government, seeking to remedy the inconsistency between the Local Government Act and the new amendment in relation to the reduction in the number of Councillors and the filling of casual vacancies.

REPORT

The Director General, Department of Local Government, has recently advised of amendments to the Local Government Act 1993 that will allow Councils a one-off opportunity to apply to the Minister for Local Government for approval to reduce the number of Councillors without the holding of a constitutional referendum.

There are a number of conditions in relation to the opportunity:

- The opportunity is only available for 12 months;
- No Council may have less than five Councillors;
- A Council divided into Wards may not have less than three Councillors per Ward

A Council must give not less than 21 days public notice of a proposal to apply to the Minister for approval to reduce its Councillor numbers and must consider any submissions and comment on same to the Minister.

In conjunction with the March 2004 elections a constitutional referendum was held at Mosman asking the question:

Do you favour the reduction in the number of Mosman Councillors from twelve (12) to nine (9) and four (4) Wards to three (3) Wards?

YES	7632	(55.3%)
NO	5199	(37.6%)
INFORMAL	979	(7.1%)

CARRIED

The decision made by electors at a constitutional referendum binds the Council until changed by a subsequent constitutional referendum: however, the recent amendment to the Act allows Council an opportunity to make a submission to the Minister, seeking approval to further reduce the number of Councillors.

The decision made by electors at the constitutional referendum does not apply to a by-election held after the constitutional referendum and before the next ordinary election which is to be held in September 2008. However, the recent amendments to the Act provide that where a Council has received approval to reduce the number of Councillors, and while reduction will not take place until the next ordinary election, casual vacancies that occur during that period will not be required to be filled unless the number of Councillors on the Council would become less than the reduced number approved by the Minister.

The inconsistency in the Act and the new amendment should be remedied and it is recommended that a submission be made to the Director General, Department of Local Government, in this regard as in the event of a casual vacancy it would save considerable cost in the conduct of an extraordinary election.

GM/24 **2005 Local Government Association Conference**

MOSPLAN REF: **01.01.04**

REPORT BY: **General Manager, Viv May**

SUMMARY

Conduct of the 2005 Annual Local Government Association Conference to be held in Mudgee from 22 - 26 October.

OFFICER'S RECOMMENDATION

The General Manager recommends that:

- A. The Mayor and General Manager be authorised to submit motions to the Conference.
 - B. Delegates/observers to attend the Conference be nominated by Council.
-

REPORT

The 2005 Conference of the Local Government Association of NSW will be held in Mudgee from 22 to 26 October.

Information has recently been received from the Association dealing with the submission of motions, delegates' entitlements and 2007 conference venue ballot and draft program, and is available from the General Manager.

Submission of Motions

Motions for the Conference must be received by the Association by 5.00pm on Friday 19 August.

Instructions from the Association indicate that where possible, motions should seek to amend existing or proposed policy statements – to alter the policy, to add new elements to the policy, or to delete elements of the policy. A copy of the Association's proposed statement document is available from the General Manager.

Motions seeking to amend, delete or add to policy, as listed in the draft Policy document, will be classified as Category 1. These will be treated as amendments to the policy statement and dealt with in that way. Motions in Category 1 will be included in the Conference business paper and will be debated at the Conference.

Motions reaffirming existing policy, or calling for actions to be taken within existing policy, will be classified as Category 2. Motions in Category 2 will be included in the Conference business paper and may be debated at the Conference if time permits, and with approval of the Chairman. Otherwise, they will be referred to standing committees of the Association for consideration.

Council has already resolved to submit a motion to Conference in relation to the public availability of Federal electoral rolls.

Councillors wishing to submit motions for Council's consideration should not hesitate to seek advice from Council officers in their preparation.

Delegate Entitlements

Mosman Council is entitled to three delegates to the Conference and accommodation arrangements have been made for three delegates, one observer (if nominated) and the General Manager (or a representative) to attend.

GM/25 **MOSPLAN Quarterly Review April-June 2005**

MOSPLAN REF: **01.02.03**

REPORT BY: **Executive Officer, Corporate and Human Development, Nicola Atmore**

SUMMARY

The Quarterly Review for the period April – June 2005 has been delayed.

OFFICER'S RECOMMENDATION

The Executive Officer, Corporate and Human Development recommends:

That the advices be received.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

The Quarterly Report for the period April to June 2005 has been delayed. No major exceptions have been advised by the Managers, but the usual report will appear in the September Business Paper.

Recommendation endorsed by Director, Corporate Services.

9. COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD/18 **Northern Sydney Central Coast Health: Consumer and Community Participation**

MOSPLAN REF: **08.01.14**

REPORT BY: **Community Development Manager, Nick de Brett**

SUMMARY

Report on the Consumer and Community Engagement Framework developed by Northern Sydney and Central Coast Health for consumer, carer, community and clinical participation in the provision of health services for the Northern Sydney and Central Coast Region.

OFFICER'S RECOMMENDATION

The Community Development Manager recommends:

That the advices be received and the nominations of Mr Ken Paul and Cr Simon Menzies be endorsed.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Northern Sydney and Central Coast Health (NSCCH) have developed a Consumer and Community Engagement Framework for consumer, carer, community and clinical participation in the provision of health services throughout their region. A chart showing the Framework model is attached.

Area Health Advisory Council

Comprises 8 members and receives advice from the Chief Executive and consumers and community through:

- Community Forums on Health
- Consumer & Community Participation Committees - Health Service based and including:
 - Lower North Shore
 - Mental Health

Chief Executive

Receives advice from technical groups including:

- Consumers involved in Clinical Network Committees/Reference Groups
- Consumers on high level NSCCH Committees & other NSCCH Committees as appropriate
- GP Collaboration Units
- Aboriginal Health Advisory Committee
- Medical Staff Councils
- Other Clinical Groups

Area Health Advisory Council

An Area Health Advisory Council has been established under the *Health Services Act 1997*. Members are appointed by the Minister for Health. Applications have closed and a list of potential candidates is currently being considered by the Minister. Meetings of the Advisory Council will be attended by the Area Chief Executive.

Generally, the role of the Councils will be to:

- Obtain the views of clinicians, patients and the community about the accessibility, quality and safety of the health services provided by the Area Health Service, ensuring that appropriate local consultation mechanisms are in place.
- Incorporate the views of clinicians, patients and the community in the planning, delivering, monitoring and evaluation of health services provided by the Area Health Service, including the Area Clinical Services Plan.
- Work with the Clinical Excellence Commission to promote the delivery of safe and quality clinical services based on best available evidence and the most clinically and financially effective models.
- Report to the community and clinicians about Council and Area Health Service activities to improve health service accessibility, quality and patient safety.
- Provide advice to the Health Care Advisory Council about Area Health Service activities that may have statewide implications for the delivery of accessible, quality and safe health care services.
- Monitor the Area Health Service's performance in promoting and establishing clinical networks.
- Monitor the Area Health Service's performance in relation to major health initiatives and annual clinical and consumer performance targets based on key performance indicators (the 'dashboard' indicators).
- Develop a two-year work plan for approval of the CEO.

Mr Ken Paul has nominated for this body and is eligible due to his technical expertise and his long standing contribution to the field through his professional career and his membership of various technical groups over the years. His roles as the Mosman community representative to the SHOROC Committee, membership of the Mental Health Community Action Group and of the Community Development Advisory Group would ensure that his involvement would result in effective feedback.

Consumer & Community Participation Committees (Health Service based)

One of these committees will be located in each of the subregions of Lower North Shore, Northern Beaches, Hornsby Ku-ring-gai and Central Coast. They will provide advice to the Local Health Services Manager on local health service needs, service planning and community consultation. In addition, it is envisaged that committee members would utilise their local knowledge and networks to foster two-way communication between the local Health Service and the community on these issues as well as population health issues, particularly focusing on wellness.

The Mental Health Community Consultative Committees (MHCCC) will have a primary role in providing advice to the Area Director Mental Health and Mental Health Service Directors on the service needs of local communities, advice on the development of local Health Service Strategic Plans and provide input on mental health service delivery. MHCCC subcommittees will also be established in each of the subregions.

Membership of Committees is being sought through an Expressions of Interest process. Interested consumers, carer and community representatives will be required to apply for positions on the Committees through a written process, answering essential and desirable criteria. Interviews of potential representatives will also be conducted. Membership shall comprise, inter alia, community representatives including from local government. Members are appointed as individuals and membership is for a period up to 2 years.

Given his expertise and experience, Cr Simon Menzies has nominated for the Lower North Shore, also expressing interest in the Mental Health committee. His professional experience and his roles as Chair of the Mental Health Community Action Group and Deputy Chair of Council's Community Development Advisory Group would ensure that his involvement would result in effective feedback.

Community Forums on Health

A Community Forum on Health will be held yearly in each of the subregions with a forum on mental health services that addresses the whole region also to be held yearly. The Community Forums will be an opportunity for the Senior Executive and Health Service Management to hear from their local communities. Underpinning the Forums are a focus on community identity and improved opportunities for two way communication of information between Northern Sydney Central Coast Health and the communities it serves. Initially, people will be invited to participate in the Forums through local advertisements taking into consideration demonstrated community knowledge and networks. Participants will be sought from a range of groups and areas including local government. Members of Consumer and Community Participation Committees will also be encouraged to attend. However, the Forums will operate independently from those Committees and report to the Northern Sydney Central Coast Health Senior Executive.

All Councillors and community members will have an opportunity to register interest.

Consumers involved in Clinical Network Committees/Reference Groups

There are several of these technical groups. They are expected to be multi-disciplinary and include representation from each health service, from a range of acute and community care settings, consumers, community members and GPs. Membership of Committees is sought through an Expressions of Interest process to assist in the selection of consumer, carer and community representatives who possess the appropriate skills and ability to provide constructive input into the clinical network committees.

These groups include the Area Planning Technical Reference Group which deals with population health planning and performance. Mr Paul is already a member of this group.

Consumers on high level NSCCH Committees & other NSCCH Committees as appropriate

It is envisaged that consumer, carer and community representation will contribute to broader participation across the area health service. Details of the membership process are to be advised. Frequency of meetings will be determined by the individual committees.

Conclusion

Mr Ken Paul and Councillor Simon Menzies have discussed this matter in detail with each other and met with the Mayor, General Manager and relevant staff. They have nominated for different groups and committees as detailed above. It would be appropriate for Council to formally endorse both of them given their extensive experience in fields related to the areas to be covered by these groups and committees and their opportunity to feedback to the community through Council or SHOROC and through Council's Community Development Advisory Group and the Community Mental Health Action Group.

Recommendation endorsed by Director Community Development.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Northern Sydney Central Coast Health – Consumer & community Engagement Framework

CD/19 **Mosman/North Sydney Awards of Distinction**

MOSPLAN REF: **12.02.07**

REPORT BY: **Community Relations Coordinator, Vicki Jackson**

SUMMARY

Details of the recent Mosman/North Sydney Awards of Distinction.

OFFICER'S RECOMMENDATION

The Community Relations Coordinator recommends:

That the report be noted and the winners be congratulated.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Mosman Council was a major sponsor of the Mosman Daily's 2005 Mosman/North Sydney Awards of Distinction program. The program aims to recognise excellence both in local business and community groups.

The awards evening was held at the ANZAC memorial Club in Cammeray and was attended by the Mayor and Cr Skipper together with the Director Community Development and the Community Relations Coordinator. Also present at the Mayor's table were Jean Tyacke from Mosman SES and Kate Day from Mosman Swim Centre.

Mosman won 12 of the possible 22 awards including the following major awards: Best Community Organisation (Mosman State Emergency Services); Business Person of the Year and Best Café (Don Adan from Don Adan Coffee House); Employer of the Year and the Arts & Cultural Award (Amanda Phillips from House of Phillips Fine Art).

Other notable Mosman winners were: contribution to local community (Mosman Returned Servicemen's Club); home-based business (Mosman Chiropractic Centre); specialised business (Brassman Mosman); franchise (Sussan Mosman); fashion store (La Nush Clothing Crib); best informal dining (Buena Vista Hotel); delicatessen/gourmet food (The Cheese Shop) and fast food/takeaway (Balmoral Sand Bar).

Recommendation endorsed by Director Community Development.

CD/20 **The Cancer Council New South Wales: Community Partnership Proposal**

MOSPLAN REF: **08.01.14**

REPORT BY: **Community Development Manager, Nick de Brett**

SUMMARY

Report on the proposal for a Partnership Program with The Cancer Council New South Wales.

OFFICER'S RECOMMENDATION

The Community Development Manager and Library Resources Manager recommend that:

- A Current valuable relationships and collaboration with The Cancer Council New South Wales and other health-related organisations be maintained
- B Council not enter into a formalised partnership with the Cancer Council New South Wales or any other comparable organisations as Council already has highly supportive policies and practices in place and the Cancer Council be encouraged to work closely with Mosman Council into the future.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

At its meeting of 4 July 2005, Council considered a Notice of Motion from Councillor Andrew Brown that Mosman Council become a community partner with The Cancer Council NSW. Council resolved

“That the matter be referred to the Director Community Development to meet with the Cancer Council and submit a report on the matter and the possible need for a policy for such approaches.”

Council’s Community Development Manager and Manager Library Resources subsequently met with the Cancer Council’s Regional Programs Coordinator, Ms Jenny Horton, and Parliamentary Liaison Officer, Ms Meagan Lawson. The Cancer Council Community Partner Program has several components. These are listed below with details of activities Council provides which are compatible with the Program.

“Understanding Cancer” in Public Libraries

This includes a range of brochures and booklets, display units, recommended reading lists for use when buying new books about cancer and information sessions for library staff on setting up and running this service and guidance on where to refer people who have questions about cancer.

Cancer Council information such as brochures can be displayed in the community information area in the Library and at the Senior’s Centre. The Cancer Council is listed on the Lincs Community Information database (accessed from Council’s website) with a link to their website for further information. The Library already selects material from the Cancer Council’s recommended reading list. Library staff and Community Services staff are

experienced in referring community information enquiries on to the appropriate organisation, however it is not their role to provide in-depth referrals and guidance in response to health/medical enquiries.

Community Speakers Program

Volunteers are specially recruited and trained to give presentations on a requested topic. The range of topics include skin cancer, bowel, prostate, breast and cervical cancer, diet and cancer prevention, fundraising and events. Speakers also provide information resources for participants.

Speakers are engaged from time to time for Council programs that address health issues such as those at the Seniors Centre. This Cancer Council program would be an additional and welcome resource in this regard.

Sun Protection Resources

The Cancer Council offers a range of sun protective merchandise and resources for the community, parents and childcare services. The Cancer Council has developed a number of resources for the workplace that help employees reduce the risk of skin cancer. These resources are available in one handy pack for council employees who work outdoors as well as being available for distribution to other appropriate workplaces. Wholesale prices are available to Councils.

Sun protection practices and resources are part of Council's OH&S provisions and protective material such as sunscreen is purchased for the workplace and for Council vehicles. Council's childcare facilities have sun protection policies and resources including sun screen, shade protection, compulsory hats for outdoor play and the like..

Support for Creating a Healthy Workplace

The Cancer Council has specific healthy workplace policies that can be adapted and implemented by local councils for use within their own workplace. These cover issues such as wellness and productivity and enhanced concentration.

Council has healthy workplace policies in place to which staff are introduced at orientation and throughout the year and which are being constantly updated.

Other Healthy Workplace Policies

These policies cover smoke free workplaces, catering guidelines for events and functions and the responsible service of alcohol.

Council currently has policies and practices in place on these matters. For example Council is a smoke free workplace. There is a food technology professional on staff who provides catering guidelines including consideration of Cancer Council guidelines. Relevant staff have undergone Responsible Service of Alcohol Training.

Local Support for People with Cancer

The Cancer Council runs a Cancer Support Group Network to help support groups throughout NSW. It envisages Councils helping residents with cancer through promoting the services and providing a venue for Support Group and Living with Cancer Education Program workshops.

There are currently a number of cancer support groups on the lower north shore including those at Royal North Shore Hospital. Council also runs a carer's support group which provides valuable support and information to carers including those caring for people with serious illness and staff liaise with Cancer support professionals in this regard.

Smoke-free Playgrounds

Council has a policy in place that provides for playgrounds and sporting fields to be smoke free.

Relay for Life

Relay for Life events involve teams walking in relays around a local oval to raise money for the Cancer Council. The events also include local entertainment, food and activities.

A relay for Life event was approved for Mosman last year but was subsequently cancelled by the organisers.

Workplace Giving Program

This program involves staff electing to make a regular donation from their pre-tax salary which is deducted each pay period.

Council currently holds “mufti days” as an opportunity for staff to raise money for charities and causes such as the Mudanjiang Girl Child Project, Tsunami Relief, Red Nose Day for SIDS, Jeans for Genes Day. Council also supports several fund raising activities specifically targeted to Cancer including Daffodil Day, Breast Cancer Pink Ribbon Day, head-shaving for Canteen, and Australia’s Biggest Morning Tea.

It is not considered appropriate to encourage staff to participate in a workplace giving program which benefits a particular organisation. This should be an individual and personal choice.

Conclusion

Council has established valuable relationships with a variety of health-related organisations and supports these organisations in a range of ways including advocacy, provision of information on their services and fundraising. As well as the Cancer Council, such organisations include the Alzheimers Association, the Heart Foundation, Glaucoma Australia, the NSW/ACT Guide Dogs Association, the Northcott Society, and the Mosman Mental Illness Awareness Group.

In addition it is noted that the staff resources required to service a formal agreement with the Cancer Council would impact on our ability to equitably meet the needs of a broad range of health related and other organisations.

Council can and should continue to work closely with these and other organisations without the necessity of entering into formal agreements noting that a formal agreement with one organisation could send an unfortunate message that Council wishes to place particular emphasis on that body at the expense of others.

Recommendation endorsed by Director Community Development.

CD/22 **Mosman Art Prize Review**

MOSPLAN REF: **10.06.01**

REPORT BY: **Manager Cultural Services, Tony Geddes**

SUMMARY

Response to Question Without Notice regarding the value of the prize.

OFFICER'S RECOMMENDATION

The Manager Cultural Services recommends:

That:

- A. in conjunction with the 2006/2007 Budget Estimates, consideration be given to raising the value of the Mosman Art Prize to \$20,000 in 2006 and
- B. a further review be conducted later in 2006 in relation to the value of the Mosman Art Prize in 2007, which will be its 60th year.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

On 14 June 2005 Councillor Skipper asked the following Question Without Notice:

The Mosman Art Prize is considered one of the most desirable regional art prizes in Australia. It is also an acquisitive art prize. The value of this art prize has not changed for many years and is currently \$15,000. The prize will be in its 60th year in 2007 and within this timeframe can Council budget for a \$25,000 prize: The acquired art since 1947 is a marvellous collection and its very high standard must be maintained.

The Mosman Art Prize was established in 1947 and has become one of the most prestigious local government art awards in Australia. It is also the oldest local government art award still operating. The Mosman Art Prize was initiated by local resident, architect and Alderman of the day, the late Allan Gamble.

As an acquisitive prize, Mosman Council has reaped the benefit of a significant and growing collection of paintings and works on paper that reflect the diversity and richness of art practice during the last 60 years in Australia.

The first Mosman Art Prize was awarded to Margaret Olley for her landscape painting titled, *New England Landscape*. Margaret Olley, relatively unknown at the time, has since become one of the most distinguished and celebrated artists in Australia. The judge at the time was non other than Lloyd Rees, and the prize was *50 guineas*. With artists of this caliber participating in 1947, the Mosman Art Prize was off to a very promising start, and the promise has been fulfilled many times over since then.

Courtesy of the Mosman Art Prize, the Mosman Art Collection represents many of Australia's most distinguished and accomplished artists; e.g. Francis Lyburner, Grace Cossington

Smith, Frank Hinder, Guy Warren, Llyod Rees, Elwyn Lyn, Peter Laverty, Margot Lewers, Nancy Borlase, Tim Johnson and Guan Wei.

The Mosman Art Prize Collection is now a significant art historical and educational resource, as well as a vital enhancement to the ambience and amenity of the Council Chambers, Civic Centre, Seniors' Centre, Mosman Library and Mosman Art Gallery. The Mosman Art Prize and Collection have also become a source of community pride. It is also an integral part of Mosman's artistic heritage, which began with the Artists' Camps at Balmoral and Sirius Cove in the 1890s. The Prize and Collection keeps this heritage alive and demonstrates Mosman Council's commitment to the visual arts and the cultural enrichment of the local community.

As stated above, the first Mosman Art Prize in 1947 was 50 guineas. During the following 43 years the value of the Prize gradually increased to \$10,000 in 1991. This sum was increased to \$15,000 in 1999 primarily to attract a greater number of established and prominent artists and therefore, more outstanding paintings. The increase was also a device to acknowledge and draw attention to the new Mosman Art Gallery & Cultural Centre, which opened a few months earlier.

Now, almost eight years on, it is time to consider raising the Mosman Art Prize to \$20,000. The primary reasons are as follows:

- to retain the reputation of the Prize as a 'major' or 'elite' national award,
- to attract a greater number of prominent and distinguished artists and consequently, the highest possible standard of paintings, and
- to maintain the relative financial value of the prize for some years to come.

According to records compiled by the National Association for the Visual Arts (2004), there are 134 art prizes in Australia, which award prizes for painting. 53% of these prizes are acquisitive, including the Mosman Art Prize. 43% of the prizes have total values in excess of \$15,000, with 13% awarding prizes which are equal to or exceed \$20,000. 10% have prize money equal to or greater than \$25,000. The Mosman Art Prize is \$15,000. With regard to entry fees, 16% of prizes charge \$25 or more. 9% charge \$30 or more, including the Mosman Art Prize at \$33 (incl GST). Entry fees are the primary source of the prize money.

On the basis of these statistics the Mosman Art Prize is no longer a 'major' or 'elite' prize in terms of award value. Consequently, the prize is not necessarily an attractive proposition to many prominent and distinguished artists, who command relatively higher prices for their paintings.

It would be a worthwhile step to raise the Mosman Art Prize to \$20,000 in 2006 and this should be considered further in conjunction with the 2006/2007 Budget Estimates. Consideration of the value of the prize in its 60th year should be addressed late in 2006.

Recommendation endorsed by Director Community Development.

CD/23 **Local Ethnic Affairs Priority Statement 2005-2009**

MOSPLAN REF: **08.10.01**

REPORT BY: **Community Development Manager, Nick de Brett**

SUMMARY

A report on the proposed Local Ethnic Affairs Priorities Statement 2005-2009

OFFICER'S RECOMMENDATION

The Community Development Manager recommends:

That the Local Ethnic Affairs Priorities Statement 2005-2009 be adopted.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Whilst not a legislative requirement at this stage, the State Government prefers Councils to have a Local Ethnic Affairs Priority Statement (LEAPS). During the recent Department of Local Government Review of Mosman Council we advised that such a statement was under preparation.

The aims of the Local Ethnic Affairs Priorities Statement (LEAPS) are to ensure that people from diverse cultural backgrounds are able to have equitable access to participation in community life and contribute to Council's planning processes, have equitable access to Council's facilities and services and that social justice is paramount in all activities of Council. The LEAPS for Mosman also acknowledges the culturally and linguistically diverse communities in Mosman and their valuable contribution to the life of the Mosman community. A copy is attached.

The Statement includes its legislative context which also covers the legislative requirements governing the preparation of a LEAPS by local government. The Statement includes the Local Government Association 2004 Policy Statement as a further context. It states that local government aims to assist residents from culturally and linguistically diverse backgrounds to gain access to services, to be consulted and to fully participate in civic life.

Mosman Council's role is reflected in the 2005-2009 Social/Community Plan strategies which respond to the needs of Mosman's culturally and linguistically diverse communities. These strategies constitute the action plan for the LEAPS and were developed through a consultative process. This included community conversations with residents, consultations with service providers and agency representatives, with interested Councillors and Council's professional staff.

The strategies will be progressively implemented and regularly reviewed over the life of the Social/Community Plan. Their implementation will, in large part, involve collaborative partnerships with other government and non-government agencies and service providers. Progress on the achievement of these strategies will be reported on to the State Government through Council's Statutory Annual Report process.

Recommendation endorsed by Director Community Development.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Local Ethnic Affairs Priorities Statement 2005-2009

CD/24 **Smoke Alarm Project**

MOSPLAN REF: **07.08.04**

REPORT BY: **Community Development Manager, Nick de Brett**

SUMMARY

Report on a project of The NSW Fire Brigade in partnership with the Rotary Club of Mosman, Mosman Community Services Cooperative Society Ltd and Mosman Council to make available smoke alarms for seniors over the age of 65 years and younger people with a disability who are residents of Mosman and who are disadvantaged.

OFFICER'S RECOMMENDATION

The Community Development Manager recommends:

That the advices be received.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

The NSW Fire Brigade in partnership with the Rotary Club of Mosman, Mosman Community Services Cooperative Society Ltd and Mosman Council are to make available smoke alarms for seniors over the age of 65 years and younger people with a disability who are residents of Mosman and who are disadvantaged. The smoke alarms are those recommended by the NSW Fire Brigade and comply with the Australian Standards.

The cost of the smoke alarms will be covered by the NSW Fire Brigade, the Rotary Club of Mosman and Mosman Community Services Cooperative Society Ltd. The Fire Brigade will arrange installation into those homes where there is no family member to help.

Council, through the Community Development Department are arranging the production of flyers and their distribution and posters and will circulate the information to older people and younger people with disabilities in the community who are within the target group identified. The smoke alarm program will also be advertised in the Over 55s Newsletter. This is an important safety project that will assist those older people and younger people with disabilities who would not otherwise be in a position to arrange their own smoke alarm procurement and installation.

Recommendation endorsed by Director Community Development.

10. CORPORATE SERVICES DEPARTMENT REPORTS

CS/71

Investments

MOSPLAN REF:

02.02.01

REPORT BY:

Manager Finance, Mark McDonald

SUMMARY

Investments Schedule for the month of July 2005.

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That the schedule of investments be adopted.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

A schedule of all monies invested under Section 625 of the Local Government Act for the month of July 2005 will be circulated prior to the meeting.

Council's Manager Finance certifies that the investments have been made in accordance with Section 625 of the Local Government Act, 1993, Local Government (Financial Management) Regulation 1999 – Section 16 & Council's Investment Policy.

Recommendation endorsed by Director Corporate Services.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Investment Schedule for the month of July 2005.

CS/72 Non Rateable Revenue Workshops

MOSPLAN REF: 02.02.01

REPORT BY: Manager Finance, Mark McDonald

SUMMARY

Summary of information from Non Rateable Revenue Workshops.

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That:

- A. The advices be received and the responses of Council officers as detailed be further considered.
- B. Attendees be thanked and advised of Council's action plan.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Council resolved at its meeting of 6 June 2005 in relation to Item CS/47, 2005/2006 Program Budget, Pricing Policy and Rating Structure that a Councillor Workshop/Community Consultation agenda be convened to explore avenues of increasing non rateable revenue.

Two workshops were held in the Council Chambers on 19 July 2005. The first from 1 - 3pm and the second from 6 – 8pm.

Fourteen residents and nine Councillors attended the sessions with a list of attendees attached to Councillors' Business Papers.

Comments and suggestions from the floor related to both revenue and expenditure items with suggestions on expenditure linked closely to service levels and the need to review annual allocations with a particular emphasis on employee costs.

The following table provides a summary of points raised:

	REVENUE SUGGESTIONS	RESPONSE
1	Introduce an organic market on the Village Green and Mosman Square.	Refer to Manager Cultural Services for advice.
2	Convene a public meeting with the view to introduce paid parking in appropriate locations throughout Mosman.	Determined by Council in conjunction with 05/06 Budget - No Further Action.
3	No introduction of parking meters in commercial areas. (petition received)	Has not been suggested by Council - No Further Action.
4	Re-development of existing commercial car parks including Raglan Street west and make them user pay car parks.	Will be considered in conjunction with the review of the Mosman LEP.
5	Introduce a charge for the use of the skate	Not Feasible - No Further Action.

	park & BMX Track.	
6	Contract out Art Gallery.	Previously rejected by Council - No Further Action.
7	Identify an additional 20 locations for bus shelters.	Council's current policy is that advertising is only to be erected on bus shelters erected on recognised transport routes.
8	Introduce scrolling advertising on existing bus shelters in order to increase revenue.	Trial currently underway with bus shelter in Military Road. Report to Council by Director Corporate Services following completion of trial period.
9	Erect an advertising structure on the Bridgepoint bridge.	RTA have previously indicated that it would not approve advertising on the bridge for road safety reasons due to its proximity to the major intersection with Spit Road and the associated pedestrian crossing.
10	Make necessary alterations to existing banner poles at Mosman Junction and seek commercial sponsorship with acknowledgement on the banner of the sponsor to pay for the required works.	Report by Manager Property & Assets to August 2005 Council meeting.
11	Construct a foot bridge across Spit Road near Medusa St and permit commercial advertising on it (additional \$100K pa advertising).	This matter has been previously reported to Council on two occasions where Council resolved that this structure was not warranted due to limited number of pedestrians crossing at this location.
12	Lease / rent out Council's art collection.	Refer to Manager Cultural Services for advice.
13	Re-construct the tram track in cutting in Lawry Plunkett Reserve and put in a tram as a Tourist attraction with a user charge for rides.	Not feasible - No Further Action.
14	Review of real estate holdings/investment properties i.e. Library Walk shops & flats and Civic Centre.	Is subject to ongoing report, General Manager is preparing a detailed report.
15	Section 94 Plans - review to increase its contribution rates.	Report by Director Environment & Planning to August 2005 Council meeting.
16	Property leases -is Council receiving a fair market rent?	All leases of commercial properties are subject to market reviews in accordance with existing lease agreements. The 5 year licences of unformed roadway are reviewed to market each 5 years prior to renewal with annual CPI increases.
17	Change the "Free Household Rubbish Removal" to a user pay system.	Not supported as would not add value to general fund revenue.

	GENERAL COMMENTS	
1	Original surplus budget of \$60K - is it enough?	In isolation such a surplus would be appropriate, however given Council's existing Working Capital deficit, a more significant surplus would be preferable.
2	Are there any innovative Councils who are	Council's administration always seeks

	doing well that we could get some ideas from?	avenues (and ideas) from other Councils & vice versa.
3	How much additional revenue do we need to raise?	Matter for Council's determination but presently there are little discretionary funds to address unfunded projects.

	EXPENDITURE SUGGESTIONS	ACTION PLAN
1	Reduce the frequency of beach cleansing.	Matter subject to contract.
2	Time the street cleaning operations so they follow the weekly domestic waste collection.	Refer to Director Corporate Services for investigation and advice.
3	Should Council be building new playgrounds such as at Reid Park?	Council has adopted a Capital Improvement Program for its playgrounds in order to meet two main criteria being the Current Australian Standards and the removal of all CCA treated timber
4	Council should also look at conducting workshops to look at the expenditure side of the ledger.	Councillors spent many hours workshopping the 05/06 budget with Council officers - as is their charter. A line by line assessment by Councillors of revenue & expenditure was undertaken with relevant line managers and the Manager Finance.
5	Council should not replace the shark net outside the Bathers Pavilion - number of users vs dollars.	This matter has been considered by Council on a number of occasions and has consistently resolved to maintain the net.
6	Mosman Bowling Club - it is costing too much for Council to maintain. Is there a benefit to community? Council should look at selling it.	Council has a purchase contract with the Mosman Bowling Club & the land is classified as community.
7	Legal costs - L & E Court. Council should look more closely at the cases which it takes to Court.	Council resolves on each matter.
8	Council should have a public committee to review Budget.	It is the role of a Councillor under the Local Government Act to determine such matters. The Program Budget forms part of the Management Plan and in accordance with the Local Government Act is placed on public exhibition seeking comment.
9	Council should review its level of service to see if cuts can be made.	This occurred over many hours in conjunction with the draft Program Budget review.
10	Require a 5% reduction in expenditure across the board.	Council contracts a significant portion of its annual budget out to the market place. Contracts are generally increased in line with the annual movement in the Sydney All Groups Consumer Price Index. There are very limited discretionary funds available. In addition, all cost centre managers are required to assess service levels on a continual basis.

The decision of Council to conduct this consultation has resulted in a further examination of revenue sources and is seen as a constructive attempt to maximise opportunities in this regard. It was apparent however that the complexity of preparing annual budgets for the Council's consideration and the detailed attention to matters by Councillors and staff may not have been understood by some of the attendees.

While community input is always beneficial, Section 232 of the Local Government Act outlines the role of a Councillor as a member of the governing body in relation to the performance of the Council and its delivery of services and the management plans and revenue policies of the Council.

In addition there is a statutory charter under which Council operates which is detailed in Section 8 of the Local Government Act.

Recommendation endorsed by Director Corporate Services.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Work Shop Power Point Presentation
- Email from Mr Brian Wilder
- Proposal to develop car parks from Mr Rob Ferguson
- Petition signed by proprietors of businesses in Mosman Junction
- Attendees

CS/73 **Mayoral Discretionary Fund**

MOSPLAN REF: **01.01.03**

REPORT BY: **Manager Finance, Mark McDonald**

SUMMARY

Provision of a Mayoral Discretionary Fund to assist in the payment of non personal matters associated with the office of the Mayor

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That:

- A. In accordance with Clause 253(1) of the Local Government Act, 1993, Council advertise its intention to amend its existing Policy relating to the payment of expenses and provision of facilities to the Mayor and Councillors to include an annual allocation of \$5,000 for the facilitation of a Mayoral Discretionary fund for the payment of non personal matters associated with the office of the Mayor

- B. The Manager Finance report on the funding of the Mayoral Discretionary Fund for 2005/2006 in the 2005 September Quarterly Financial Review

REPORT

Council's existing policy in relation to Payment of Expenses and Provision of Facilities to the Mayor and Councillors includes information pertaining to facilities for the use of the Mayor and Councillors, transport allowances, conferences and seminar expenses, insurance cover and legal assistance.

The existing policy is silent on non personal expenditure items associated with the office of the Mayor. These items could include miscellaneous small donations to local groups, civic appreciation gifts, wreaths, get well messages, attendance by Councillors at functions when representing the Mayor, expenses associated with friendship agreements (but not including overseas travel without a specific authorisation or resolution of Council), overseas visitors, luncheons relating to Council business and civic ceremony expenses, much of which is currently allocated from a mixture of the Mayoral Allowance and Councillors sustenance.

A number of Council's are currently in the process of reviewing their policies to include such an allowance.

In order to provide clear and transparent guidelines in relation to non personal expenditure items associated with the office of the Mayor as detailed above and to assist the Mayor of the day in the payment of these costs, it is recommended that:

- 1. Council advertise in the Mosman Daily and on Council's website, its intention to amend its existing Policy in relation to payment of expenses and provision of facilities to the Mayor and Councillors to include an annual allocation for the facilitation of a Mayor's

Discretionary Fund for the payment of non personal expenditure associated with the office of the Mayor.

2. An annual amount of \$5,000 be provided with the 2005/2006 allocation being funded within the September 2005 Quarterly Financial Review.
3. An appropriate record of payments be created whereby the Mayor shall authorise expenditure in accordance with the policy and the General Manager or Director Corporate Services shall certify that the expenditure is in accordance with the policy.

Expenditure from the Mayoral Discretionary Fund will be included in Council's Annual Report.

Recommendation endorsed by Director Corporate Services

CS/74 **Unfunded Projects Listing**

MOSPLAN REF: **02.02.01**

REPORT BY: **Manager Finance, Mark McDonald**

SUMMARY

Response to a Question Without Notice from Councillor Connon.

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That the advices be received.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Councillor Connon has asked the following Question Without Notice:

“Re the Unfunded List, could we have a list of the most urgent items, plus suggestions as to how they might be funded?”

Relevant Managers have reviewed the Unfunded Projects listing and have prioritised the works with a numerical classification from 1-5, with 1 being top priority. It should be noted that this is a sensitive assessment and one which is highly subjective. For instance placing more importance on drainage works compared to traffic safety or street lighting improvements is a difficult assessment.

The list emphasises the significant number of projects which compete on a recurrent basis and highlights the importance on the annual allocation of funds on a priority basis.

It is important to note that the Unfunded List is in many ways a “wish list” and that any top priority works are generally programmed into Work Programs and funded through the Program Budget.

The Unfunded Projects listing has been sorted by relevant officer and by priority and is attached to Councillors Business Papers.

The matter of funding all \$4.279M in works given that a significant amount have been assessed as having a low priority is not financially achievable nor would it appear prudent.

It is recommended that the list of works continue to be reviewed by officers and that the current policy of feeding higher priority works into works programs and the Program Budget continues.

Recommendation endorsed by Director Corporate Services

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Unfunded Projects Listing

CS/75 **Legal Services Panel - Michell Sillar merger**

MOSPLAN REF: **02.01.05**

REPORT BY: **Manager Governance, Anthony Fitzpatrick**

SUMMARY

Advices from Council's Legal Services Panel member, Michell Sillar Attorneys that as from 4 July 2005 they have merged with the firm Home Wilkinson Lowry Lawyers.

OFFICER'S RECOMMENDATION

The Manager Governance recommends:

That the advices be received.

REPORT

Council has entered into agreement with Michell Sillar Attorneys and Pike Pike and Fenwick Solicitors regarding the firms' appointment to Council's Legal Services Panel for four years commencing 1 July 2005. Council retains the right of review at any time should there be an alteration to the Partners servicing the Council and/or any significant alteration to the structure of the firm.

Michell Sillar have advised that as from 4 July 2005 they have merged with the firm Home Wilkinson Lowry Lawyers ("HWL"). During the legal services tender process, Michell Sillar disclosed to the Working Party assessing the tenders, that the merger was being proposed and that the merger would have no effect on the tender proposal submitted to Council. The core team servicing Council's requirements would remain the same as that at Michell Sillar with Partners and staff moving over to HWL. Fees would remain as proposed in the tender. The Working Party raised no objection to the proposed merger.

Following the merger HWL nationally consists of 36 partners, 75 professional staff and 79 support staff with offices in Sydney, Brisbane and Melbourne. Michell Sillar consisted of 10 partners, 28 professional staff and 29 support staff in two Sydney offices.

HWL are confident the merger will result in Council being given access to a greater depth of resources including Corporate and Commercial work, Building and Construction Law, Administrative Law and Intellectual Property, together with enhanced value added services including seminars, training and publications.

No objection is raised to the merger of Michell Sillar with HWL and the matter will rest on correspondence.

Recommendation endorsed by Director Corporate Services.

CS/76 **Mosman Swim Centre**

MOSPLAN REF: **10.03.09**

REPORT BY: **Manager Governance, Anthony Fitzpatrick**

SUMMARY

Petition received in relation to the shortening of Sunday operating hours for the Mosman Swim Centre.

OFFICER'S RECOMMENDATION

The Manager Governance recommends:

That the advices be received.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Council at its meeting on 2 May 2005 agreed to the reduction in operating hours at the Mosman Swim Centre effective 1 July 2005.

Weekday operating hours were shortened from 5.00am to 9.30pm to 5.00am to 8.00pm and Sunday operating hours were shortened from 7.00am to 7.00pm to 8.00am to 6.00pm. Council retains the right to require ALM to reinstate the reduced hours should a future review indicate a sustainable demand for these hours.

A petition containing 18 signatories (15 of which have a 2088 postcode) has been submitted requesting Council to reconsider its decision to reduce operating hours at the Swim Centre on Sunday mornings and maintain the existing opening time of 7.00am instead of 8.00am. The petition and accompanying letter is attached to the business papers. In addition, Council received complaints from 3 of the signatories to the petition in relation to the reduction in Sunday hours. A further complaint was received from a resident objecting to the reduction in weekday hours. All complaints have been responded to addressing the issues raised.

The recommendation for reduction in both weekday and Sunday operating hours arose from the audit and performance review of Mosman Swim Centre and the submission of the draft Annual Management Plan for 2005/2006 from Aquatic Leisure Management (ALM) and the desire to ensure a well utilised, quality community facility will support a sustainable and growing business.

The hours were reduced as the attendance data for these shoulder hours did not support the facility being open in these hours, as identified by the consultant as a factor contributing to the financial stress in operating the facility. The consultant recommended that the opening hours of weekends and weekdays be reduced in line with industry practices, being that facilities should not be open at times when there is unsustainable demand. In short, the users of the pool in these shoulder hours were being subsidised.

Attendance data from the 79 week period of operation from the Centre's opening to 30 June 2005 for the hour 7.00am to 8.00am on Sundays indicates an average attendance of 10.9 patrons. The average attendance for all hours for this period has been 22 patrons. Only on

three occasions has attendance at the Centre in this hour exceeded the Centre average of 22 patrons. Attendance figures have been erratic and do not give management the confidence that this hour of operation is sustainable.

The operating hours of Mosman Swim Centre compare with neighbouring facilities as follows:

	Mon – Fri	Sat - Sun
Willoughby Leisure Centre	5.00am to 10.00pm	7.00am to 7.00pm
Manly Andrew “Boy” Charlton Swim Centre	5.30am to 7.00pm 5.30am to 8.00pm (DLSH)	6.00am to 7.00pm
North Sydney Olympic Pool	5.30am to 9.00pm	7.00am to 7.00pm
Lane Cove Aquatic Leisure Centre	6.00am to 9.00pm	6.00am to 8.00pm
<i>Mosman Swim Centre</i>	<i>5.00am to 8.00pm</i>	<i>7.00am to 7.00pm (Sat)</i> <i>8.00am to 6.00pm (Sun)</i>

Comparison of the above hours indicates that the Mosman Swim Centre does open later than neighbouring facilities on Sundays. Yet it is open either earlier or at the same time during the week. These hours have been tailored to meet the demand of the Mosman community and are not arbitrary. Further these neighbouring facilities are in general multi-function centres providing multi-pools, gymnasiums, courts and other facilities. These target a different market to the Mosman Swim Centre which is a single function facility and it is not appropriate to compare operating hours.

The alterations to the operating hours are integral to the business plan addressing the financial viability of the Swim Centre and any extension of present hours would impact the temporary financial arrangements agreed to by Council until 30 June 2006. Further alteration to the operating hours is not recommended at this point as it is not supported by the data.

Nonetheless, ALM will be monitoring demand for Swim Centre opening hours and discussions have been held in this regard. Should evidence exist that there is sufficient sustainable demand to warrant extension of opening hours, Council will consult with ALM to achieve this. This may involve further amendment to the temporary financial arrangements negotiated with ALM, at a cost to Council.

Whilst it is desirable that the Centre be open and available for all the hours demanded by residents and it is understood that use of the pool during the quieter hours is a preference for some people, the economic reality is that there has to be a sustainable demand to warrant the facility being open for those hours to make such hours viable. A minimum number of staff is required to be on duty when the Centre is open regardless of how many patrons are using the pool. Unless evidence to the contrary can be demonstrated it is not recommended that the users of these shoulder hours be in effect subsidised.

Recommendation endorsed by Director Corporate Services

COUNCILLORS' ATTACHMENTS

Circulations

- Letter dated 6 July 2005 from Rosemary Russell enclosing petition in relation to Sunday operating hours

CS/77 **1st Balmoral Sea Scout Hall, Balmoral Park and other Scout halls in Mosman**

MOSPLAN REF: **02.02.08**

REPORT BY: **Manager Governance, Anthony Fitzpatrick**

SUMMARY

Further report on Scouts accommodation in Mosman and the lease of the 1st Balmoral Sea Scout Hall at Balmoral Park.

OFFICER'S RECOMMENDATION

The Director Community Development and Manager Governance recommends:

That:

- A. The advices be received.
- B. Council as Manager of the Balmoral Park (R64664, D500226 & P500500) Reserve Trust consent to the granting of a ten (10) year Lease commencing 1 January 2005 to the Scouts Association of Australia, New South Wales for the 1st Balmoral Sea Scout Hall.
- C. The General Manager be delegated authority to finalise terms of the renewal Lease consented to in B above and in terms of this report and seek the approval of the Minister.
- D. The Scouts Association of Australia, New South Wales be requested to remove the Scout's building and other improvements presently located in Parriwi Park from the site and make good the land. Further, the site be referred to the Manager Assets and Services to investigate bush regeneration activities on the land and surrounds.
- E. The General Manager be delegated authority to negotiate and finalise terms with the Scouts on the alternative community use, outside of Scout's needs, of the 3rd Mosman Bay Sea Scout Hall located at Harnett Park.
- F. The Common Seal of Council be affixed to any necessary documentation.

Can this item be resolved by the Committee of the Whole: No

REPORT

Council at its meeting on 29 November 2004 gave consideration to the lease of the 1st Balmoral Sea Scouts Hall at Balmoral Park. Council resolved that:

- A. Council as Manager of the Balmoral Park (R64664, D500226 & P500500) Reserve Trust consent to the granting of a twelve month temporary licence to the Scout Association of Australia, New South Wales of the 1st Balmoral Sea Scout Hall commencing 1 January 2005.

- B. The General Manager be delegated authority to finalise the temporary licence consented to in A above, generally in the same terms and conditions of the existing lease, and including the licence fee to be paid and the arrangements and associated conditions to accommodate playgroups and other recreational activities for children.
- C. The Director Community Development progress the introduction, co-ordination and promotion of playgroups into Balmoral Park using The 1st Balmoral Sea Scout Hall for accommodation, including any upgrade of the building that may be required.
- D. The General Manager be delegated authority to negotiate with the Scouts Association of Australia, New South Wales with a view to establishing a plan for accommodating Scouts in Mosman and the matter be reported back to Council.
- E. The Common Seal of Council be affixed to any necessary documentation.

The Director Community Development and Manager Governance have held discussions with the Scout's Regional Commissioner Administration regarding the Scout's property in Mosman and the renewal of the lease of the 1st Balmoral Sea Scout Hall. A site inspection of all Scout property in Mosman was also conducted with the Commissioner.

The Scouts have not been agreeable on entering into a temporary Licence Agreement for Balmoral Park and wish to resolve agreement on a new long term lease for that property as soon as possible.

There are four Scout premises in Mosman either wholly or partly on Reserve Trust lands managed by Council. Scout halls are located at Balmoral Park, Harnett Park, Sirius Park and Parriwi Park. Harnett Park and Sirius Cove presently have a lease arrangements in place; the renewal of Balmoral Park's lease is the subject of this report and Parriwi Park has no lease arrangement in place.

The Barn (1st Mosman 1908 Scout Troop) at Mosman Bay is owned by the Scouts and which Council has no interest in, other than it being noted that Council has made a \$25,000 financial contribution to the conservation work at the site and has resolved to negotiate with the Scouts in taking equity in the building to guarantee the public interest in the building. This process will continue.

Following the above discussions and inspection, the status of the four buildings located on Council land is detailed as follows, together with comment on whether the buildings may be suitable for additional community use and whether the Scouts are agreeable:

Balmoral Park – 1st Balmoral Sea Scouts

- Scout hall located wholly on Reserve Trust land
- Lease terminated 31 December 2004 and new Lease being negotiated
- Membership at present is approximately 60 children

Scouts propose to continue use of the building. The membership is strong and the Scouts wish to expand activities from this location. The building is in good condition and as previously identified would be suitable for use by play groups, games activities, recreational activities for children and the like. Council has resolved to introduce play groups into Balmoral Park using The 1st Balmoral Sea Scout Hall for accommodation. Negotiation of a new Lease for this building is to include provision for play groups.

The building was erected by the Scouts during their occupation of the land under the terms of the expired Lease with a \$20,000 grant from Council. The rent due to Council under the Lease was based at a level to represent repayment of this amount. In the last year of the

Lease Council received \$3,377.95 under the Lease arrangement with the Scouts. The Lease provides that, on determination of the Lease or within one month thereafter, the Scouts may remove the building in which event property in the building is in the Scouts. If the Scouts do not remove the building within one month or in any extension of time granted by Council, the building becomes the property of Council. It is proposed that a renewal Lease be granted which in effect will give the Scouts continued ownership of the building until determination of the renewal Lease.

The Scouts have indicated that they are committed in ensuring that all their assets are compliant with OH&S requirements. They shall meet the cost of upgrading the building to ensure that it is OH&S compliant and will be attending to matters such as handrails, fire equipment, toilet and shower facilities upgrade, health and hygiene issues, re-painting and re-installation of the ramp. In relation to works required for the introduction of play groups, such as upgrade the veranda for child safety, the Scouts are willing to carry out this work. Other than that Council will need to provide such things as storage for playgroup equipment.

It has been agreed that the new Lease should relate to community use as identified in the Social Plan and MOSPLAN that fits the Balmoral Plan of Management - that is "recreation" and to include Council's priority for play groups. The Scouts will manage the operation of the play groups and would meet with Council staff on a six monthly basis to ensure that objectives are being met. Priority use of the building will remain with the Scouts and other activities compatible with the Balmoral Plan of Management and addressing Council's identified social/recreational needs, including playgroups and other not for profit activities will be accommodated.

In relation to rental on the new Lease, Council's valuer has assessed rental for a 12 month temporary licence at \$1,040 on the basis of limited tenure and the Scouts retaining any sub-lessee income generated from play groups and the like. On the basis of the Scouts being granted a longer term Lease of ten years and retaining any sub-lessee income, an appropriate rental would be at the same level but subject to a market rent review every third year.

The Scouts have requested that rent be reviewed by a fixed rate annually around the 4% mark to assist in planning and budgeting. In view of the Lease being an essentially community/non profit use, it is proposed that rent be \$1,040 in the first year and subject to annual review in line with the Sydney All Groups Consumer Price Index increases but not greater than 5%. Further, to allow Council to review rent being paid by the Scouts having regard to the amount of sub-lessee income they may be receiving it is proposed that rent be reviewed to market every third year of the term of the Lease and the Scouts continue to be required to gain Council's approval for any sub-lease of the premises other than casual usage such as meetings, children's birthday parties and the like.

The Scouts have also requested a ten year option on the Lease. This is not supported as a ten year term is considered sufficient to provide tenure for the Scouts.

Proposed action:

Council not proceed with finalising the temporary licence agreement for the twelve months commencing 1 January 2005 and grant the Scouts a new Lease for ten years from 1 January 2005 at a rental of \$1,040 in the first year subject to annual rent review in line with CPI but not greater than 5% and a review to market every third year of the Lease. The new Lease is to provide for, outside Scouts needs, the priority use for recreational purposes compatible with the Balmoral Plan of Management in particular such needs as identified in MOSPLAN from time to time and including play groups. The Scouts shall manage the use of the premises for these purposes and Council shall assist in promoting this use. The Scouts and

Council staff will meet at least every six months to report and monitor usage for these purposes.

Harnett Park – 3rd Mosman Bay Sea Scouts

- Scout hall located on Reserve Trust land and Waterways land
- Existing Lease terminates 31 December 2019
- Membership at present is approximately 25 children

Scouts propose to continue use of the building. The building is in reasonable condition and would be suitable for internal games activities, small lectures, meetings and the like. The Scouts are prepared to work more co-operatively with Council on community type use of this building in the future.

Proposed action:

Negotiate with the Scouts a co-operative arrangement for alternative community use of the building.

Siruis Park – 1st Clifton Gardens Sea Scouts

- Scout hall located on Reserve Trust land and Waterways land
- Existing Lease terminates 30 June 2007
- Membership at present is approximately 35 to 40 children

Scouts propose to continue use of the building which is facing a number of OH&S and other issues that are to be addressed by the Scouts. In view of the condition of the building and difficulty in accessing the site, the hall is not suitable for community use.

Proposed action:

No immediate potential for community use. Report on a new Lease of the site to the Scouts will be submitted to Council prior to 30 June 2007. Alternative community use of the building will be reviewed at that time.

Parriwi Park – 1st Mosman Boy Scouts

- Scout hall located wholly on Reserve Trust land
- No Lease ever granted
- No dedicated Scout group operating from premises – being used temporarily by 1st Mosman Boy Scouts during conservation work at The Barn

The Scout hall is in fact a portable World War II army hut that the Scouts placed in the Reserve under a permissive occupancy agreement with Council about 50 years ago. This agreement was never formalised. The building was used up to 8 years ago by the 4th Mosman Scout Group. More recently the building has been used by the 1st Mosman Scout Group for storage and other activities, in view of the conservation works undertaken at The Barn. The Scouts have indicated that they do not wish to retain this building and are willing to pass ownership to Council.

The building is in poor condition however may be suitable for use by Council or community groups subject to its conservation being financially feasible; its use being sustainable; and the Department of Lands being satisfied with any proposed future use of the site. Possible uses could include a meeting room and play groups. A condition audit of the building has been conducted to consider the feasibility of using the building for an alternative community purpose. The audit confirms the building's poor condition and indicates that:

- The life expectancy of the building is estimated at 5 years unless significant maintenance and improvement work is carried out. These works would cost \$61,550 over the next 5 years as follows:

Priority 1 (Urgent)	\$7,550
Priority 2 (within 12 months)	\$42,000
Priority 3 (within 5 years)	\$12,000

In addition, it is estimated that ongoing maintenance costs would amount to approximately \$20,550 over the next 10 years. Normal ongoing running costs would then need to be provided for services including electricity, water, cleaning and security.

- Capital outlay to bring the building up to a suitable standard to allow for additional community uses such as a meeting room or playgroup would be in the range of \$55,000 to \$60,000 as follows:

Toilet provision	\$10,000
Provision of septic tank & associated pipe work	\$5,000
1.8m high fencing along rock edge to rear + other fencing of front area	\$25,000
External lighting and parking (if appropriate)	\$10,000 to \$15,000
Security	\$5,000

- A realistic building replacement cost would amount to \$95,200.

Proposed action:

In view of the expense in retaining and re-using the building it is proposed that the Scouts be requested to remove the building and other improvements from the site and make good the land. The Scouts have indicated they are prepared to do this if no alternative use for the building can be found. The site may then be suitable for bush regeneration activities.

Recommendation endorsed by General Manager

To finalise the GW Engineers design requires additional work which would cost in the order of \$7,500 after which a tender specification and contract would then need to be prepared and tendered in accordance with Council's Procurement Policy. The structural work was originally costed at \$13,200, however due to inflation and the need to address traffic management issues associated with the works which were not included in the original costings it is expected that this cost would be between \$20,000 and \$25,000 making an estimated total cost of \$32,500.

Policy Issues

Council's previous guidelines for applications specifically stated;

“Permission will not be given to commercial organisations advertising commercial activities”.

The Mosman Junction shopping area is within a Heritage Conservation Area and erection of new advertising structures for third party advertising is prohibited pursuant to State Environmental Planning Policy No. 64. As the banner structure pre-dates the State Planning Policy and it has been Council's expressed intention to renovate the structure to make its use safe and serviceable it is considered that the hanging of banners in the manner previously occurring still is permissible. The works envisaged by Council being generally characterised by repairs to the existing structure.

The issue then becomes one of finance and whether it would be acceptable to allow sponsorship by commercial entities to facilitate the necessary repairs and to allow the primary community information role of the banner to be resumed as a consequence.

Summary

In view of the above estimated cost it is unlikely that Council could gain sufficient sponsorship to meet this target and therefore as there are no funds provided within the current budget Council is not in a position to facilitate the necessary works. Should Council wish to investigate the opportunity for greater funding through commercial advertising further inquiries will be made and a further report submitted for consideration.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

Council Report CS/28 Agenda Master 1 August 2005

CS/79	Repairs to Inkerman Street Wharf and the provision of dinghy racks
MOSPLAN REF:	10.11.04
REPORT BY:	Manager, Property & Assets, Gordon Brown

SUMMARY

Report on the tenders received for rehabilitation to Inkerman Street Wharf and the provision of dinghy racks

OFFICER'S RECOMMENDATION

The Manager Property and Assets recommends:

That Council:

- A. Award the contract for the rehabilitation of the Inkerman Street Wharf (Separable Portion A) to Mayale Pty Ltd.
- B. Not accept any tender for the construction of dinghy racks (Separable Portion B) at Inkerman Street.

Can this item be resolved by the Committee of the Whole: No

REPORT

Following Council's meeting of 6 June 2005 and the subsequent site inspection by Councillors, tenders were called for a contract to carry out improvements and repairs to the wharf at the end of Inkerman St in Quakers Hat Bay and to provide an additional 20 dinghy racks at the same location.

A pre-tender meeting was held on site on 16 June with prospective tenderers and 6 representatives attended. 4 tenders were duly submitted and the tender assessment process was completed (see attached report). The tender submission form was divided into 3 pricing schedules; "Separable Portion A", "Separable Portion B" and "Combined Schedule C" to enable Council to separately identify the costs associated with the respective wharf and dinghy rack elements of the work and to see if economies of scale could be achieved by combining all the works.

The assessment found that the price submitted by the preferred tenderer for the wharf element of the contract was close to the budget figure of \$48,500 (funded \$22,500 NSW Maritime Sharing Sydney Harbour Access Program 2003/04 and \$26,000 Council) and it is therefore recommended to proceed with this aspect of the project.

However, the prices submitted by all the tenderers for the provision of the dinghy racks far exceeded Council's budget as defined in Council resolution CS/61 from the meeting of 6 June 2005:

- A. The General Manager be authorised to accept a tender and undertake the construction of a dinghy storage facility containing 20 racks at the Inkerman

Street wharf site, Quakers Hat Bay subject to the total cost not exceeding \$20,000.

Also rather than provide Council with a composite price to reflect possible savings by completing the works at the same time, all tenderers simply added their prices for two separable portions together. This meant that not only does the dinghy rack portion alone far exceed the estimate, but there are no savings offered by treating the work as a single entity and the joint budget is also exceeded.

The Manager Property and Assets has contacted all tenderers and sought clarification on their tender submissions. At the time of finalising this report this information is not to hand. Should there be any further information received this will be reported to Council prior to the meeting. On the basis of the tender responses to hand it is only possible to finance the wharf rehabilitation works to award the contract to Mayale Pty Ltd and not to accept any tender for the construction of the dinghy racks.

Recommendation endorsed by Director, Corporate Services.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Tender Assessment Report

be inserted in the general provisions to specify that a satellite dish is only exempt if it does not obstruct any scenic views.

Recommendation endorsed by Director – Environment and Planning

COUNCILLORS' ATTACHMENTS

Circulations

- Letter to DIPNR

EP/182 **Environmental Planning and Assessment Amendment
(Development Contributions) Act 2005**

MOSPLAN REF: **03.02**

REPORT BY: **Director Environment and Planning, John Carmichael**

SUMMARY

Update on legislation and regulations affecting contributions plans for developments.

OFFICER'S RECOMMENDATION

The Director Environment and Planning recommends:

- A. That the report be received and noted.
 - B. That new draft contributions plans be prepared for consideration by Council at an early opportunity based generally on existing plans and a new s.94A plan dealing with open space acquisition and embellishment.
-

REPORT

On 4 July 2005 Council considered a report which summarised new provisions of the Environmental Planning and Assessment Act relating to the preparation of planning agreements, s.94 plans and fixed rate contribution arrangements (s.94A levies).

At the time of considering that report the accompanying Regulations and advisory documentation had not been made public. Council resolved, inter alia, that:

- B. A further report be submitted to Council once the Regulations to accompany the Act and any Development Contributions Manual amendments become available.

DIPNR has advised that the new Regulations to accompany the amending legislation and the Development Contributions Manual came into force on Friday 8 July 2005.

As expected, the Regulations include a maximum fixed rate levy under s.94A of 1% and while the Manual recommends that Councils consider exemptions in the case of such levies, none is mandated.

The Manual includes template forms for each of:

- traditional s.94 plans;
- new s.94A plans; and
- planning agreements.

Councils have been encouraged to use these to achieve standardisation across the state and it is intended there will be a review of the Manual after six months.

From an initial review of the new Regulation it appears that Council will probably need to adopt a position where it has a s.94 plan to cover open space and carparking contributions for the Spit Junction Business Centre and surrounding multiple dwelling zones while

development in other areas would best be included under a s.94A plan. The Act amendments do not allow for contributions under two plans for the same development.

Given the opportunity to broaden the current range of developer contributions it is considered that draft contributions plans should be prepared promptly with a view to consideration by Council at an early opportunity. While the preparation of a s.94A plan may provide opportunities to broaden the range of developments making contributions to provision of open space, the calculations which have been made based on the value of development over the past three years suggests that about \$100000 in additional contributions can be expected. This would be likely to cover identified property acquisitions and embellishment of open space but not extend to new levies for community services, library, etc.

Recommendation endorsed by General Manager

EP/183 **Spit Bridge DA 8.2003.94.1 - Conditions and issue of Development Consent**

MOSPLAN REF: **04.02**

REPORT BY: **Director Environment & Planning, John Carmichael**

SUMMARY

Outcome of the consideration by the Minister for Planning of conditions of approval for the proposed widening of Spit Bridge and direction to Council to issue the development consent.

OFFICER'S RECOMMENDATION

The Director Environment & Planning recommends:

- A. That the report be received and noted.

 - B. The development consent for the widening of Spit Bridge be issued as directed by the Minister pursuant to s. 116E (5) of the Environmental Planning and Assessment Act.

 - C. Council again write to the Minister objecting in the strongest terms to his decision and specifically to the unsatisfactory conditions identified in the report.
-

REPORT

On 21 September 2004 and 2 May 2005 Council considered staff reports on this application and specifically to draft conditions of consent to be sought in the event the Minister for Planning decided that the application should be approved. A Mayoral Minute dealing with later proposed amendments to conditions was submitted and resolved on 20 June 2006.

By letter dated 19 July 2005 and received 25 July 2005 the Acting Deputy Director General of DIPNR has advised that the Minister has examined Council's proposed conditions and has advised of conditions he proposes may be imposed. The Minister's reasons for his decision pursuant to s.116E(6) of the Act also have been provided.

In accordance with section 116E(5) of the Act, the Minister has directed Council to approve the development application subject to the nominated conditions within 14 days of the date of the letter advising of the decision (i.e. by Tuesday 2 August 2005).

Council would be aware from previous reports that many of the issues raised by Council in its draft conditions have been included in the proposed conditions. The major areas of departure which are considered unsatisfactory are those which were relate to:

- the standard of access to be provided to d'Albora Marina and Ellery Park (condition 39);
- the absence of a pre-condition that a traffic management plan for Pearl Bay Avenue be prepared (condition 60); and
- the deferral of consideration of safety of access to Spit West carpark (condition 61).

These are the matters which were the subject of the Mayoral Minute on 20 June 2005 at which time Council resolved to reject the then offered conditions. The Minister has, however, accepted the conditions and has directed Council to issue the consent.

Accordingly, it is proposed to issue the consent as directed in accordance with the Act.

Due to the size of the documents issued in relation to this matter they have been distributed to Councillors separately.

Recommendation endorsed by General Manager

In response to the public exhibition, Council received two submissions from within the local community and one submission containing comments from Council's Assets and Services Team.

The issues raised by the submissions are:

- The Map of Significant Rock Faces and Retaining Walls does not include a specific rock face on Stanton Road.

Planning Comment:

Although the exhibited map shows two rock walls on Stanton Road, C280 and C 281 (where C means Council cuttings within road boundaries), the rock face at the rear of 28 Burran Ave. (opposite No. 6 on Stanton Road) is not shown on the map. The submission underlines the "concern that this particular rock face appears to have been omitted from the study".

This rock face is mentioned in previous reports to Council dating as far back as 2002. When considering the rock face, the most important thing to take into consideration is the rock's continuity: the rock is an integrated part of the C280 cutting (please see photo attached to Councillors' Business Papers and taken from Stanton Rd.).

As suggested by the submission, it is considered necessary to amend the Map of Significant Rock Faces and Retaining Walls by extending the C280 cutting in order to incorporate the rock face along the rear of 28 Burran Ave.

- The policy and Map of Significant Rock Faces and Retaining Walls in the proposed form are constraining "the ability to obtain off street parking" for the resident of No 3 Holt Avenue.

Planning Comment:

The Map shows a cutting in front of No 1 to No 9 Holt Avenue, marked C106 (where C means Council cuttings within road boundaries). The submission questions not only the significance of the C106 cutting, but also the criteria applied to determine the significance of a rock face as well as the purpose of the policy: to limit as much as possible excavation/demolition of significant rock faces and retaining walls, in the effort to prevail the preservation of these unique rock formations against private interests. The objectives, together with the considerations for special circumstances, ensure the retention of significant rock faces and retaining walls. The photo attached to Councillors' Business Papers, taken on Holt Avenue, illustrates the subject cutting.

In light of the above, it is considered that it should be retained as identified in the consultant's study as significant; it is not considered necessary to amend the policy or the Map of Significant Rock Faces and Retaining Walls.

- The Assets and Services Team made a submission suggesting that a further clarification of policy terminology, purpose and objectives is needed. The Team underlined that the policy should clearly communicate Council's intentions and ensure that Council's various works on identified significant structures, undertaken in order to maintain public safety and serviceability, will not be obstructed.

Planning Comment:

Following the Assets and Services Team suggestions, the purpose and the objectives of the policy need to be clearly defined. Moreover, it should be underlined that, in all cases, public safety should prevail over any other factors. Even if Council makes all effort to ensure the preservation of significant rock retaining structures, it should be acknowledged that there are occasions when this is not possible.

The purpose of the policy is:

To ensure the preservation of the original features of significant rock faces and retaining walls in Mosman.

The objectives of the policy are:

- To identify significant rock faces and retaining walls in Mosman.
- To develop guidelines for preserving original features of identified significant rock faces and retaining walls.
- To incorporate the guidelines within the Mosman Residential DCP, when the document will be next revised (in order to apply policy's recommendations when assessing development applications).

CONCLUSION

The significant rockfaces and retaining wall policy is recognition of the fact that these are of critical importance for the Mosman character. The policy is designed to protect these rock formations and structures from unnecessary development. The Map of Significant Rock Faces and Retaining Walls is the result of an extensive study that was undertaken by the Council along with a professional consultant.

Following consultation, the map should be amended to include into the C280 cutting the rock face at rear of 28 Burran Avenue.

The changes outlined in response to the Assets and Services Team submission are considered to be a more comprehensive approach serving the initial purpose of the study. The special circumstances list should be amended to include a newly drafted 4 & 5, addressing the engineers concerns in relation to maintenance activities, as follows:

The policy should state that:

No excavation of rock faces or retaining walls identified as significant in the Rock Faces and Retaining Walls Study and on the Rock Faces and Retaining Wall Map is allowed, except under special circumstances.

Special circumstances should be considered when any of the following is met:

1. There are other existing openings into the rock face/wall and additional openings would be consistent with that approach.
2. Any excavation would not detract from the visual contribution of the rock face/wall in its context.
3. The excavation would not adversely affect the setting of sites that are highly visible from the harbour or public reserves.
4. There is a need for maintenance activities by Council, in order to ensure safety and serviceability. Where works involve demolition followed by reconstruction of stone retaining walls, preference should be given to the use of same or similar/complimentary materials, when economically viable.
5. There are safety needs that involve use of external support methods and include appropriate embellishment of those external support methods in order to retain original features and ameliorate appearance.

Acknowledging on one side the original intent of the study (to identify and record significant rock faces and retaining walls in Mosman and prepare guidelines for their conservation and policy for future development controls) and on the other side the need for gaining statutory weight in the development assessment process, it is recommended to incorporate the planning controls, guidelines and the Map of Significant Rock Faces and Retaining Walls within the Residential DCP and within the LEP, when these documents will be next revised.

Recommendation endorsed by Director Environment and Planning.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Significant Rock Faces and Retaining Walls Policy (as amended after exhibition)

Circulations

- Copies of the 3 submissions.
- Photo taken on Stanton Road and relevant map extract.
- Photo taken on Holt Avenue and relevant map extract.

EP/185 **Stability Assessment of Rock Cutting Parriwi Park**

MOSPLAN REF: **11.02.07**

REPORT BY: **Design Engineer, Naveed Anwar**

SUMMARY

Report on the implementation of berm and garden bed design to minimise the risk to park users from rock falls.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends that:

- A. Council proceed to install a raised berm and garden bed in the area at the base of the cliff behind the Mosman Entry Wall at the bottom of Parriwi Road in accordance with the recommendations of Coffey Geosciences.
- B. A letter be sent to all public utility companies advising of the potential risks in this area, the works that Council will be undertaking to address those risks and advising that they should include appropriate mitigation strategies in their own standard operating procedures for staff working in this area.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Following an inspection in 2003 of the rock cutting above the Mosman Entry Wall at the bottom of Parriwi Road, concerns were raised in relation to the stability of the rock cutting above and the possibility of falling rocks. As a temporary measure, cautionary signs were placed and barricades were erected to keep the park users away from the potential hazard.

Geotechnical Consultants, Coffey Geosciences Pty Ltd were appointed to carry out a slope stability assessment and risk analysis on the site. They assessed the potential risk to life to users of this area from large rock falls as being in the range of 'Tolerable' risk in accordance with the recommendations within Australian Geomechanics society (2000) 'Landslide Risk Management – Concepts and Guidelines'. They further recommended some remedial measures to reduce the risk to 'Acceptable' levels. These measures included the design of a rock fall fence to eliminate the rolling of boulders into the park and suggested that rock fall modelling be undertaken to help assess rock fall run out distances and impact energies for the fence design. After conducting this analysis it was determined that the rock fall fence could be replaced with an engineer designed berm and garden bed to make it more visually acceptable.

The consultants were again engaged to carry out the rock fall modelling to assist in the design of the berm and garden bed. Based on computer modelling for a number of scenarios, the consultants recommended that the proposed garden bed be 4 m wide and 0.75 m high with a curved profile having steeper sides with slope 2H: 1V facing the cliff. As per the design, the location of the crest of the garden bed is 4-6 meter away from the base of the cliff. They further recommended that the careful selection of plants to provide an area of dense vegetation on the beds should help to further reduce the rock fall risk.

The cost of implementation of the project is estimated as \$15,000 that includes the establishment of 2000 tube stock native plants.

This proposal is considered far preferable to the original rock catch fence an endorsement is sought prior to construction being undertaken. In addition as there are a number of service pits for major underground infrastructure in this area, a letter will be sent to those utility companies advising of the work to be undertaken and that they should incorporate appropriate risk management strategies into their standard operating procedures for staff working in this area.

EP/186 **Footpath Management Manual**

MOSPLAN REF: **11.05.01**

REPORT BY: **Manager Assets and Services, Scott Turner**

SUMMARY

Report on implementation of Council's Footpath Management Manual adopted in November 2004 and recommendation to investigate changes due to some resourcing issues.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends that:

- A. The report be received and noted.
- B. Council review the procedures and processes contained in the Footpath Management Manual to more closely match the available resources in this area of operation.
- C. Until the review outlined in point B is completed, Council suspend its activities undertaken as outlined in the footpath management manual.
- D. Routine maintenance and inspection of footpaths continue on an as needed basis until the review is complete.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Council adopted the Footpath Management Manual at its meeting on 1 November 2004. The manual outlines procedures for inspection and rectification of Council's footpath network including inspection schedules, defect identification and prioritisation and response times.

Staff have been progressively implementing the procedures outlined in the manual and a number of issues have arisen. These include the frequency of the inspections being too often for the resources available and the intervention levels being set too high for the funding allocated by Council for footpath maintenance.

As such the manual needs to be reviewed and in particular the inspection schedules, intervention levels and response times adjusted to reflect the resources Council has available for these activities.

One of the key reasons Council implemented the manual was to assist in defending public liability claims arising from footpath related incidents, in particular trip hazards. Council is currently in a difficult position as whilst the manual is in place, the resources allocated to implementing its contents are not sufficient.

Until the review is completed it is recommended that Council suspend the procedures and processes as outlined in the Footpath Management Manual. This is to protect Council's position should an incident occur in the interim. It is expected that the review can be completed and a revised version of the manual reported to Council in October this year. Other issues will also be investigated as part of the review including Council's current funding structure and budget allocations for footpath maintenance.

Recommendation endorsed by Director Environment and Planning

EP/187 **Street Lighting - Revised Pricing Proposal From Energy Australia**

MOSPLAN REF: **11.03.04**

REPORT BY: **Manager Assets and Services, Scott Turner**

SUMMARY

Energy Australia has submitted a revised pricing proposal for street lighting to the Independent Pricing and Regulatory Tribunal (IPART). Council staff have made a submission and this report seeks endorsement of that submission.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That the report be received and noted and the submission to IPART as prepared by the Manager Assets and Services be endorsed.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Energy Australia first submitted to IPART in November 2004 a proposal for a substantial increase in the cost of street lighting infrastructure for its customers. Council currently pays approximately \$300,000 per annum to Energy Australia for the provision of street lighting throughout Mosman. These charges are made up of three (3) components. There is the energy used which is fully contestable, the network charges which represent approximately 10% of the cost and are not contestable and the Street Lighting Use of Service Charges (SLUOS) which represents approximately 70% of the cost and are not contestable. Both the network and SLUOS charges are set by Energy Australia which effectively has a monopoly on this part of the service.

The initial proposal by Energy Australia would have represented an overall 86% increase in the price of street lighting in Mosman over the period to 1 July 2007. IPART rejected the proposal in March 2005 and Energy Australia was invited to submit a revised proposal addressing a number of factors. The revised proposal was lodged with IPART in June 2005. A copy of the revised proposal is available for interested Councillors by contacting the Manager Assets and Services, or on the IPART website.

In summary the proposal seeks an average price increase of 10% + CPI from 1 July 2005 and further increases of 5% plus CPI for the next 3 years. This price increase represents only one component of the initial price increase sought by Energy Australia, and except for a relatively minor concession on the useful life of some assets, is identical to the original proposal in the methodologies used to calculate the proposed increase. Of particular concern is that Energy Australia has flagged in their submission that whilst they have not sought price increases for the other components of their original pricing proposal of November 2004, they will apply to IPART at a later date for these increases. In effect the end result for Councils will be the original price increase of an average 70% (86% for Mosman).

Submissions on the new pricing proposal closed on 8 July 2005 and the Manager Assets and Services prepared and lodged a submission by the closing date. A copy is attached to Councillors' business papers.

In addition Council is a member of the Street Lighting Improvement Program (SLIP), a group of 29 Councils from the Sydney Metropolitan, Central Coast and Hunter regions that combined pay for approximately 90% of the street lighting provided by Energy Australia. A very detailed submission was made by Next Energy on behalf of the SLIP outlining the considerable inefficiencies and flawed methodologies used by Energy Australia in their submission for the proposed price increase. Interested Councillors can obtain a copy of this submission from the Manager Assets and Services or it is also available on the IPART website.

The SLIP has again been running a media campaign on the issue with a number of Mayors providing quotes and media releases. The president of the NSW Local Government Association, Cr Genia McCaffery, has also been involved in opposing the proposal.

Should the proposed increases be approved by IPART, there will be serious ramifications for Council's budget. Clearly, funding such a large increase is beyond the financial capability of Council without making equivalent cuts to other programs.

A further report will be prepared for Council once IPART has made a decision on the proposal.

Recommendation endorsed by Director Environment and Planning

COUNCILLORS' ATTACHMENTS

Circulations

- Submission to IPART

EP/188 **3 Buena Vista Avenue - Request for Shading of Street Light**

MOSPLAN REF: **11.03.04**

REPORT BY: **Development Engineer, Craig Covich**

SUMMARY

Request from resident of 3 Buena Vista Avenue for Council to meet the cost of altering the street light outside her property to remove light spill. This would require Council to vary its current policy which states that residents should contribute to the cost of street lighting alterations that are made for their individual benefit.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That Council adhere to its current policy and the design fee of \$300 (excluding GST) for alterations to the street light outside 3 Buena Vista Avenue be met by the owner of the property.

Can this item be resolved by the Committee of the Whole: Yes

REPORT

Council has received a request from the owner of 3 Buena Vista Avenue to meet the cost associated with the design and replacement of a street light outside the property. The owner of the property, Mrs McCarten, has complained of light spillage into her bedroom window. It is understood from discussions with Mrs McCarten that she has resided at her current address for many years and the light in question has also been in place for many years. As such the only reason for any alteration to the street light would be to remove the light spill problem.

Council at its meeting on 7 December 1999 (Item PF/279) adopted a policy that when alterations to street lights are for the benefit of a resident, the resident must meet the design charges imposed by Energy Australia for that work. Council meets the increase in the annual tariff required by the work.

For some time now Energy Australia has discontinued its past practice of providing a physical shade to a street light to deal with light spill problems. They now install a different type of luminaire that better directs the light to the areas required to be lit and reduces or eliminates any side spill/glare to adjoining areas. In this instance the design fee for the work is \$300 excluding GST. Council pays the GST as it receives a rebate on this from the federal government. Council would also be required to meet an increase in its street lighting tariff of \$10.27 per annum.

In the past it would typically have cost a one-off fee of \$150 - \$300 for a physical shade to be installed and this cost would have had to be met by the resident.

Mrs McCarten has advised that she is not prepared to pay this amount and wishes the matter to be considered by Council.

EP/190 **Parks & Gardens Policy**

MOSPLAN REF: **10.02**

REPORT BY: **Team Leader Open Space, John Grady**

SUMMARY

Development of a Parks and Gardens Policy for Council.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That the draft Parks and Gardens Policy be advertised for public comment and a further report be prepared for Council following completion of the consultation.

REPORT

Part of the amenity of Mosman is the quality and diversity of public open space available for use by residents and visitors alike. A range of recreation opportunities exist in Mosman in open space areas owned or managed by all levels of government and include bushland areas, passive recreation reserves and sporting facilities. The Mosman community places considerable importance on these areas as evidenced by the feedback from Council's own community consultation processes.

Council already has in place policies which govern the management of its sporting facilities and bushland areas but no formal policy in relation to passive recreation reserves/parks etc. As such a draft Parks and Gardens Policy has been developed to enable Council to formally acknowledge the importance of these areas and the value placed on them by both residents and visitors alike.

The draft policy acknowledges that it is vital that these areas are maintained in an holistic manner which will ensure they are kept in the best possible condition for the use and enjoyment of current and future generations.

The draft policy outlines and acknowledges significant issues, items and Council adopted strategies and programs which are, and will continue to be, considered in the current and future management of Mosman's Parks and Gardens. The draft Parks and Gardens Policy is attached to Councillors' business papers.

It is proposed to advertise the policy for comment in the first instance and part of this process will include a presentation to the Environment Advisory Group at its meeting on 9 August 2005. A further report will be prepared for Council's consideration following completion of the consultation process.

COUNCILLORS' ATTACHMENTS

Circulations

- Draft Parks and Gardens Policy

EP/191 **Food Act 2003 - Skills and Knowledge Provisions**

MOSPLAN REF: **06.04.02**

REPORT BY: **Senior Environmental Health Officer, Kate Sale**

SUMMARY

Overview of the provisions of the Food Standards Code requiring food handlers to have appropriate skills and knowledge in food safety and food hygiene.

OFFICER'S RECOMMENDATION

The Manager Environment & Services recommends that the report be received and noted

REPORT

At the Council meeting on 4 July 2005 Council considered a report on the Food Regulation Partnership and resolved that a further report be prepared on the implications of the professional qualifications required for food handlers and sandwich makers.

As there is no distinction made between industries within the Food Standards Code this report provides information on the requirements for all food handlers involved in the sale of food, including the provisions for charitable and community events.

Requirements

The requirement relating to the skills and knowledge of food handlers in food businesses is prescribed in Clause 3 of Standard 3.2.2 of the National Food Standards Code and states:

3 *Food handling – skills and knowledge*

(1) *A food business must ensure that persons undertaking or supervising food handling operations have –*

- (a) *skills in food safety and food hygiene matters; and*
- (b) *knowledge of food safety and food hygiene matters,*

commensurate with their work activities.

(2) *Subclause (1) does not apply to a food business in relation to persons undertaking food handling operations for fundraising events, that is, events –*

- (a) *that raise funds solely for community or charitable causes and not for personal financial gain; and*
- (b) *at which only food is sold that is not potentially hazardous or which is to be consumed immediately after thorough cooking.*

The food skills and knowledge requirements have been included in the Food Safety Standards to ensure that all persons handling food to be sold are capable of ensuring that the food will be safe to consume.

The Code requires that food handlers have both the appropriate ability and understanding required to keep food safe but that an individual would only be expected to have the skills and knowledge that correspond to the activities that they undertake. As such, each food handler within the spectrum of food businesses will have a different level of skills and knowledge required of them depending on their duties, the food they prepare and the circumstances in which they prepare food.

Obtaining skills and knowledge

The Food Standards do not at any point prescribe certain qualifications that must be obtained by food handlers or the way in which skills and knowledge must be obtained. There is no requirement for food handlers to attend formal food training courses.

The first step for a business or organisation in examining this issue would be to determine the level of skills and knowledge held by their food handlers. If a food handler can demonstrate that they possess the appropriate skills and knowledge for the duties that they perform then the legislation would not require that person to undertake any further training. If skills or knowledge gaps can be identified there are many ways in which a business may choose to approach this issue such as:

- In-house training by a business employee or the proprietor;
- Distribution of educational material and relevant documentation;
- Implementing documented operating procedures that clarify roles and responsibilities;
- Attending a food safety course run by local councils or industry associations;
- Hiring a consultant to give business specific training; and
- Formal qualifications in food handling such as a TAFE certificate

Exemptions

Because the Food Standards apply to such a broad spectrum of circumstances in which food preparation occurs exemptions have been provided for minor food operations such as fund raising by community or charity groups.

As stated above Clause 3(2) of Food Safety Standard 3.2.2 specifies that fundraising events conducted for community or charitable causes that do not prepare potentially hazardous food or that produce potentially hazardous food that is immediately consumed will be exempted from the skills and knowledge requirements. This exemption would apply to situations such as cake stalls and community fundraising barbecues.

The exemption reflects that in these circumstances, where the food being produced is low risk, the food handlers are generally volunteers who may only assist in one event and as such it would not be practical or feasible to require these people to obtain the skills and knowledge.

Specific businesses

Whilst the requirements of the Food Standards Code may not apply to certain activities, given the exemption described above and the applicability of the whole of the Code in certain circumstances, this would not preclude an organisation from deciding to voluntarily impose this requirement on their staff or volunteers.

In response to the discussion held at the previous Council meeting in relation to the Rural Fire Service (RFS) the Policy Office of the RFS was contacted and a representative advised:

- The RFS provides food in a number of circumstances, some of which fall under the requirements of the Food Standards Code, some of which do not.
- Although they do not always fall under the umbrella of the Code they wish to provide and use safe food, and they agree with the principles of the Food Standards Code.
- A service standard and safe operating procedures are being developed to reflect the Code's handling and hygiene requirements.
- Formal food handler training will not be required under the service standard or food handling procedures for either the food handlers or the supervisor of the activity.
- Certain parts of the brigade such as the catering brigades have expressed a desire to undertake food safety training and the RFS will encourage and assist them in this.
- Instead of enforcing training requirements for all food handlers the RFS will be developing guidelines for the types of food handling activities commonly undertaken by the RFS informing the food handler of the skills and knowledge required to undertake the particular task.
- The RFS will encourage people to undertake food handling if they wish and will provide information on how to access training courses, but this will not be mandatory.

Food training in Mosman

Maintaining and improving skills and knowledge in safe food production is encouraged for anyone preparing food in commercial quantities or for vulnerable populations. In this regard food handling seminars are held by Council's Environmental Health Officers at least once per financial year.

Recommendation endorsed by Director Environment & Planning.

EP/192 **Grassroots Community Education Grants Campaign**

MOSPLAN REF: **05.08**

REPORT BY: **Senior Environment Officer, Lyndall Pickering**

SUMMARY

WSN Environmental Solutions has invited Council to participate in its Grassroots community education grants project.

OFFICER'S RECOMMENDATION

The Manager Environment and Services recommends:

That Council participate in WSN Environmental Solutions' Grassroots community education grants campaign.

REPORT

WSN Environmental Solutions (WSN), formerly Waste Service NSW, has launched a new grassroots education campaign which is designed encourage sustainability activities by funding a variety of activities by local communities. The campaign provides for WSN to liaise with selected local Councils to publicise the program, and invite applications for funding of specific projects from local community members and groups.

Mosman Council has been selected to take part in the program because WSN is contracted to take putrescible domestic waste from Mosman to its landfills.

Council is not required to contribute financially to the project, as grant funds are being awarded by WSN. However, staff time and existing Council resources may be used to publicise the project, discuss potential project ideas with interested members of the community, consider grant applications and forward evaluation comments to WSN. Additionally, depending on the nature of projects that may gain support in Mosman, Council resources may be required to following up or support projects.

All members of the community, including local schools, are eligible to apply if Council chooses to join the project.

Applications from members of the community close 15 September. WSN will be assessing each application on the basis that proposed projects have tangible outcomes that are of benefit to the local environment. Projects do not have to be restricted to waste reduction or resource reuse, and WSN have emphasised that they are keen for the program to support local sustainability actions, including biodiversity conservation and local area programs.

The amount of money available for each project is expected to be between \$500 and \$5000, depending on the outcomes of the project, the number of people involved and its complexity, the benefits for the local environment, and the number of residents in the council area.

If approved by Council, publicity of the project will begin in early August and conclude by 15 September, with community members invited to apply for grants. Successful projects will be announced on 16 October, and are expected to be completed by February 2006, with a showcase of projects conducted as a result of the grants in May 2006.

Participation in the program may have several benefits for Council. Council may be able to put local members of the community who wish to conduct sustainability projects in touch with a funding source, and grant recognition to community volunteers.

The program may also be an avenue by which projects which have been included Council's Environmental Management Plan, but are currently without funding or grassroots support, such as the community garden proposal, can be established. It is anticipated that in its communications about preferred local projects, Council would most strongly support projects that aligned with the identified objectives and projects in Council's Environmental Management Plan.

It is estimated that the in-kind costs of promoting the project may include:

Staff administrative time:	15 hours
Advertising via email networks and websites:	5 hours
Advertising in Mosman 2088 Council section:	\$700 equivalent
Advertising in Mosman Daily Council section:	\$500 equivalent
Reviewing applications and making recommendations to WSN:	15 hours

This commitment is not considered excessive and can be met by the existing staff and 2005/06 budgetary resources.

If Council approves involvement in the project, there will be approximately 5 weeks for Council to advertise the project to local community members and invite applications for projects in Mosman.

It is not possible to quantify the staff time that may need to be directed to support projects once WSN funding has been allocated. However, as noted, Council recommendations to WSN will likely to be based upon the extent that proposed community projects can assist Council to achieve its Environmental Management Plan.

WSN has provided Council with promotional materials including fact sheets and posters. Additional information about the proposal is available online at www.wsn.com.au

WSN is a state owned corporation, whose activities include the operation of landfills and resource recovery. WSN operates the Belrose landfill, to which Council's putrescible waste is disposed. Council, through its membership of SHOROC has signed a memorandum of understanding with WSN for putrescible waste disposal.

By participating in this project, Council will be aligning itself with a corporate entity (albeit a government-owned one); however, Council already has commercial arrangements with WSN for current and future waste disposal. Future decisions about waste management will be made solely on commercial, environmental and social grounds, and participation in this project will have no bearing on any decisions made.

Recommendation endorsed by the Director Environment and Planning.

private subscriptions by customers who elected to have an alternative sewer services provider.

Services Sydney has taken its case to the National Competition Council in order to gain access to the market for sewage treatment. The Council made a draft recommendation, in favour of private companies being able to enter the sewage treatment market in NSW, and referred it to the NSW Premier. By declining to reply to the determination within the given timeframe, the Premier effectively rejected the application. As a result, Services Sydney has lodged an appeal with the Australian Competition Tribunal. The ruling of the Tribunal will be binding on both parties. It is expected that the Tribunal hearing will begin in September.

Mosman Council's draft EMP included an action to investigate using the services of an alternative sewer services provider. This action was formulated in response to the identified environmental aspect of disposal of waste water to sewerage (and the environment).

This action was not explicitly included in the final version of the EMP for 2005-2008. However, the proposal by Services Sydney specifically relates to the identified objectives of the EMP water quality program: to have a water cycle where the natural flow regimes, ecological processes and water quality are protected. It is anticipated that a specific action about seeking an alternative sewer services provider will be included in later editions of the EMP.

Recommendation endorsed by the Director Environment and Planning

COUNCILLORS' ATTACHMENTS

Circulations

- Minutes for the SCCG Ordinary Meeting Held on 18JUN2005 from Sydney Coastal Councils
- Seeking Formal Consideration of Services Sydney Proposal from Sydney Coastal Councils

EP/194 **NSW Local Government Buy Recycled Alliance**

MOSPLAN REF: **05.01**

REPORT BY: **Senior Environment Officer, Lyndall Pickering**

SUMMARY

NSW Local Government Buy Recycled Alliance

OFFICER'S RECOMMENDATION

The Manager Environment & Services recommends:

That:

- A. Mosman Council become a member of the Local Government Buy Recycled Program and commits itself to the development of the six milestones of the Buy Recycled purchasing program as detailed in the report.
-

REPORT

Mosman Council's recently adopted Environmental Management Plan includes the statement:

"As part of the development of the sustainable procurement policy, investigate the opportunities afforded to Council by joining the Local Government Buy Recycled Alliance".

The Local Government Buy Recycled Alliance (LGBRA) is a joint undertaking of the Local Government Association of NSW and Shires Association of NSW, together with the Department of Environment and Conservation (NSW). It seeks to encourage and assist local government with the purchase of products that contain recycled material, and will be achieved by creating a partnership of local governments committed to working together to increase the use of recycled contents products in their operations and services, thereby closing the recycling loop.

The benefits of closing the loop by creating a demand for recycled contents products are:

- Less material going to landfill;
- Less demand for scarce, non-renewable raw materials;
- Reduced demand for energy;
- Less pollution of the environment;
- Job creation; and
- Market development.

The combined annual spend of local government in NSW is approximately 6 billion dollars, and with such a huge purchasing power this places NSW local government in a prime position to stimulate demand for recycled contents products thereby increasing resource recovery and closing the loop.

On this basis the objectives of the LGBRA are to:

- harness the combined purchasing power of local government to stimulate further demand for recycled content products; (*As demand for recycled content products increases, suppliers will respond with the supply of a wider range of recycled content products.*)
- support sustainable long term markets for recyclable materials collected from kerbside and collection facilities;
- increase awareness in local government about the range and quality of available recycled content products;
- create a partnership of local governments committed to increasing the use of recycled content products in their operations and services, thereby closing the loop; and
- encourage the sustainable use of resources.

The LGBRA manages a recycled content products supplier database. These endorsed suppliers pay the LGBRA a fee, which provides for rebates to member councils (2.5% of the value of purchases Council has made from the LGBRA suppliers), training programs for staff of member councils, and for ongoing funding of the LGBRA and its support structure. LGBRA suppliers currently give members access to recycled products across the following categories:

- Compost & Mulch
- Paper
- Parks & Gardens products
- Office Products
- Playground equipment
- Waste Management Products
- Road and Footpath Construction
- Traffic Management
- Building & Construction
- Fleet Management
- Miscellaneous
- Printed Material

Councils that wish to join the LGBRA must commit to a structured process comprising six milestones, as follows:

1. Membership
The General Manager must sign the LGBRA Memorandum of Understanding, committing the Council to the requirements of the LGBRA.
2. Establish a buy recycled team
Ensuring that representatives from each Council Department have the opportunity to actively participate in developing the systems and procedures that will be followed in buying recycled content products.
3. Policy
Establish and adopt a buy recycled policy.
4. Action Plan
The Action Plan should identify objectives, targets, activities, responsibilities and timeframes.
5. Make it business as usual
Systems and procedures to be developed to make buying recycled content products part of the normal day to day purchasing regime.
6. Annual Report

To be submitted to the LGBRA

There is no cost for NSW councils to join the LGBRA, and there is no obligation for councils to make purchases from only the suppliers who are endorsed by the LGBRA. However, as mentioned above, councils that are members of the LGBRA receive an annual rebate equal to 2.5% of the value of purchases made from LGBRA endorsed suppliers. This fee may be used to offset any price differential between virgin material products and recycled content products, or funding other sustainable purchasing initiatives by Council such as education and training.

Though both its Environmental Management Plan (EMP) and its Procurement Policy, Mosman Council has committed to reducing the environmental impacts of the purchases it makes throughout its operations and services. Specifically, it is envisaged that joining the LGBRA would specifically assist Council in the development of the sustainable procurement policy and procedures manual as required in the EMP. Benefits would include:

- free membership and publicly recognised achievements;
- a structured approach supported by a LGBRA account manager;
- on-site training to educate all employees on what recycled content products are available and the benefits of their use;
- rebates from the LGBRA;
- a network of councils that share their knowledge, experiences, and achievements;
- up to date product development through forums with suppliers;
- use of the LGBRA logo to provide common branding;
- web-site access containing a database of recycled content products and their suppliers;
- a monthly newsletter showcasing any new products and supplier specials.

It should be noted that joining the LGBRA would not preclude Council from pursuing other purchasing goals focussing on greenhouse friendly and environmentally preferred products.

Further information about the LGBRA is available online at <http://www.buyrecycled.org.au/>

Recommendation endorsed by the Director Environment and Planning.

12. QUESTIONS WITHOUT NOTICE

Questions Without Notice to be submitted by Councillors for consideration.

13. CORRESPONDENCE

COR/22 **Correspondence: Office of the Minister for Education, Science and Training**

MOSPLAN REF: **01.01.11**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

Following consideration of correspondence in relation to the Government's proposals for voluntary student unionism, Council resolved on 2 May that the General Manager write to the Hon Tony Abbott expressing Council's disappointment in this change to student fees and advising that Mosman Council supports the National Union of Students in opposing legislation to make student unionism voluntary, which would result in a national loss of many services and benefits currently being provided by the fees to students and the wider community.

The following response has been received from the office of the Minister for Education, Science and Training:

On 18 May 2005 you wrote to the Hon Tony Abbott MP, Member for Warringah, concerning voluntary student unionism. Your letter has been referred to the Hon Dr Brendan Nelson MP, as Minister for Education, Science and Training. The Minister has asked me to reply on his behalf. I apologise for the delay in responding.

The Australian Government is opposed to compulsory union membership because it hinders freedom of association. Students should not be forced to join a union, or be a member of an organisation that they do not wish to join, in order to further their education. They should have the right to choose the goods and services they want and the causes and organisations they are prepared to support.

***The Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005* was introduced on 16 March 2005 to implement voluntary student unionism. This Bill seeks to ensure that higher education providers cannot require a student to be a member of a student association, union or guild. It also seeks to ensure that students are not required to pay any fees to a provider or any other entity for the provision of an amenity, facility or service that is not of an academic nature, unless the person has chosen to use the amenity, facility or service.**

Student organisations will always be free to recruit members and offer services to students. Student organisations which offer services valued by students will continue to attract student membership and funding, but on a voluntary rather than compulsory basis. Many voluntary organisations and co-operatives thrive based on mutual support for agreed objectives.

The Government believes that with a bit of innovation, the services that students want can be provided on campus.

Thank you for writing to share your concerns on this matter.

COR/24 **Correspondence: 2005 National General Assembly of Local Government**

MOSPLAN REF: **01.01.04**

RECOMMENDATION

That the correspondence be received and the Mayor and General Manager (or nominees) attend the 2005 ALGA National General Assembly of Local Government.

CORRESPONDENCE

The National General Assembly of Local Government will be held in Canberra from 7 to 10 November 2005. The theme of the Assembly is “Good to Great: Pursuing Progress Through Partnerships” and early bird registration (up to 12 September) is \$755 per person.

The Mayor and General Manager (or nominees) usually attend the ALGA National General Assembly of Local Government and have attended past Assemblies.

COR/25 **Correspondence: Mr Ken Paul**
MOSPLAN REF: **08.01.15**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

Mr Ken Paul writes regarding the Cremorne Community Health Centre:

Thank you for your most appreciated letter dated 6th June.

The article in this week's Mosman Daily states that Dr Stephen Christley, Chief Executive Officer, Northern Sydney and Central Coast Area Health has advised that there is "now no plan to move the service from Cremorne".

I would like to point out that this battle has been a Community team effort led most capably by Councillor Simon Menzies. He liaised with Members of Parliament Jillian Skinner and Gladys Berejiklian, representatives of North Sydney and Willoughby Councils and Health professionals.

The delegation of Simon's role by yourself and Council has been justified and amply rewarded by his dedication to what many saw at a hopeless task.

However some of the most telling "punches" were delivered by individuals with long term involvement in the mental health field including consumers, carers, doctors and various groups and associations and they also deserve praise.

We will now await an announcement by the Health Minister Morris Iemma before celebrating.

COR/27 **Correspondence: Minister for Ageing**

MOSPLAN REF: **08.05**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

The Hon Julie Bishop MP, Minister for Ageing, writes:

Nominations are now open for the Senior Australian of the Year 2006.

The Australian Government sponsors the Senior Australian of the Year Award to recognise, acknowledge and celebrate the contributions older Australians make through their work, their skills and by sharing their experiences.

Any older person can be Senior Australian of the Year - but someone has to nominate them. By nominating someone, you or your organisation, could be involved directly in selecting the next Senior Australian of the Year.

The Senior Australian of the Year is one of four Australian of the Year Awards, announced as part of the celebrations on Australia Day eve, 25 January 2006. All entrants will be judged initially at the State or Territory level, with winners announced in November 2005. The Senior Australian of the Year will then be selected from these winners.

Previous Senior Australians of the Year include: Northern Territory businessman and philanthropist Antonio Milhinhos, Victorian animal sanctuary owner Tehree Gordon, the Year of the Outback founder Bruce Campbell MBE, inventor of the bionic ear Professor Graeme Clark, humanitarian Professor Freda Briggs and singer and entertainer Slim Dusty. Their stories demonstrate how Australia's ageing population presents many positive and inspiring examples for local communities and our nation.

Nominations are sought for older Australians from all backgrounds and fields of endeavour including the arts, media and entertainment, business, charity, education, environment, humanitarian, indigenous and ethnic services, medicine and science, technology and engineering or sport.

One of the most treasured honours you can bestow upon an older Australian is to nominate them for Senior Australian of the Year 2006. If you know someone who is an inspirational and outstanding senior Australian, I encourage you to nominate them.

A nomination form and information sheet are enclosed. More forms are available from Commonwealth Bank branches. Completed nomination forms should be sent to the National Australia Day Council, Old Parliament House, King George Terrace, Parkes ACT 2600. You can also nominate someone for Senior Australian of the Year at www.australianoftheyear.gov.au.

Please distribute this information throughout your organisation. Nominations close on Monday 29 August 2005.

COR/28 **Correspondence: State Emergency Service**

MOSPLAN REF: **07.06.06**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

Following a request from the Division Controller of the Sydney Northern Division of the State Emergency Service, the General Manager sent the following response:

Thank you for your letter of 7 July 2005 in relation to the Mosman Local Controller's performance review and re-appointment. Your original letter was incorrectly addressed and the faxed copy was my first contact.

I have no hesitation in saying that Council will totally support the re-appointment of Ms Jean Tyacke for a further two-year period from 1 August 2005. Ms Tyacke is an outstanding Local Controller and has the total support of both the elected and administrative bodies of this Council.

14. NOTICE OF MOTIONS/RECISSION MOTIONS

Notice of Motion - Council Policy on Provision of information to Councillors Regarding Council Meetings and Site Inspections of Properties

SUBMITTED BY: Councillor Wilton

MOSPLAN REF: 04.02.02

NOTICE OF MOTION

- A. That councillors receive copies of letters sent to Council, by residents or their representatives, in the attachments to the Council agendas for Council meetings. These attachments can be on disc or hard copy according to the Councillor's needs.
- B. That Councillors and residents requests for the inclusion of a property in the Council Planning Meeting Inspections will be decided by the majority of Councillors present on the day of inspections.
- C. That these resolutions be written into Council policy.

Notice of Motion - Changes to the Code of Meeting Practice

SUBMITTED BY: Councillor Wilton

MOSPLAN REF: 01.01.02

NOTICE OF MOTION

That the Code of Meeting Practice be amended in Section 38 Voting at Council Meetings to delete clause [6]

[6] A Councillor must not vote on a matter where they have absented themselves during the whole or part of hearing of oral submissions by some parties to Council or Committee meetings and must not return to the Chamber until voting has concluded on the subject matter before the Chair.

Notice of Motion - Aboriginal Heritage Officer

SUBMITTED BY: Councillor Wilton

MOSPLAN REF: 04.02.06

NOTICE OF MOTION

That Mosman Council appoint an **Aboriginal Heritage Officer**, such as in our neighbouring councils of Warringah, North Sydney, Lane Cove, Willoughby, Manly, Hunters Hill and Pittwater to implement the Mosman Aboriginal Heritage Study and in accord with MOSPLAN.

**Notice of Motion - Community Information Meeting re Mosman Prep School DA
8.2004.395.1**

SUBMITTED BY: Councillor Wilton

MOSPLAN REF: 04.02.02

NOTICE OF MOTION

That a community information meeting be publicised and held on an evening before this matter comes to council, with staff and residents of the following streets: Shadforth, Raglan and Canrobert, regarding the amended plans for DA 8.2004.395.1 Mosman PREP School, due to community concern about lack of information on the amended proposal and time constraints in which to respond.