



Agenda

Ordinary Meeting

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

Monday 8 March 2010

Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

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

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

Seating Arrangements for Meetings

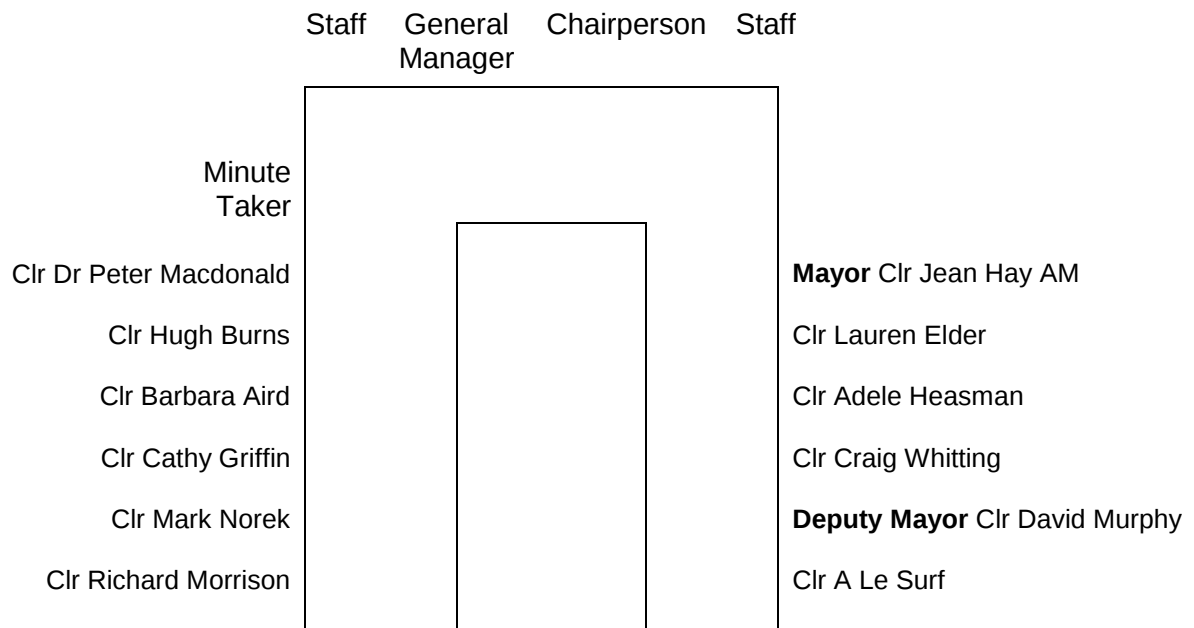


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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

(In accordance with Clause 241 of the Local Government (General) Regulations, 2005)

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****Notice of Rescission Report No. 2**

Corporate Services Division Report No. 6 - Legal Matter *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

Notice of Rescission Report No. 1

Corporate Services Report No. 6 Tender No. T2009/17
EOI Property Management Services *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

Corporate Services Division Report No. 9

Koobilya Street Tennis Courts Seaforth *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 5
SUBJECT: Grove be Gazetted for recreational purposes
FILE NO:

Councillor Craig Whitting will move:

That Manly Council report on the implementation and progress of Resolved Motion 154/09 on 9 November 2009.

"The Grove be Gazetted for recreational purposes."

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_6.doc

***** End of Notice of Motion Report No. 5 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 6
SUBJECT: Alcohol advertising on public transport
FILE NO:

Councillor Barbara Aird will move:

In view of the enormous problems of alcohol abuse in our society, and the clear evidence that alcohol advertising has a significant impact on young people, that Manly Council:

1. Requests the Premier, Minister of Health, Minister of Transport and Minister of Local Government to reject the practice of promoting the consumption of alcohol through advertising on public transport. Also, Council requests a response from the Leader of the Opposition and each of the shadow ministers.
2. Ensures that there is no alcohol advertising on any Council owned property, including bus shelters.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_4.doc

***** End of Notice of Motion Report No. 6 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 7
SUBJECT: Manly Boy Charlton Centre Season Pass
FILE NO:

Councillor Craig Whitting will move:

That Manly Council report on the implementation and progress of Resolved Motion 171/09 on Monday 14 December 2009.

"Manly Council consider offering one Manly Boy Charlton Centre Season Pass to each of the Manly Local Area Swimming Clubs on a yearly basis."

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_5.doc

***** End of Notice of Motion Report No. 7 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 8
SUBJECT: Promotion of Council's Hop Skip and Jump Tourist Service "Manly Sightseeing Bus Tours"
FILE NO:

Councillor Hugh Burns will move:

That Council prepare a comprehensive marketing and promotion plan for its new Tourist Bus service to maximise patronage.

Background

The marketing plan is to be developed by a suitably qualified professional, either in-house, from the Visitors Information Centre or from a reputable firm with expertise in tourist promotion.

Such a plan is to include but not be limited to:

- Developing the Tourist Service as a readily recognisable high profile quality brand of Manly Council.
- Putting prominent self-promotional material on the side of the bus(es) used such as "Manly Tourist Sightseeing Tours" or similar. (Such material may need to be removable for normal bus operations.)
- Producing attractive informative cost-efficient promotional literature for the service including timetable and highlights (including web site material)
- Providing passengers with a quality souvenir handout/memento of the trip to assist self-promotion by word of mouth. (e.g. marked up route map and notes/recommendations)
- Developing a co-promotion with Sydney Ferries to capture tourist day trippers, including placing advertising and brochures on board all Manly Ferries.
- Promoting the Sightseeing service to locals, community groups and schools in the off-season as a fun and informative trip. (Whether on scheduled trips or as extra special charter services)
- Developing and trialling an on-line internet booking service for the operation. (The graphic loading time and page size on the Council web site also needs to be reviewed.)
- Looking at involving local businesses in combined tour packages such as tour and morning/afternoon tea or lunch or similar.
- Placement of promotional material in all local hotels e.g. to reach the major Manly hotel, guest house and Q-station guests.
- Engage in active reciprocal cross-promotion of similar tourist tour services run by local Manly businesses and currently promoted in the Visitor's Information Centre (VIC) e.g. with operators of bike and walking tours. (eg include specific mention/promotion of others on material handed to passengers on board)
- Consider obtaining carbon offsets for the Tourist Bus services so these services can be promoted as Carbon Neutral to eco-tourists.

Notice of Motion Report No. 8 (Cont'd)

- Placement of larger more prominent Manly Council logos on the bus(es)

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_3.doc

***** End of Notice of Motion Report No. 8 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 9
SUBJECT: Policy on Community Gardens and Verge Gardens in Sustainable Streets
FILE NO:

Councillor Cathy Griffin will move:

Manly Council develop and promulgate a Policy on Community Gardens and Verge Gardens in Sustainable Streets

The objectives of this policy would be to:

1. Promote the development of community gardens and verge gardens in sustainable street sites in the Manly LGA where people can meet and learn about sustainability.
2. Document and standardise processes and procedures to ensure consistency in the management of all community gardens and verge gardens in sustainable streets within the Manly LGA.
3. Help increase the number of community gardens and sustainable streets, according to Manly LGA capacity, community need and availability of appropriate sites or streets by developing a clear process and allocating appropriate resources to support new and existing community and verge gardens.
4. Clarify the rights and responsibilities of all stakeholders involved in community garden and sustainable street projects including the garden volunteers, Manly Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access.
5. Support community gardens and sustainable streets to be self managed to increase community "ownership".
6. Recommend planning controls to support the development of sustainable streets and community gardens on land established for community use and to be integrated into new development.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_1.doc

***** End of Notice of Motion Report No. 9 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 10
SUBJECT: Town Hall Energy Audit to reduce energy consumption in Manly Council Chambers
FILE NO:

Councillor Hugh Burns will move:

That Council conduct an Energy Audit of the Council Chambers to identify ways to reduce energy consumption within the building to save electricity, reduce costs and reduce Council Carbon Dioxide emissions from this location.

The audit is to be undertaken by a suitably qualified professional, either in-house, or from a reputable firm of consultants specialising in energy management.

The report is to be provided to Council for consideration with action recommendations and an implementation budget for these recommendations.

The audit is to include but not be limited to:

- Identification and reporting on of the major uses of energy within the building such as lighting, office equipment, air conditioning, hot water and similar. Energy consumption reporting is to be based on measurement of actual equipment power consumption (including sampling where many similar items are in use).
- Considering and reviewing energy saving measures such as :-
 - restoring internal skylights to replace day time electric lighting,
 - restoring cord mechanisms in all external windows to enable them to be used for ventilation when conditions are suitable in lieu of air conditioning - particularly in small offices and meeting rooms etc.
 - installing insulation above the ceilings within the roof of the building to reduce the air conditioning thermal load,
 - fitting time clocks to all boiling water units,
 - positively ensuring unused computer and office equipment is turned off overnight
 - fitting controls to enable the turning off unused internal fridge lighting in the main kitchen when not in use
 - reducing the use of small, less energy-efficient, fridges around the building
 - changing the design of the air conditioning to be able to use all outside air (economy cycle) when external conditions are suitable (e.g. winter and night time use of the building)
 - upgrading the lighting in the building to be more energy efficient (noting high intensity Light Emitting Diode (LED) lights are currently being trialled in the ground level foyer and public counter area)
 - fitting solar collectors to the roof to provide hot water for the building

Notice of Motion Report No. 10 (Cont'd)

- Reviewing the purchasing specification for office and network equipment to ensure the most energy efficient equipment is being sought.

The report is to be brought back to Council within 3 months.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM080310NM_2.doc

***** End of Notice of Motion Report No. 10 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Notice of Motion Report No. 11
SUBJECT: Recreational Fishing
FILE NO:

Councillor Lauren Elder will move:

The Legislative Council has called for an Inquiry into Recreational Fishing with the terms of reference as attached.

That Council submit a draft submission addressing each of the terms of reference as below and submits the submission to The Director, Select Committee on Recreational Fishing.

The purpose of a submission from Manly Council is to reinforce Manly Council's support for improved management of Sydney's marine waters through the creation of a multiple use Sydney Marine park and to contribute towards more sustainable management of recreational fishing in the Manly LGA.

Draft: Submission: Inquiry into Recreational Fishing 2010.

Introduction.

- To protect our oceans for future generations we need to improve our marine management and ensure our fishing practices are environmentally sustainable. This will help ensure we have healthy and thriving NSW oceans for us all to enjoy.
- Fishing is an important part of the social and economic lives of communities in NSW, and with proper management this can be balanced with environmental needs.

A. The current suite of existing regulatory, policy and decision-making processes in relations to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine parks and the efficacy of existing Marine Protected areas and Marine Parks.

- Manly Council publicly supports the creation of a multiple use Sydney Marine Park with increased sanctuary areas for Manly's marine waters.
- The various forms of marine protected areas (MPAs) are confusing for community members. There is a perception that marine parks aren't multiple use and there is much confusion over what activities are permitted in other MPAs. Better communication from government agencies is needed about what MPAs are and the benefits for fishers and other community members.
- All zoning types of marine parks should be standardised so they can be more easily interpreted by community members
- The staged process of marine park creation currently works well, with public consultation on zoning options enabling stakeholders to input to marine park zoning once the park is announced.
- During MPA processes, significantly more effort needs to be made to communicate to the

Notice of Motion Report No. 11 (Cont'd)

NSW community the benefits of marine parks and the science behind them. In particular, there needs to be an increased effort to communicate positive examples of marine parks to recreational fishers. Currently certain lobby groups have spread misinformation amongst local communities and this hinders community-based MPA processes by negatively influencing community views on MPAs, therefore potentially affecting MPA outcomes.

B. The effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities,

- Some of the current information arising from these sources is misrepresented and at odds with scientific opinion, economic statistics and community opinion. Efforts should be made to eliminate bias from these committees.

C. The value of recreational fisheries to the economy in NSW

- Recreational fishing, along with other marine-based recreational activities is good for the economy and holds an important place in the social and economic future of NSW. Multiple use marine parks and fisheries management tools can be compatible with ongoing recreational fishing businesses, together with a more sustainable future for all marine based industries in NSW.

D. The gaps in existing recreational fisheries programs, including the number and location of Recreational Fishing havens

- Recreational fishing programs need to include MPA educational information to help gain widespread understanding and support from the recreational fishing community, for the establishment and management of MPAs. A statewide recreational fisher targeted educational program would enable unbiased, accurate and relevant MPA information to be provided to this group. This will enable more informed debate and participation in government MPA processes by more educational audiences and would enable less arduous creation and management of NSW's MPA system.

E. Ecologically sustainable development issues related to improving recreational fisheries

- An Environmental Impact Statement (EIS) must be immediately undertaken for the recreational sector in NSW and catch and effort data collated for all NSW recreational species. Without these measures, effective management and the goal of ESD are impossible.
- While the general perception is that commercial fisheries have a larger footprint on the environment due to methods used and overall catch levels, in some cases, the total recreational catch is equal to or sometimes significantly greater than the total commercial catch, as illustrated in table 1 below.

Table 1. Comparison of total annual catch by NSW commercial and recreational fisheries.
Source: Status of Fisheries Resources in NSW 2006/07.

Species	Exploitation status	Commercial catch (tonnes)	Recreational catch (tonnes)
Bluespotted Flathead	Fully Fished	125	320-450
Dart	Undefined	<5	15-50
Dusky Flathead	Fully Fished	120	570-830

Notice of Motion Report No. 11 (Cont'd)

Flounders	Undefined	<20	10-20
Grey Morwong	Overfished	40	130-210
Hammerhead Shark	Undefined (IUCN Vulnerable/Endangered)	<5	10-50
Luderick	Fully Fished	350	270-550
Mackerel Tuna	Undefined	15	<50
Mahi Mahi	Undefined	<5	100
Mako Shark	Undefined (IUCN Vulnerable)	6	30-140
Mulloway	Overfished	40	100-500
Pearl Perch	Uncertain	13	<30
Sand Whiting	Fully Fished	14	230-460
Snapper	Growth Overfished	200	180-250
Spanish Mackerel	Fully Fished	5	10-100
Spotted Mackerel	Fully Fished	25	10-100
Sweep	Fully Fished	40	30-60
Tarwhine	Fully Fished	75	130-210
Teraglin	Fully Fished	10	70-110
Tiger Shark	Undefined (IUCN Near Threatened)	5	10
Yellowfin Bream	Fully Fished	360	820-1070
Yellowtail Kingfish	Growth Overfished	125	120-340

- The higher catch rates and, importantly, the uncertainty in the total recreational catch for many species demonstrates the need for significant improvements in research if ESD principles are to be met.
- Waste, in the form of lost gear, bait bags and other litter, either lost accidentally or left behind through carelessness, has an impact on the environment but that impact needs to be quantified and efforts made to reduce it. Once again, an EIS accompanied by further research are the obvious tools to start this process. There have clearly been positive steps taken to reduce damage in this area with the invention of biodegradable line and the use of non stainless steel hooks and circle hooks.
- An EIS and targeted research might also determine any negative effects of selectively removing larger fish and highlight instances where maximum, as well as minimum, size limits might be appropriate.
- Measuring cryptic mortality of fish that have either escaped before capture or have been released post capture is also important in any ESD assessment.
- An EIS should also look at the scientific basis for setting size and bag limits. The minimum size limit for mulloway, for example, stands out as being inappropriate as it is well below the size at maturity. The precarious state of mulloway stocks indicates a need for a radical reassessment of this minimum size limit.
- It is hard to reconcile the policy of fish stocking with ESD principles. Fish stocking should only be used as a last resort as it merely serves to temporarily mask the real causes of fish decline and can hamper stock and ecosystem recovery efforts. Stocking of non-native fish, such as trout, in freshwater systems, damages the natural environment and is harmful to native species and we do not support this.

Notice of Motion Report No. 11 (Cont'd)**Conclusion**

Most activities have some impact on the natural environment. Recreational fishing, by its very nature, has a direct impact. That impact is manageable and need not conflict with environmental sustainability. However, improved research and management is needed to ensure we get the correct balance between fishing and conservation.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

AT- 1 Terms of Reference 1 Page

AT- 2 Media Release 1 Page

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***** End of Notice of Motion Report No. 11 *****

Notice of Motion Report No. 11 - Recreational Fishing
Terms of Reference



LEGISLATIVE COUNCIL

SELECT COMMITTEE ON RECREATIONAL FISHING

Inquiry into recreational fishing

TERMS OF REFERENCE

1. That a select committee be appointed to inquire into and report on the benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in New South Wales, and in particular:
 - (a) the current suite of existing regulatory, policy, and decision-making processes in relation to the management of recreational fisheries in New South Wales, including the process for the creation of Marine Protected Areas and Marine Parks and the efficacy of existing Marine Protected Areas and Marine Parks,
 - (b) the effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities,
 - (c) the value of recreational fisheries to the economy in New South Wales,
 - (d) the gaps in existing recreational fishery programs, including the number and location of Recreational Fishing Havens, and
 - (e) ecologically sustainable development issues related to improving recreational fisheries.
2. That the committee report by 25 November 2010.

COMMITTEE MEMBERS

The Hon Robert Brown MLC (*Chair*)
The Hon Tony Catanzariti MLC (*Deputy Chair*)
Mr Ian Cohen MLC
The Hon Rick Colless MLC
The Hon Charlie Lynn MLC
The Hon Christine Robertson MLC
The Hon Mick Veitch MLC

The Shooters Party
Australian Labor Party
The Greens
The Nationals
Liberal Party
Australian Labor Party
Australian Labor Party



30 November 2009

Legislative Council
Select Committee on Recreational Fishing

**SELECT COMMITTEE ON RECREATIONAL FISHING ANNOUNCES
COMMENCEMENT OF THE INQUIRY AND CALL FOR SUBMISSIONS**

The NSW Legislative Council has established a select committee to examine recreational fishing in NSW for both coastal and inland fisheries. The inquiry has commenced and the Committee is inviting interested people and organisations to make a submission.

Committee Chair, the Hon Robert Brown MLC said, "This parliamentary inquiry will take a thorough look at recreational fishing, for both coastal and inland fisheries, and the way it is managed in this state. There are over half a million recreational fishing licence holders in NSW and this inquiry will examine the benefits and opportunities that improved recreational fisheries may represent for licence holders."

"This important inquiry will look at the current regulatory, policy and decision making processes that control recreational fishing. It will also examine the current representational system of trusts and advisory committees that advise government departments and statutory authorities about recreational fishing", said Mr Brown.

Mr Brown said, "The inquiry will examine the effectiveness of existing Marine Protected Areas and Marine Parks and look at the gaps in existing recreational fishery programs, including the number and location of Recreational Fishing Havens."

"This inquiry will also consider the value of recreational fisheries to the economy of NSW, as well as ecologically sustainable development issues related to improving recreational fisheries," Mr Brown added.

"We are inviting submissions addressing the terms of reference, due by **Friday 19 March 2010** and we will hold public hearings in Sydney and in coastal and inland regional areas during April to June next year." The Committee membership comprises members from all over NSW:

COMMITTEE MEMBERS

The Hon Robert Brown MLC (<i>Chair</i>)	The Shooters Party
The Hon Tony Catanzariti MLC (<i>Deputy Chair</i>)	Australian Labor Party
Mr Ian Cohen MLC	The Greens
The Hon Rick Colless MLC	The Nationals
The Hon Charlie Lynn MLC	Liberal Party
The Hon Christine Robertson MLC	Australian Labor Party
The Hon Mick Veitch MLC	Australian Labor Party

Submissions can be submitted via email to: fishinginquiry@parliament.nsw.gov.au or faxed to (02) 9230 3416 or mailed to: The Director, Select Committee on Recreational Fishing, Parliament House, Macquarie Street, Sydney NSW 2000. The terms of reference for the inquiry and information about making a submission can be obtained from the Committee Secretariat on (02) 9230 3544 or via the Committee's website at: www.parliament.nsw.gov.au/fishinginquiry.

*For further comment please contact the Hon Robert Brown MLC, Committee Chair, on
0429303250 or 9230 2573*

TO: Ordinary Meeting - 8 March 2010
REPORT: General Managers Division Report No. 3
SUBJECT: SHOROC Sub-Committee – Kimbriki Resource Recovery Centre
FILE NO:

SUMMARY

Council is to appoint a community representative and a Councillor to the Kimbriki Resource Recovery Centre sub-committee, in accordance with the committee's Terms Of Reference as adopted by SHOROC on November 18th 2009.

REPORT

At the SHOROC Board meeting of November 18th 2009, terms of reference were adopted to establish the "Kimbriki Resource Recovery Centre Sub-committee". The Terms of Reference can be viewed at Attachment 1.

Essentially, the purpose of the sub-committee is to provide an opportunity for representatives of the Councils and communities of Manly, Mosman, Pittwater and Warringah to consider and provide input to matters relevant to the operation of the Kimbriki Resource Recovery Centre by Kimbriki Environmental Enterprises Pty Ltd.

Manly Council advertised for expressions of interest for the position of Community Representative in the Council News section of the Manly Daily on Saturday February 13th. Information was also sent to the Community Precinct Forums, the Volunteers Database and the Manly Environment Centre. The deadline for applications was Monday February 22nd and a total of three (3) applications were received. The three applications can be viewed at Attachments 2 – 4.

The three applicants were invited to come in for interviews on Tuesday March 2nd. All three applicants demonstrated a sound knowledge regarding waste issues and were familiar with the operations of the Kimbriki facility. Staff ranked the applicants in preferred order for recommendation to Council. The candidate selected to be recommended first has an extensive knowledge of waste related issues and will draw from her broad connections within the community of Manly to represent their needs and expectations.

RECOMMENDATION

That Council:

1. Appoint a Councillor to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. Appoint **Applicant 3** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
3. Invite Applicant 2 to be the "first reserve" for the committee and applicant 1 to be the "second reserve" to serve on the committee.

ATTACHMENTS

AT- 1 Terms of Reference

3
Pages

AT- Applicant 1 - **CONFIDENTIAL ATTACHMENT - for the information of**

General Managers Division Report No. 3 (Cont'd)

2 Councillors

AT- Applicant 2 - ***CONFIDENTIAL ATTACHMENT - for the information of***

3 Councillors

AT- Applicant 3 - ***CONFIDENTIAL ATTACHMENT - for the information of***

4 Councillors

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***** End of General Managers Division Report No. 3 *****

TERMS OF REFERENCE

SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

1 Establishment

This Sub-Committee, to be known as the SHOROC Sub-Committee – Kimbriki Resource Recovery Centre, was formally established by resolution of the SHOROC Board on 18 November 2009.

2 Terms of Reference

2.1 Purpose

The purpose of this Sub-Committee is to provide an opportunity for representatives of the Councils and communities of Manly, Mosman, Pittwater and Warringah to consider and provide input to matters relevant to the operation of the Kimbriki Resource Recovery Centre by Kimbriki Environmental Enterprises Pty Ltd (KEE).

2.2 Objectives

The Sub-Committee has been established to:

- Receive and review the annual and quarterly reports of Kimbriki Environmental Enterprises Pty Ltd (KEE)
- Provide input during development of KEE's Annual Draft Budget and Business Plan, as well as longer-term plans for Kimbriki
- Consider and advise the SHOROC Board, as required, on major plans, projects, initiatives or developments proposed by KEE.
- Provide a forum for discussion and advice on such further matters as the SHOROC Board determines, including regional waste management strategies and other strategic regional priorities and targets relevant to operations at the Kimbriki Resource Recovery Centre
- Assist in keeping the SHOROC Board informed of KEE operations

2.3 Scope & Limitation of Powers

The scope of this Sub-Committee is limited to the functions outlined in the Terms of Reference, or to other directions issued from time-to-time by the SHOROC Board.

The Sub-Committee has not been granted delegation, by virtue of the Terms of Reference, to exercise any functions of the SHOROC Board.

3 Membership

3.1 Membership of the Sub-Committee is limited to a maximum of eight (8) voting members.

General Managers Division Report No. 3 - SHOROC Sub-Committee – Kimbriki Resource Recovery Centre
Terms of Reference

Terms of Reference – SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

3.2 Manly, Mosman, Pittwater and Warringah Councils may each appoint one (1) Councillor and one (1) community representative as voting members of the Sub-Committee.

3.3 The method employed by each Council to appoint Councillor and community representatives will be at the discretion of the individual Councils. Advice of all appointments made by each Council should be directed in writing to the SHOROC Executive Director at the earliest opportunity.

3.4 Any vacancy occurring in the membership of the Sub-Committee shall be filled, for the balance of period, in the same manner as members are appointed.

3.5 Each of the above Councils may also nominate appropriate staff to attend meetings of the Sub-Committee. Such staff will attend meetings in an advisory capacity only and will not be voting members of the Sub-Committee.

3.6 The Sub-Committee may at any time issue an invitation to the Chief Executive and/or his/her representative and/or Board member(s) of KEE to attend a meeting of the Sub-Committee.

3.7 In the event that any Councillor appointed to the Sub-Committee is unable to attend any meeting of the Sub-Committee, the respective Council may be represented by an alternate appointee (being a Councillor) who shall have the same powers as the appointed delegate.

4 Chairperson

4.1 The Chairperson shall preside at all meetings of the Sub-Committee.

4.2 The Chairperson shall be a Councillor elected annually by the Sub-Committee at the first meeting following the Annual General Meeting of the SHOROC Board. In the event that the Chairperson is absent from a meeting, the Committee shall elect an acting Chairperson for that meeting.

5 Quorum

A quorum for a meeting of the Sub-Committee shall be a majority of voting members, provided that a majority of Councillor representatives are also present.

6 Voting

Each member of the Sub-Committee shall have one vote, and decisions of the Committee shall be by simple majority provided that, in the event of the votes cast by members being equal, the Chairperson presiding at the meeting shall, in addition to an original vote, have a second or casting vote.

General Managers Division Report No. 3 - SHOROC Sub-Committee – Kimbriki Resource Recovery Centre
Terms of Reference

Terms of Reference – SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

7 Meetings

- 7.1 Meetings of the Sub-Committee shall be held quarterly.
- 7.2 Minutes of each meeting of the Sub-Committee shall include details of all matters considered and recommendations formulated and shall be submitted to the next available meeting of the SHOROC Board.
- 7.3 The venue for Sub-Committee meetings shall generally be the SHOROC offices with, as far as practical, one (1) meeting each year being held at the Kimbriki Resource Recovery Centre.

8 Notice of Meetings

A Notice of, and Agenda for, every meeting of the Sub-Committee shall be forwarded to each member of the Committee and to the General Manager of each Council at least six (6) days prior to the date of the meeting.

9 Administrative Support

All administrative support required by the Sub-Committee shall be supplied by SHOROC, including but not limited to; the coordination and circulation of agendas and minutes, and the coordination of meeting times and venues.

10 Term

This Sub-Committee is to be reconstituted after each local government election. Following the appointment of members, the Sub-Committee will continue to operate until the next local government election (when the tenure of all members will cease), or until the Sub-Committee is otherwise dissolved by resolution of the SHOROC Board.

11 Tenure

Members of the Sub-Committee shall be appointed for a period of up to four (4) years.

Notwithstanding the above, all members will cease to hold office at each local government election or if the SHOROC Board resolves to dissolve the Sub-Committee.

12 Amendments to Terms of Reference

The Terms of Reference for the SHOROC Sub-Committee – Kimbriki Resource Recovery Centre may only be amended by resolution of the SHOROC Board.

TO: Ordinary Meeting - 8 March 2010
REPORT: Report Of Committees Report No. 8
SUBJECT: Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature
FILE NO:

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

Minutes of Meetings for adoption without recommendations of a substantial nature.

- i) Community Safety Committee – 11 February 2010
- ii) Surf Club Liaison Working Group – 16 February 2010

RECOMMENDATION

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Community Safety Committee – 11 February 2010
- ii) Surf Club Liaison Working Group – 16 February 2010

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 8 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Report Of Committees Report No. 9
SUBJECT: Minutes for adoption by Council - Community Environment Committee - 10 February 2010
FILE NO:

These reports were dealt with at the Community Environment Committee meeting of 10 February 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5.1a) PENGUIN WARDEN REPORT

Manly Wharf and Federation Point:

The 2009/2010 breeding season has been shorter at Manly Wharf and Federation Point with only one clutch. This means that there have only been 5 penguins at the wharf, compared to 7 last year and 6 at Federation Point compared to 8 last year.

As the breeding season has concluded and the adult penguins are now molting there is no need for penguin wardens to attend at the wharf or close the gates to prevent access. Angelika Treichler will continue to monitor.

Crowds watching the penguins continued to grow with up to 500 people at a time during the holiday season.

National Parks are printing a postcard of the penguins at the wharf for the wardens to give away at the wharf. The postcards will include the MEC website link where additional digital pictures of the penguins are available for downloading.

Interpretative penguin signage completed. The location needs to be confirmed to include the sign and the park bench made by Harbord Public School as requested by the Mayor.

Dog control has improved. Council has approved the dogs on leash stencil will be placed on footpath near Federation Point.

Litter continues to be a problem with 3 dirty nappies a day being dumped under the wharf.

It has been noted that the penguins at the wharf have become shy and there is a concern that people could be accessing the nesting area under the wharf after the penguin wardens have gone. The committee expressed concern about the safety of the public and the fencing under the wharf needs to be kept in good repair by the wharf management. We need to ascertain whether CCTV covers this area to ensure the safety of the penguins.

2. ITEM 5.1c) PENGUIN WARDEN REPORT

Australian Institute of Police Management Development:

Construction is expected to commence in March at the conclusion of the penguin breeding season. Susan Buchan will be the community representative on the AIPM advisory group, with Eira Battaglia as her alternate. Angelika Treichler will represent the Penguin Wardens, on the AIPM advisory group. As yet the committee has not met and the committee requested that Council determine when and where the AIPM proposes to establish and conduct the community advisory committee meeting.

Report Of Committees Report No. 9 (Cont'd)**3. ITEM 6 MANLY COVE SEAGRASSES**

Council report tabled and discussed. Boats continue to anchor in the seagrass adjoining the swimming enclosure in Manly Cove (West). The Eco Divers have provided a map and photographic evidence of significant damage to the seagrass to Council. NSW Maritime and Fisheries should respond in a more robust way to this evidence.

RECOMMENDATION

That:

**1. ITEM 5.1a) PENGUIN WARDEN REPORT
Manly Wharf and Federation Point:**

Council seeks to ensure that the area under the wharf where the penguins nest is secured by an appropriate fence and a gate so that maintenance people and penguin monitors can access it.

**2. ITEM 5.1c) PENGUIN WARDEN REPORT
Australian Institute of Police Management Development:**

It is requested that Council write to the relevant Government Department to determine when and where the Australian Institute of Police Management (**AIPM**) will establish and conduct the AIPM Advisory Committee meetings

3. ITEM MANLY COVE SEAGRASSES

The Committee suggested that Council write to NSW Maritime to:

- Encourage them to respond in a more robust way to evidence which has been previously provided.
- Provide the latest maps and photographs as evidence of damage.
- Request that urgent action be taken to implement signage, installation of seagrass friendly moorings and follow up to ensure compliance with the NSW Maritime's Boating Handbook 2003-2004 and Boating Industry Associations Guide regarding not anchoring over seagrass.
- Council to ensure that the Manly cove Coastline Management Plan includes and considers the urgent need for signage and compliance.

ATTACHMENTS

There are no attachments for this report.

OM080310RC_2.doc

***** End of Report Of Committees Report No. 9 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Report Of Committees Report No. 10
SUBJECT: Minutes for adoption by Council - Sports Facilities Committee - 5 February 2010
FILE NO:

This report was dealt with at the Sports Facilities Committee meeting of 5 February 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 REPORT: Proposed Priorities For 2010

The Committee discussed the list of projects on the priorities list. Projects endorsed by the Committee for 2010 financial year are as follows:

- Seaforth Oval additional topdressing;
- Tania Park purchase of replacement timber goal posts; and
- Keirle Park additional sports fields lighting fields 2&3.

RECOMMENDATION

That:

1. ITEM 4 REPORT: Proposed Priorities For 2010

The Committee recommend to Council to endorse the projects listed as the 2010/11 priorities for the next financial year.

ATTACHMENTS

There are no attachments for this report.

OM080310RC_3.doc

***** End of Report Of Committees Report No. 10 *****

TO: Ordinary Meeting - 8 March 2010
REPORT: Corporate Services Division Report No. 8
SUBJECT: Report on Council Investments as at 31 January 2010
FILE NO:

SUMMARY

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

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

REPORT

Council is required to report on a monthly basis, all invested funds which have been made in accordance with the Local Government Act 1993, The Local Government (General) Regulation 2005, and Council's Investment Policy.

Attached is the report of the bank balances and investment performance for January 2010.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Investment Performance

The Investment Report shows that Council has total Investments of \$16,229,151, comprising a combined Bank Balance of \$612,974; and Investment Holdings of \$12,566,176 directly managed and \$3,050,001 externally managed.

Investments overall performed below the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.72% (*Council Benchmark =4.20% - benchmark is 90 day average BBSW*)

The reduced interest returns for January are a result of several investments not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. These include Emu Note (Dresdner Bank), Credit Suisse Aquaduct; Longreach Socially Responsible Note, ANZ Climate Change Trust, Westpac Principal Protected Ethical Note, and Lehman Bros Zircon (Coolangatta) and Beryl (Global Bank Note).

Lehman Brothers Australia (Grange) Portfolio Performance

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 7.53%, less than the benchmark UBSWA Index of 5.83% (for the month of January 2010 the monthly return was 6.89% above the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

Corporate Services Division Report No. 8 (Cont'd)**Movements in Investments for the Month of January 2010****Investments Made**

Nil

Investments Matured

Nil

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 31 January, 2010 be received and noted.

ATTACHMENTS

AT- 1 Investment Report 1 Page

OM080310CSD_1.doc

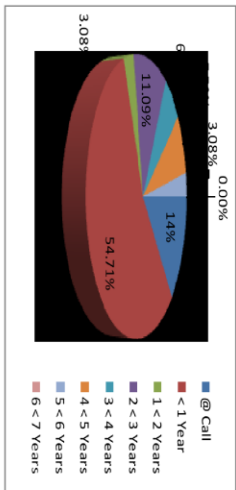
***** End of Corporate Services Division Report No. 8 *****

ATTACHMENT 1

Corporate Services Division Report No. 8 - Report on Council Investments as at 31 January 2010 Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 January 2010									
Form of Investment	Investment in AUSA	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate	Interest YTD	Accrual Jan 10	
Directly Managed Funds									
Trading Account	Cash	612.974	AA-			2.55% (1)	\$ 20,268	\$ 6,945	
Others									
Emu Note - Dredger Bank	Structured Note	500.000	3.08%	25/10/2005	13/12/2012	0.00%	\$ -	\$ -	
WBC PP Ethical Note	Structured Note	500.000	3.08%	5/07/2006	5/07/2012	0.00%	\$ -	\$ -	
Credit Suisse - Aqueduct Note	Structured Note	448.585	3.08%	22/12/2006	21/05/2010	0.00%	\$ -	\$ -	
Longreach - Socially Responsible Note	Structured Note	500.000	3.08%	29/12/2007	21/12/2012	0.00%	\$ -	\$ -	
AGPS - Socially Responsible Note	Structured Note	407.280	3.08%	29/12/2007	21/12/2012	0.00%	\$ -	\$ -	
Greater Building Society	Term Deposit	559.139	3.45%	9/09/2009	3/07/2010	4.40%	\$ 7,590	\$ 1,634	
Savings and Loans Credit Union Limited	Term Deposit	719.877	4.44%	26/09/2009	24/05/2010	4.94%	\$ 15,394	\$ 3,020	
Commonwealth Bank	Term Deposit	2,600.000	16.02%	30/09/2009	28/06/2010	4.62%	\$ 26,052	\$ 6,561	
Suncorp Metway Limited	Term Deposit	1,000.000	6.16%	30/09/2009	28/06/2010	5.15%	\$ 12,953	\$ 2,573	
Bank of Queensland	Term Deposit	1,000.000	6.16%	30/09/2009	28/06/2010	4.98%	\$ 25,072	\$ 6,319	
Bank of Queensland	Term Deposit	1,000.000	6.16%	15/12/2009	15/03/2010	5.50%	\$ 1,771	\$ 1,168	
Macquarie Bank	Term Deposit	500.000	3.08%	14/12/2009	2/12/2010	5.15%	\$ 1,159	\$ 729	
Bank of Western Australia	Term Deposit	500.000	3.08%	14/12/2009	2/12/2010	5.00%	\$ 1,086	\$ 708	
Bank of Queensland	Term Deposit	500.000	3.08%	14/12/2009	2/12/2010	4.76%	\$ 1,864	\$ 125	
LOFS Ethical Fund	@ Call	30.510	0.19%	At call	At call	3.50%	\$ 93	\$ 15	
Illawarra Mutual Building Society	@ Call	5.000	0.03%	At call	At call	3.00%	\$ 55,205	\$ 12,321	
Total Directly Managed Funds		12,596.176	77.43%						
		13,179.150							
Lehman Brothers Australia (Grange) Managed Funds (All in AUSA)									
Approved Deposit Institutions (Bank)									
HSBC	Floating Rate Note	500.000	3.08%	20/03/2007	22/09/2011	4.32%	\$ 10,947	\$ 1,834	
Total		500.000	3.08%						
Interest Bearing Securities (Non Bank)									
MAGS-7 (Futures IIA)	Floating Rate CDO	300.000	1.85%	20/03/2007	20/03/2012	5.52%	\$ 8,633	\$ 1,408	
MAGS-7 (Futures IIA)	Floating Rate CDO	500.000	3.08%	20/03/2007	20/03/2012	6.07%	\$ 12,350	\$ 2,578	
Corseair (Futures IIA)	Floating Rate CDO	500.000	3.08%	20/03/2007	20/03/2012	5.67%	\$ 14,949	\$ 2,410	
Zircon (Coolangatta)	Floating Rate CDO	500.000	3.08%	3/04/2007	20/09/2014	0.00%	\$ -	\$ -	
Beryl (Global Bank Note)	Floating Rate Note	2,550.000	15.71%						
Total		1,204.045							
Macquarie Cash Management Account	@ Call	1	0.00%	AAA	At call	1.95%	\$ 972	\$ -	
Total Grange Managed Funds		3,050.001	18.79%				\$ 32,300	\$ -	
Retired Investments									
Total Portfolio		18,229.151	100.00%				\$ 333,540	\$ 70,963	
BENCHMARK									
Notes:									
1. Benchmark is 90 day Average BBSW									
2. Benchmark is 90 day Average BBSW									
3. Benchmark is 90 day Average BBSW									
4. Benchmark is 90 day Average BBSW									
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25. Benchmark is 90 day Average BBSW									
26. Benchmark is 90 day Average BBSW									
27. Benchmark is 90 day Average BBSW									

Summary by Credit Rating	No.
AAA	2
AA	6
A	2
AA-	7
BBB+	3
BBB-	0
BB	1
B+	1
B-	1
CCC-	3
Credit Union	4
	27



TO: Ordinary Meeting - 8 March 2010
REPORT: Planning And Strategy Division Report No. 5
SUBJECT: MV Baragoola Ferry – former State Heritage Register listed item.
FILE NO:

SUMMARY

The purpose of this report is to advise Council on the recent delisting of the former Ferry the MV Baragoola from the NSW State Heritage Register by the Heritage Council and Minister for Planning, and report on the previous resolution of Council regarding this matter.

REPORT

Council at its meeting of 1 March 2010 resolved that this report be deferred to the next Ordinary Council Meeting (8 March 2010) to allow the Baragoola Preservation Association Inc. to provide an informed report to Council. It is advised that Mr Lance Lyon (President) will attend Council's meeting on 8 March 2010 to provide information on the MV Baragoola. Additional information on the MV Baragoola, obtained from the Heritage Branch website is circulated separately as Attachments 1 to 3, and includes a press release and two Structural Engineering reports for information. It is noted that the two Structural Engineering reports have copyright, and should be read and retained in their entirety, and should not be quoted out of context.

At the Council meeting of 7 December 2009 Council received an 'Item for Brief Mention' on the Removal of the MV Baragoola from the NSW State Heritage Register.

Council resolved [PS194/09] as follows:

- "i. That the General Manager write to the Minister of Planning to urge that the State Heritage listing of the MV Baragoola be maintained for a further six month period while its relocation arrangements are finalised by the owners.*
- ii. That staff investigate the legal possibilities of listing the boat as an environmental heritage item under Manly Council or another Council's LEP."*

Council is advised that a letter was sent to the Minister of Planning in accordance with resolution (i) above. With regard to the second part of the resolution staff obtained the following legal advice:

"Having regard to the provisions of Part 3 of the *Environmental Planning and Assessment Act 1979* (NSW) and, in particular, sections 26, 53, 54 and 55 of that Act, as a matter of statutory construction Council would not have the power to designate, and otherwise control, something as an item of the [local] environmental heritage that was located outside Council's local government area. If an item such as the one in question were to be moored within the Manly local government area, then it could be designated and controlled in the manner specified for so long as it was within Council's local government area, but not otherwise."

If the vessel is moored below the high water mark it would be outside the Local Government Area (LGA) boundary except as provided for in section 205 of the *Local Government Act, 1993* as follows:

"205. Land taken to be included in an area:

- (1) The land and water between high-water mark and low-water mark on the foreshores of and area is taken to be in the area.

Planning And Strategy Division Report No. 5 (Cont'd)

- (2) The land and water enclosed by:
 - (a) a straight line drawn between the low-water marks of consecutive headlands to any body of water on the foreshores of an area, and
 - (b) those foreshores, is taken to be in the area.
- (3) Land on the boundary of an area is taken to be in the area if:
 - (a) it is reclaimed from tidal waters, or
 - (b) it is on the foreshores of the area and beyond low-water mark, and it is privately owned or has a structure erected on it.
- (4) This section is subject to any proclamation made under this Division."

Another Council could investigate the possibility of listing the former ferry under its LEP, but would have to go through the same process as Manly Council and obtain its own legal advice on the matter.

Council received notification from the Department of Planning, Heritage Branch on the 3 February 2010 that the MV Baragoola had been removed from the State Heritage Register and is no longer a state heritage item.

Heritage Significance

The NSW Heritage Council's 4 November 2009 minutes on the MV Baragoola states the following on the significance of the item:

"the current condition has seriously undermined the original integrity of the vessel, its fabric and fittings, and that future works required to make the vessel safe as a floating exhibit will require additional substantive replacement of original materials with new. Members were satisfied that as a result of the vessel's condition it was no longer of State Heritage Significance. The scale of this additional work has been estimated in the vicinity of 65%. It is the members view that the scale of this activity and the poor current condition overall would result in substantive change to the vessel and its % of original fabric. In essence this activity would result in a replica of Baragoola being made, which would no longer be of State Heritage significance."

A copy of the NSW Heritage Council minutes relevant to the de-listing of the MV Baragoola is attached for background information (refer to Attachment 4, circulated separately).

Comment

To list the MV Baragoola as a heritage item in the Manly Local Environmental Plan in compliance with relevant legal requirements, the vessel is required to be located within the local government area (LGA) boundary. It is noted that the vessel is currently under negotiation for private sale and that the vessel is in an advanced state of deterioration. In its current state it may not be able to be moved to Manly.

If the vessel was within the LGA boundary, an assessment of the vessel's significance as a local item would need to be determined prior to any proposed listing on the Manly LEP. Listing would ultimately require approval from the Department of Planning and the Minister for Planning. The condition of the vessel would also have to be taken into account. It is considered that as the vessel has lost much of its State heritage significance due to its poor condition, as determined by the NSW Heritage Council, then its significance and integrity as a local item is also significantly reduced.

In conclusion, the vessel is in a degraded and poor condition. It is not located within the local government area and the NSW Heritage Council has removed the MV Baragoola from the State Heritage Register due to the loss of its heritage values and integrity. In the circumstances it is considered that the Council should not consider or pursue listing the MV Baragoola as a local item, having regard to all of the relevant heritage concerns, as well as the legal and economic issues.

Planning And Strategy Division Report No. 5 (Cont'd)**RECOMMENDATION**

It is recommended THAT Council:

1. Receive and note the report; and
2. Take no further action regarding the listing of the MV Baragoola as an item of local environmental heritage in the Manly LEP.

ATTACHMENTS

AT-1	Media Release MV Baragoola	1 Page	Circulated Separately
AT-2	PJP Marine Report on MV Baragoola	3 Pages	Circulated Separately
AT-3	Boat Check Report on MV Baragoola	6 Pages	Circulated Separately
AT-4	Copy of the NSW Heritage Council Minutes July October and November 2009	7 Pages	Circulated Separately

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***** End of Planning And Strategy Division Report No. 5 ***** .