



Agenda

Ordinary Meeting

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

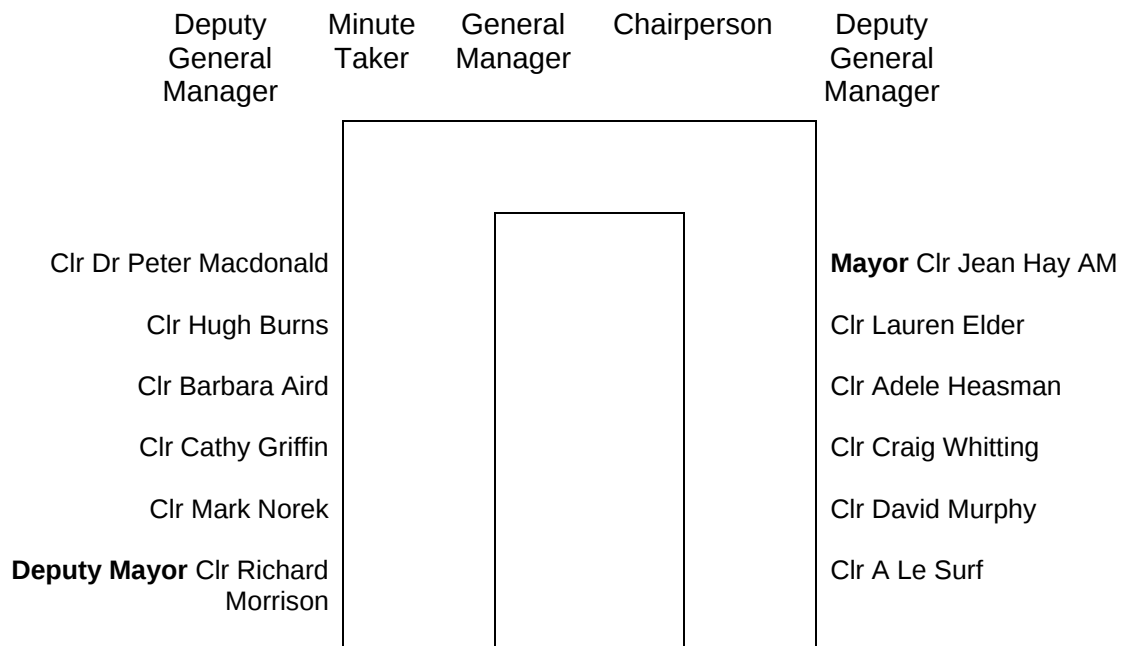
Monday 8 November 2010

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



Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM
Deputy Chairperson: Deputy Mayor Clr Richard Morrison

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****Mayoral Minute Report No. 14**

Senior Staff 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) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

Corporate Services Division Report No. 44

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) (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.

Environmental Services Division Report No. 35

Tender No. T2011/04 for the Supply and Delivery of one small 8m3 Garbage Compactor

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 November 2010
REPORT: Mayoral Minute Report No. 13
SUBJECT: Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
FILE NO:

This Mayoral Minute informs Council on the current status of matters actionable from my Mayoral Minute of 11 October 2010 on the Ombudsman's report into Manly Council's handling of complaints involving two development sites.

Report

Subsequent to my Mayoral Minute of 11 October and the tabling of the Ombudsman's report into Manly Council's handling of complaints involving two development sites, on 14 October, I duly advised the Ombudsman of the Council resolution (Attachment 4a). A copy of this letter was also provided to the Minister for Local Government.

Arising from my Mayoral Minute and also as was recommended by the Ombudsman to engage external consultants with the necessary experience to help Council to implement certain parts of the Ombudsman's report.

With input from Executive Management, I selected for Council's engagement Fraud Prevention and Governance P/L, and In-Consult.

In-Consult is selected for their governance and risk management expertise. They will help Council in its review of the DA reporting process and regulatory enforcements, and Fraud Prevention and Governance P/L is selected for their policies and procedures expertise in complaints investigation and management, HR Policies, and the code of conduct. The consultants' respective capability statements are in Attachment 2.

In relation to obtaining independent legal advice, the General Counsel prepared and issued a legal-brief-for-advice, seeking the opinion of counsel on the apology and ex-gratia payment recommendations of the report. This brief was issued on 26 October.

In regard to the South Steyne Complaint, I met with representatives of the Peninsula Owners Corporation (POC) on 28 October. At that meeting, one of the representatives of POC, who was also a practicing lawyer, said he concurred with the General Manager's view made to the Ombudsman that the NSW Court of Appeal decision in *Psellets v Randwick City Council* [2009] NSWCA 262 was cited as an appropriate legal authority. In this regard, the POC indicated that it will make a submission and proposal for Council's consideration.

By letter dated 28 October 2010, I invited the CEO of the Division of Local Government to place Council in its 2011 Promoting Better Practice Review (Attachment 4b).

I sought and received clarification from HWL Ebsworth on the process that led to the carrying out of rectification works at the Richmond Road, Seaforth premises. That advice is in Attachment 4c.

With input from Executive Management, I prepared a plan to implement the recommendations of the Ombudsman's report (Implementation Plan). This is provided in Attachment 1.

The Deputy General Manager, Environment and Sustainability has prepared a status update on the implementation of the recommendations of 2006 DA Review (attachment 3). It should be noted that by July 2007 (Attachment 3a), all of the recommendations Council had agreed to implement at its March 2007 Workshop were completed. The completion of this was the subject of a Mayoral Column published in the Manly Daily on the 28 July 2007 (Attachment 3b).

Mayoral Minute Report No. 13 (Cont'd)

One of the recommendations of the DA Review that was deferred by Council was the formation of an Independent Hearing Panel. But in July 2008, Council resolved to form the Manly Independent Assessment Panel.

In my Mayoral Minute of 11 October 2010, I also moved that Council establish a Councillor Working Group that includes external consultants, to monitor the progress of implementation of the recommendations of the Report and accordingly provide feedback to the Ombudsman.

Now that I have selected the consultants, the formation of the Council Working Group can go ahead.

RECOMMENDATION

I move that:

- a) a Councillors Working Group be established to consist of at least 6 councillors;
- b) all available Councillors are members of the Working Group with a quorum of 4;
- c) the first meeting of the Working Group shall take place as soon as possible but before the 19 November 2010;
- d) Council note my decision to engage In-Consult and Fraud Prevention & Governance P/L as consultants to Council, and
- e) Council confirms the Implementation Plan.

ATTACHMENTS

AT- 1	Implementation Timetable	4 Pages
AT- 2	Consultants Capability Statements	11 Pages
AT- 3	DA Review - update	11 Pages
AT- 4	Correspondence	7 Pages

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***** End of Mayoral Minute Report No. 13 *****

ATTACHMENT 1

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Implementation Timetable

Implementation Plan - Ombudsman's Recommendations				
Recommendation	What	When	Who	Status*
7.1 The Mayor tables this report in full for discussion at the open session of an ordinary meeting of Council within six weeks of the issuing of this report.	Mayoral Minute	11/10/10	Mayor	Completed
7.2 The elected Council reviews the performance of the General Manager in light of the information in this report.	GM and Mayor to agree on the process by 15/11/10	Dec 2010	Mayor and GM	In Progress
7.3 The elected Council invites the Chief Executive, Division of Local Government, Department of Premier and Cabinet to conduct a further Promoting Better Practice Review of Manly Council in 2011 and ensures that the General Manager and staff fully and properly co-operate with the officers of the Division appointed to conduct the Review.	Mayor writes to the CEO of Div. Local Government.	Oct 2010	Mayor	Completed
7.4 The elected Council makes an unreserved written apology to Mr and Mrs Humphreys for the unfair treatment in relation to their development applications and section 96 applications, the unreasonable conduct of planning staff when assessing their applications and the Council's failure to respond to their complaints, for the unfair and punitive enforcement action taken against them in 2005 and 2006, and for the inconvenience, stress and efforts they had to make when dealing with Manly Council. This apology should be provided immediately following the Council meeting referred to in recommendation 7.1. The Council should provide a copy of the apology to the Ombudsman when it is sent to Mr and Mrs Humphreys.	Seek Legal Opinion	Nov 2010	Counsel	Awaiting Advice
7.5 The elected Council makes an unreserved written apology to the Peninsula Owners Corporation for Council's failure to respond to their communications in 2003 regarding the Notices of Determination for the section 96 application for DA468/00 and for the failure to properly investigate and respond to their complaints about non-compliance at 30-32 South Steyne Manly, for the General Manager's failure to provide them with the full facts relating to consent for DA468/00 and frank advice about Council's inability to enforce the removal of structures on the rooftop and for the inconvenience, stress and efforts they had to make when dealing with Manly Council. This apology should be provided immediately following the Council meeting referred to in recommendation 7.1. The Council should provide a copy of the apology to the Ombudsman when it is sent to the Peninsula Owners Corporation.	Seek Legal Opinion	Nov 2010	Counsel	Awaiting Advice
7.6 The elected Council makes an ex-gratia payment to Mr and Mrs Humphreys to cover the costs of their legal fees incurred when they appealed against Order 38/05 issued on 12 May 2005 and for costs they incurred for the mediation conducted in 2006. Any dispute about the quantum of legal expenses should be referred to an agreed independent assessor to determine the quantum of compensation. The independent assessor could be drawn from a list of persons suggested by the Law Society of NSW. I further recommend that the elected	Seek Legal Opinion	Nov 2010	Counsel	Awaiting Advice

*Last updated on: 01/11/2010 16:32

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Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group

Implementation Timetable

Implementation Plan - Ombudsman's Recommendations				
Recommendation	What	When	Who	Status*
Council make all reasonable efforts to make the ex-gratia payment within two months of the date of the Council meeting referred to in recommendation 7.1.				
7.7 The elected Council requires the General Manager to provide each Councillor immediately with a copy of the former Department of Local Government's Promoting Better Practice Review report of Manly Council dated January 2006.	Distribute to Councillors	2/11/10	GM	In Progress
7.8 The elected Council ensures its Audit Committee either conduct or oversight the conduct of an audit of the expenditure of Council's funds on legal advice and legal action and develop a plan to manage legal costs in accordance with the Council's Budget and Management Plan. A part of the audit should include reviewing the current arrangements for the provision of legal advice, the approval arrangements and the reporting obligations regarding the provision of legal advice and the taking of legal action. This audit should be conducted within three months of the date of the issuing of this report.	Meeting with Internal Auditor	1/11/10	Strategy, GM	For Audit Committee's consideration
7.9 The elected Council requires the General Manager to take immediate action to appoint a suitably qualified and experienced person to the position of internal auditor to properly implement the Council's internal audit charter and guidelines and to support the work of the Audit Committee.	Appointment of Internal Auditor		GM	Internal Auditor was appointed in Nov 09
7.10 The elected Council requires the General Manager to provide it with the annual data supplied to the Department of Planning at the end of July each year for the Local Development Performance Monitoring Report.	Item for OM	July 2011	DGM	Pending
7.11 The elected Council requires the General Manager to provide it with an additional report to accompany the quarterly updates on the Management Plan that measures Council's quarterly performance against the mean gross determination times and other statistics published in the previous Department of Planning's Local Development Performance Monitoring Report.	DA data and stats - From Monthly format to Quarterly reporting at the end of each quarter	2 nd Quarter Report - Dec 10	Strategy, DGM	In Progress
7.12 The elected Council requires the General Manager to implement recommendations in the report of May 2008 regarding improvements in the methods of collecting and verifying development application data that is used for the Department of Planning's Local Development Performance Monitoring Report.	Review and report in DoP standard format	3 rd Quarter - Feb 11	DGM	Pending
7.13 The elected Council and the senior executive work together to develop and implement a compliance and enforcement plan for the full range of its regulatory functions, including the appropriate measurement of performance against the plan, reporting obligations and the requirement for periodic review of the plan. The council should consider advice published by the NSW Government's Better Regulation Office when preparing its plan. This plan should be finalised within six months of the date of the issuing of this report.	Hold Councillor and staff workshops	Feb 11	DGM, GM	Pending

* Last updated on: 01/11/2010 16:32

ATTACHMENT 1

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Implementation Timetable

Implementation Plan - Ombudsman's Recommendations				
Recommendation	What	When	Who	Status*
7.14 The elected Council engages a suitably qualified and experienced external consultant to develop written guidelines for preparing planning assessment reports to ensure consistency in reporting in terms of format and content, and guidance on the interpretation of codes and planning instruments and the exercise of discretion by planning staff. In developing the written guidelines, the consultant should make reference to best practice guidelines for local Government and the Development Assessment Internal Audit Tool published by The Independent Commission Against Corruption in April 2010. I further recommend that the elected Council should ensure all relevant staff are trained in the use of the guidelines for preparing planning assessment reports. These guidelines should be implemented within three months of the date of the issuing of this report.	Select a Consultant Contacted suitable providers with Governance and Risk assessment experience	Nov 10	Mayor, GM, and DGM	In Progress
7.15 The elected Council requires the General Manager to provide a report to the next ordinary meeting of Council regarding the implementation of Professor Sourdin's recommendations in her report on DA Processing at Manly Council.	Report	8 Nov 10	DGM	Completed
7.16 The elected Council develops and implements written procedures for assessing and investigating complaints alleging misconduct by staff, the General Manager and councillors, that include, but are not limited to, procedures in sections 12 to 14 of the Model Code of Conduct for Local Councils in NSW 2008 and section 5 of Guidelines for the Model Code of Conduct for Local Councils in NSW published by the former Department of Local Government in October 2008. I further recommend that these new written procedures be implemented within three months of the date of this issuing of this report.	Consultant Review Complaints Management Policy and the Code of Conduct	Dec 10	Mayor, GM, Governance, and HR	Draft out for public comment New -- Revision being commissioned
7.17 The elected Council conducts training for its members and staff on the new procedures for dealing with complaints alleging misconduct by staff, the General Manager and Councillors. I further recommend that the training be conducted within one month of the implementation of the new written procedures recommended in 7.16.	Consultant Training	Feb 11	Mayor, GM, Governance and HR	Pending
7.18 The elected Council conducts refresher training for members and staff regarding their obligations to comply with Manly Council's Code of Conduct adopted in September 2009. This training should be conducted by a person not associated with Manly Council and with expertise in Code of Conduct training. I further recommend that the training be conducted within three months of the date of issuing of this report.	Consultant Training	Feb 11	Mayor, GM, Governance and HR	Pending
7.19 The elected Council and the senior executive work together to develop and implement a complaints management framework as recommended in the Australian Standard AS ISO 10002-2006 Customer satisfaction - Guidelines for complaints handling in organisations, the Ombudsman's Complaint Handlers Took Kit 2004 and the Complaints Management in Councils Practice Note No 9 which is a joint publication of the Division of Local	Consultant Review Complaints Handling Policy against AS10002	Mar 11	Mayor, GM, Governance and Strategy	Pending

*Last updated on: 01/11/2010 16:32

ATTACHMENT 1

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Implementation Timetable

Implementation Plan - Ombudsman's Recommendations				
Recommendation	What	When	Who	Status*
Government, Department of Premier and Cabinet and the NSW Ombudsman. This framework should be finalised within six months of the date of the issuing of this report.				
7.20 The elected Council engages a suitably qualified and experienced external policy consultant to revise the following policies and guidelines for adoption by the Council within six months of the date of issuing of this report: • Council's Compliance and Enforcement Policy and Guidelines of October 2009. • Council's draft Complaints Management Policy published in September 2008.	Select a Consultant Contacted suitable providers with Governance and Risk assessment experience	Nov 10	Mayor, GM, DGM	In Progress
7.21 The elected Council requires its Audit Committee or the newly appointed internal auditor to audit the implementation of the recommendations for improving Council's records management processes as listed in 'Sine Solutions' November 2008 report within three months of the issuing of this report.	Briefed Internal Auditor on 1/11 Records Audit is on the 2011 Audit Program	Feb 2011	Internal Auditor & Manager Admin	Pending
7.22 The elected Council requires the General Manager to integrate into the performance management plans of all senior staff obligations for the management of complaints, correspondence handling and record keeping within three months of the date of the issuing of this report.	Review OD Plans	Dec 10	HR, GM	In Progress
7.23 The elected Council engages a suitably qualified and experienced external policy consultant to develop the following documents for adoption by the Council within six months of the date of issuing of this report: • A recruitment policy and procedures that includes measures to ensure that employees provide full, accurate and honest advice regarding their personal details and qualifications. • A performance management policy • Written correspondence handling procedures to support the Customer Service Charter.	Select a Consultant Contacted suitable providers with Governance and Risk assessment experience	Nov 10	Mayor, GM, HR	In Progress
7.24 That at the time the Mayor notifies me of any action taken or proposed to be taken in consequence of this report that a copy of that notification be forwarded to the Minister for Local Government.	Council Meeting 11/10	OMBO Notified 15/10	Mayor	Completed

*Last updated on: 01/11/2010 16:32

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Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
Consultants Capability Statements

ATTACHMENT 2

Mitchell Morley, B.Economics (Sydney)

Director, InConsult Pty Ltd

Snapshot

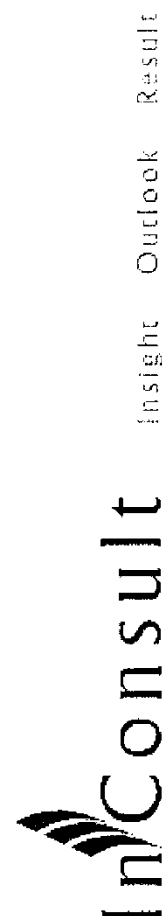
- 18 years experience in local government covering corporate governance, risk management, financial management, strategic planning, administrative services
- Successfully provided corporate governance, strategic planning and risk management consulting and training to government clients.
- Bachelor of Economics from the University of Sydney
- Former Chairperson of the NSW Local Government Governance Network.
- Former member of the Boards of Westpool and WSROC.
- Member of NSROC Conduct Review Panel

Specialisations

- Reviewing and developing Enterprise Governance and Risk Management frameworks and associated policies and procedures.
- Access to documents, GIPA and privacy management plans.
- Integrated strategic planning and reporting frameworks.
- Codes of conduct and internal reporting policies.
- Strategy implementation support.
- Business continuity management.
- Local government risk management services.
- Occupational Health and Safety management systems
- Process improvement.

Consulting Experience

- | | |
|-------------------------|---|
| <i>Local Government</i> | <ul style="list-style-type: none"> ▪ Provision of an extensive range of corporate governance services including the design and implementation of risk management frameworks, governance health checks, development of Privacy Management Plans, training (in risk management, code of conduct, protected disclosures, privacy, Freedom of Information, and GIPA), process and structural reviews, OH&S management systems and investigation of complaints. Clients include the following Councils: Auburn, Botany, Blue Mountains, Burwood, Bankstown, Cabonne, CENTROC, Hunters Hill, Holroyd, Hornsby, Ku-ring-gai, Manly, Mosman, Marrickville, Narrabri, Queanbeyan, Rockdale, Randwick, Redland, Shellharbour, Tweed, Wagga and Willoughby. |
| <i>Insurance</i> | <ul style="list-style-type: none"> ▪ Assistance with APRA compliance programs, review of business continuity plans. Clients include United Independent Pools, New India Assurance, Liberty International Underwriters, Australian Reinsurance Pool Corporation and RealCover. |
| <i>Not for Profit</i> | <ul style="list-style-type: none"> ▪ Design and implementation of risk management frameworks, risk management health checks, training in risk management. Clients include CatholicCare, ON-Q Human Resources and the Institute of Actuaries. |



Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
Consultants Capability Statements

Other Work Experience

- | | |
|--|--|
| <i>Liverpool City Council</i>
2000-2007 | <ul style="list-style-type: none"> ▪ Held several senior positions over 7 years including Manager Corporate Services, Group Manager Support and Deputy General Manager. Leadership of up to 180 staff covering corporate services (including risk management), property services, finance, information technology, customer service, the Casula Powerhouse Arts Centre, human resources, library services and internal audit. |
| <i>Hornsby Shire Council</i>
1995-2000 | <ul style="list-style-type: none"> ▪ Manager of the Administrative Services Branch with responsibility for Mayoral and Councillor support, records, property and legal services, risk and insurance management, printing, courier service, business papers, fleet management and a range of other administrative services. |
| <i>Marrickville Council</i>
1994-1995 | <ul style="list-style-type: none"> ▪ Manager Administrative Services |
| <i>Fairfield City Council</i>
1990-1994 | <ul style="list-style-type: none"> ▪ Various administrative roles |

Academic

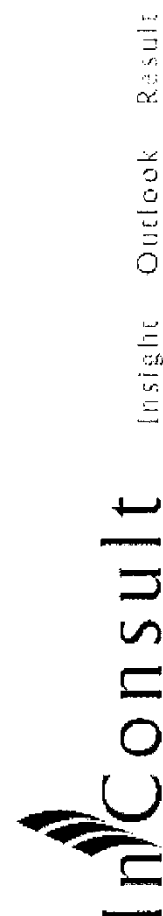
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|------|---|
| 1993 | <ul style="list-style-type: none"> ▪ Professional Attainment Certificate – Local Government – Charles Sturt University |
| 1986 | <ul style="list-style-type: none"> ▪ B. Economics (Government and Public Administration) - University of Sydney |

Conference presentations

- | | |
|---|--|
| <i>ALARM(Manchester)</i> | <ul style="list-style-type: none"> ▪ Insurance Pooling in NSW local govt |
| <i>Local Govt Finance Professionals</i> | <ul style="list-style-type: none"> ▪ Governance Health Check ▪ Enterprise risk management |
| <i>CPA Local Government Day</i> | <ul style="list-style-type: none"> ▪ Risk Management and Corporate Governance |
| <i>LGMA NSW</i> | <ul style="list-style-type: none"> ▪ Role of Governance Network Group ▪ Enterprise Risk Management ▪ Internal audit in local government |
| <i>Inst of Internal Auditors</i> | <ul style="list-style-type: none"> ▪ Panel discussion – Internal Audit in Local Govt |
| <i>Preventing Fraud and Corruption in Govt Conference</i> | <ul style="list-style-type: none"> ▪ Ethics Committees and cultural change |

Voluntary & Community Service

- | | |
|----------------|---|
| <i>Cricket</i> | <ul style="list-style-type: none"> ▪ Secretary of Milperra Viking Cricket Club |
|----------------|---|



Fraud Prevention & Governance Pty Ltd

acn 056 561 249

www.bestpracnow.com.au

Capability Statement

Jeff Williams

Barry Davidow

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
Consultants Capability Statements

Highlights

1. We have extensive experience in the NSW local government sector, having conducted over 2000 Ethics and Code of Conduct workshops for staff and Councillors in 48 Councils across N.S.W. In many of these Councils we are invited to conduct these workshops for them every three years when the new Code is issued.
2. We completed the *Local Government Governance Health Check* for Local Government Managers Australia (LGMA) and the Independent Commission Against Corruption (ICAC), which was considered to be extremely successful by both organisations.
3. We have conducted Ethics and Code of Conduct workshops for a wide range of State Government agencies including Ministry of Transport, NSW Health Support Services – Procurement Staff, TransGrid; Delta Electricity; Office of State Revenue and Department of Mineral Resources.
4. We have developed and reviewed policies for the N.S.W Fire Brigades and the N.S.W Ministry of Transport.
5. We have developed Development Assessment procedures for the N.S.W Rural Fire Services.
6. We are currently developing investigation procedures and training for NSW Rural Fire Services.
7. We have helped many organisation improve their ability to tackle fraud and corruption, including the Health Insurance Commission (Medicare), the Commonwealth Bank, St George Bank, the Office of State Revenue, Land Titles Office, Department of Public Prosecutions, State Transit Authority, TransGrid, NSW Lotteries, NRMA and REST (one of the largest superannuation funds in Australia).
8. We have helped organisations ensure that they meet ICAC's requirements following investigations, including the Roads and Traffic Authority and the Greyhound Racing Authority.
9. We conducted a COSO based risk assessment for the Department of Local Government
10. We currently conduct the following training courses for the Institute of Internal Auditors Australia
 - Tools and techniques for the Beginning Auditor
 - Introduction to Fraud

ATTACHMENT 2

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- Control Self Assessment
- Operational Auditing
- Risk Based Auditing
- Investigations
- Leadership Skills

11. We are frequently invited to present papers at leading professional conferences and have contributed articles to prestigious publications.

12. We have undertaken investigations for a range of organisations, so we see the practical side of corruption, probity breaches and especially perception issues.

13. Over 100 organisations use the investigation procedures written by us.

14. The Directors of the company, not junior staff, will undertake all work on the project.

Summary of our claims

Barry Davidow and I have had extensive experience in developing policies and procedures, as well as designing and conducting training in all aspects associated with corporate governance.

Barry and I were hired by the NSW RTA in 1989 after they had been subject to an ICAC inquiry, which found endemic corruption. We implemented a comprehensive strategy which started with developing appropriate policies which included, Code of Conduct, Internal Reporting, Procurement, Conflict of Interest, Use of Resources, etc. We then designed training programs which we undertook across the organisation.

Since forming Fraud Prevention Services in 1993 we have assisted a very wide range of local and state government agencies to develop appropriate policies and procedures to ensure good corporate government standards.

We have also recently developed a range of *E Learning* training programs covering a range of topics. Manly Council has acquired our Privacy E Learning Program. We have also developed an *Investigation Toolkit* (on CD) which takes one through each stage of the investigation process. The Toolkit is designed specifically for the public sector of NSW. This Toolkit has been

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acquired by most state government agencies and over 40 local government councils. This Toolkit would assist Manly Council meet recommendation 7.16 of the Ombudsman's recommendations.

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
Consultants Capability Statements

Personal Profiles

Jeff Williams, Director

Academic Qualifications

Bachelor of Business (Accounting)
Certificate IV in training and assessment

Membership of Professional Bodies

Australian Society of Accountants (Fellow)
Australian Institute of Internal Auditors

Experience

Jeff managed a number of areas in the Australian Taxation Office (ATO) from 1975 to 1989. He was appointed the Chief Internal Auditor for NSW for the ATO, where he gained extensive systems review, probity, governance and fraud and corruption control experience.

From 1989 to 1993 he was the Manager of Investigations and Fraud Control at the NSW Roads and Traffic Authority (RTA). He improved the investigation processes for the Authority and introduced a new level of professionalism in the conduct of investigations. The processes he introduced have been used by many NSW public sector organisations as a model for their own processes.

Jeff left the RTA to form Fraud Prevention Services with Barry Davidow in 1993. He is a Director of the company, and has undertaken many projects for the company involving a wide range of activities.

Jeff has conducted Ethics and Code of Conduct workshops for over sixty organisations with each workshop tailored to the organisation. Many organisations have indicated that the assessments by attendees have been the highest of any training they have received.

He has delivered many papers on controls, governance, probity, investigations and related topics at professional seminars and conferences, including forums of the LGMA, the Institute of Chartered Accountants, Institute of Internal Auditors, the Australian and New Zealand Conference on Criminology, the Annual Conference on Fraud, Accountability and Ethics in the Public Sector, and the Annual Internal Audit Conference.

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group
Consultants Capability Statements

He has written articles for professional journals, including the "Australian Journal of Public Administration", the "American Journal of Internal Auditors", and the "Australian Institute of Internal Auditors" magazines.

Barry Davidow, Director

Qualifications

Chartered Accountant
Bachelor of Commerce
Bachelor of Accounting
Master of Tax Law
Diplomas or certificates in International Financial Management, Credit Management, Computer Auditing and Control Self Assessment.
Certificate IV in Training

Membership of Professional Bodies

Australian Institute of Chartered Accountants
Australian Institute of Internal Auditors
Australian Institute of Risk Management
Australian and New Zealand Society of Criminology
Australian Institute of Management
Australian Institute of Chartered Accountants (Forensic Accountants Group)
Association of Certified Fraud Examiners

Experience

Barry joined Fraud Prevention Services in 1993. He has undertaken a wide variety of projects in the governance, probity, ethics, corruption control, fraud prevention and detection, policy and procedures and investigation areas

Barry has written the investigations procedures used by many organisations. He has written chapters for books on investigations published for the Association of Certified Fraud Examiners in the USA.

While he was with the NSW Roads and Traffic Authority Internal audit Branch he was responsible for ethics and corruption control.

Barry in 2009 assisted the NSW Fire Brigade review a wide range of their procedures and policies. Barry is currently developing an investigation manual for the NSW Rural Fire Service.

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group

Consultants Capability Statements

Before joining Fraud Prevention Services Barry was employed by Coopers and Lybrand in South Africa, leaving as a manager.

Conferences and Journals

They are frequently invited to speak at conferences dealing with fraud and corruption control, investigations, governance, internal controls, probity and related issues.

The conferences at which they have delivered papers or conducted workshops on these matters include:

- Accountability, Ethics & Fraud in the Public Sector (IIR)
- Expert Assessment of Fraud (ICA)
- Fraud, Ethics and Accountability in the Public Sector (IIR)
- Fraud: How to Deal With It in Your Organisation (ICA)
- Implementing and Enhancing Fraud Control Plans (IIR)
- Information Privacy in the Public Sector (IIR)
- Internal Audit in the Public Sector (IIA & IIR)
- Internal Audit Masterclass (IIR)
- Internal Controls for Optimum Compliance (ICM)
- Local Government Key Legal Issues (IES)
- Operational Risk Management Conference (IIR)
- Public Sector Risk Management (IES)
- Professional Development Week (ICA)
- South Pacific and Asia Conference: Present Challenges – Future Directions (IIA)
- South Pacific Regional Convention: The Right Environment (IIA)

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group

Consultants Capability Statements

- Managing Corporate Fraud (IIA Malaysia)

Articles by them dealing with investigations have been published in the Australian Journal of Public Administration, the American Institute of Internal Auditors magazine, the Internal Auditor, NewsAud and the Institute of Chartered Accountants magazine.

Professional Institutes and Bodies

They have presented papers and conducted workshops for a number of professional institutes and bodies, including:

- Australian Institute of Public Administration,
- Institute of Chartered Accountants,
- Institute of Internal Auditors,
- Institute of Municipal Management,
- Institute of International Relations,
- Local Government Internal Auditors Group,
- Institute of Professional Intelligence Officers,
- Association of Superannuation Funds Australia,
- National Management Education Centre.

ATTACHMENT 2

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Consultants Capability Statements

References

Jeff Williams

Mr Paul Tosi
General Manager
Campbelltown City Council
46454659

Mr Evan Hutchings
Director Corporate Services
Kogarah Council
9330 9408

Mr Craig Bennett
Director Corporate Services & Community
Cessnock City Council
499 34255

Ms Wendy Barrett
Manager Business Strategy & Reporting
Ministry of Transport
9268 2223

Barry Davidow

Ms Deborah Manning
Director Learning & Development
Institute of Internal Auditors
92679155

Mr David Smith
Business Assurance Manager
ANZ Bank
(03) 92774645

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

ATTACHMENT 3



DA Review - Time line and Status on Implementation

A OUTCOME & QUALITY RECOMMENDATIONS		IMPLEMENTATION	As At 26 Mar 2007	As At 28 July 2007	Updated - Oct 2010
RECOMMENDATION					
A1	That action be taken to simplify the Development Control Plans to remove ambiguity and clarify the planning approval policies.	The DCP Review Committee has already undertaken this task and reported to Council	Completed	Implemented	Comprehensive Template LEP and DCP being considered
A2	That all DAs that are approved more than 10% outside the Development Control Plans be the subject of a brief explanatory report that is made available on the Manly web site.	DAU reports will be listed on the website and any decisions at the LUM which depart from the DCP will give reasons	Immediate	Implemented	
A3	That Council consider using an amended Independent Hearing and Assessment Panel process so that elected officials are supported in their decision making by independent experts.	I-HAP has been established but has not been activated in the life of this Council	No additional action	Deferred	Implemented
A4	That Council use mediation processes to deal with matters where a decision has been reached or in complex matters where disputes arise in respect of conditions attached to the granting of the DA.	All applicants and objectors will be notified 2 days pre DAU. Following the determination of the DAU the outcome will be conveyed to them and there will be a 2 day period in which the parties can arrange to discuss that with staff	Immediate	Implemented	

Updated by DGM

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION		IMPLEMENTATION		As At 26 Mar 2007	As At 28 July 2007	Updated – Oct 2010
A5	That the DA lodgement process be altered so that a planning officer comments upon and discusses the application in a meeting when the application is lodged and so that more detailed checklists are used at lodgement.	Pre-lodgement checklist forms are to be amended to provide more detail	May 07	Implemented		
A6	That all DAs be reviewed and actions specified by a senior team before allocation to a planning officer takes place.	More Senior Staff guidance/advice	Immediate	Implemented		
A7	That all planning officers be required to present a preliminary view to a senior committee two weeks after lodgement. Also that planning staff be available for set times each week to discuss an application with applicants.	- Not proceeding according to the present work flow - Staff will be available for 2 hours in the morning from Monday to Thursday by appointment preferably. No more than 2 occasions per applicant between pre-lodgement and DAU – rules of engagement to be established and agreed to by participants	- N/A - Will commence when rules of engagement are in place	Implemented		
A8	That the same senior planning officer who advises applicants in pre-lodgement meetings should assess the final DA wherever possible.	Better case management	Where possible Underway	Implemented		
B PROCESS RECOMMENDATIONS						
B1	That Council implement a communication policy with clear timelines that requires the assessment staff who assess each DA to be available for meetings and telephone calls for a reasonable period and for specific hours each week.	See A7 (2)	See A7(2)	Implemented		

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	As At 26 Mar 2007	As At 28 July 2007	Updated – Oct 2010
B2 That Council assess how the web site can be used more effectively and enable greater transparency to operate in terms of decision making and tracking.	Better work flow tracking with estimated timelines and indication as to where the application is in the process	Being prepared	Implemented	
B3 That Council implement strategies designed to increase transparency and access to information about meetings and outcomes	Will flow from above	Underway	Implemented	
B4 That Council advertise a list of all DAs received on a regular basis in the 'Manly Daily' and reconsider its notification policy in view of the special topography issues present in Manly.	1. All DA's to be advertised 2. Additional staff training and mentoring on the notification of DA's	3. Commenced 4. Underway	Implemented	
B5 That Council publish submissions or extracts of submissions in respect of DAs on its web site so that they can be viewed by applicants and any other interested party.	- taking legal advice - make objections available to applicants only	Pending	Implemented	
B6 That Council examine how to respond to submissions made in respect of developments in a more effective way and explore mechanisms that will enable it to engage with objectors.	As a result of the adoption of several of the recommendations above such as: 1. Planner access 2. Pre DAU notification 3. Post DAU notification	See above	Implemented	
B7 That Council implement a compliant complaints handling system in respect of DAs.	It is anticipated that customer satisfaction will increase as a result of the above measures but there is already an adequate complaints schedule in place See B2	Current	current	New Complaints Management Policy in Draft
B8 That a clearer process flowchart and indicative timeframes at each stage of the DA process should be posted on the web site.		Current	Implemented	

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	As At 26 Mar 2007	As At 28 July 2007	Updated – Oct 2010
B9 That where timelines are exceeded, applicants should be contacted and given reasons why this has occurred and indicative revised timelines given.	- to be adopted - mechanism of contact to be nominated	Immediate	Protocol in place	
B10 That Council consider using fee reductions to encourage attendance at pre DA meetings. That Council consider how to report the minutes of the pre DA meeting in a more comprehensive manner.	Fee amendment to encourage pre-DA meetings	Staff to implement immediately	Fees amended	Some Pre-lodgements are now free of charge
B11 That referral guidelines for precinct committees be altered to reduce the number of matters that are referred to precinct committees.	Apply notification DCP unless otherwise agreed with individual precincts	Immediate	Deferred	Council and Precincts supported existing referral guidelines
C STAFFING RECOMMENDATIONS				
C1 That all staff receive regular and targeted training, communication skills training and workload planning education sessions as well as report writing seminars.	Already in place but will endeavour to increase	Current	Implemented	
C2 That staff numbers be increased by at least 3 full time planners and that consideration be given to hiring contractors when required.	There is a budget bid in place to increase staff; some space limitations being addressed	At budget time	Additional planners being recruited	Flexible workplace - Increased flexibility to retain experienced staff. Additional 2 EFT & a trainee
C3 That clear timelines be put in place and staff be adequately supported to meet timelines and ensure that workload levels are appropriate.	Already in place	Current	More admin and support staff resources approved	

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	As At 26 Mar 2007	As At 28 July 2007	Updated – Oct 2010
C4 That a mentoring and appraisal scheme be developed for planning staff.	Existing	Current	Senior staff freed up to provide mentoring – additional Senior planner approved	
C5 That clear teams be defined and that staff receive appropriate incentives for meeting deadlines.	Not appropriate for Manly as staff numbers already encourage a team approach	N/A	N/A	

Attachment 3a



**OUTCOMES FROM THE WORKSHOP REGARDING THE EXTERNAL REVIEW OF
MANLY COUNCIL'S DA PROCESS**

MONDAY MARCH 26th, 2007

A OUTCOME & QUALITY RECOMMENDATIONS

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
A1 That action be taken to simplify the Development Control Plans to remove ambiguity and clarify the planning approval policies.	The DCP Review Committee has already undertaken this task and reported to Council	Completed
A2 That all DAs that are approved more than 10% outside the Development Control Plans be the subject of a brief explanatory report that is made available on the Manly web site.	DAU reports will be listed on the website and any decisions at the LUM which depart from the DCP will give reasons	Immediate
A3 That Council consider using an amended Independent Hearing and Assessment Panel process so that elected officials are supported in their decision making by independent experts.	IHAP has been established but has not been activated in the life of this Council	No additional action
A4 That Council use mediation processes to deal with matters where a decision has been reached or in complex matters where disputes arise in respect of conditions attached to the granting of the DA.	All applicants and objectors will be notified 2 days pre DAU. Following the determination of the DAU the outcome will be conveyed to them and there will be a 2 day period in which the parties can arrange to discuss that with staff	Immediate

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
A5 That the DA lodgement process be altered so that a planning officer comments upon and discusses the application in a meeting when the application is lodged and so that more detailed checklists are used at lodgement.	Pre-lodgement checklist forms are to be amended to provide more detail	May 07
A6 That all DAs be reviewed and actions specified by a senior team before allocation to a planning officer takes place.	More Senior Staff guidance/advice	Immediate
A7 That all planning officers be required to present a preliminary view to a senior committee two weeks after lodgement. Also that planning staff be available for set times each week to discuss an application with applicants.	1. Not proceeding according to the present work flow 2. Staff will be available for 2 hours in the morning from Monday to Thursday by appointment preferably. No more than 2 occasions per applicant between pre-lodgement and DAU – rules of engagement to be established and agreed to by participants	1. N/A 2. Will commence when rules of engagement are in place
A8 That the same senior planning officer who advises applicants in pre-lodgement meetings should assess the final DA wherever possible.	Better case management	Where possible Underway

B PROCESS RECOMMENDATIONS

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
B1 That Council implement a communication policy with clear timelines that requires the assessment staff who assess each DA to be available for meetings and telephone calls for a reasonable period and for specific hours each week.	See A7 (2)	See A7(2)

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
B2 That Council assess how the web site can be used more effectively and enable greater transparency to operate in terms of decision making and tracking.	Better work flow tracking with estimated timelines and indication as to where the application is in the process	Being prepared
B3 That Council implement strategies designed to increase transparency and access to information about meetings and outcomes	Will flow from above	Underway
B4 That Council advertise a list of all DAs received on a regular basis in the 'Manly Daily' and reconsider its notification policy in view of the special topography issues present in Manly.	1. All DA's to be advertised 2. Additional staff training and mentoring on the notification of DA's	3. Commenced 4. Underway
B5 That Council publish submissions or extracts of submissions in respect of DAs on its web site so that they can be viewed by applicants and any other interested party.	- taking legal advice - make objections available to applicants only	Pending
B6 That Council examine how to respond to submissions made in respect of developments in a more effective way and explore mechanisms that will enable it to engage with objectors.	As a result of the adoption of several of the recommendations above such as: 1. Planner access 2. Pre DAU notification 3. Post DAU notification	See above
B7 That Council implement a compliant complaints handling system in respect of DAs.	It is anticipated that customer satisfaction will increase as a result of the above measures but there is already an adequate complaints schedule in place	Current
B8 That a clearer process flowchart and indicative timeframes at each stage of the DA process should be posted on the web site.	See B2	Current

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
B9 That where timelines are exceeded, applicants should be contacted and given reasons why this has occurred and indicative revised timelines given.	- to be adopted - mechanism of contact to be nominated	Immediate
B10 That Council consider using fee reductions to encourage attendance at pre DA meetings. That Council consider how to report the minutes of the pre DA meeting in a more comprehensive manner.	Fee amendment to encourage pre-DA meetings	Staff to implement immediately
B11 That referral guidelines for precinct committees be altered to reduce the number of matters that are referred to precinct committees.	Apply notification DCP unless otherwise agreed with individual precincts	Immediate

C STAFFING RECOMMENDATIONS

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
C1 That all staff receive regular and targeted training, communication skills training and workload planning education sessions as well as report writing seminars.	Already in place but will endeavour to increase	Current
C2 That staff numbers be increased by at least 3 full time planners and that consideration be given to hiring contractors when required.	There is a budget bid in place to increase staff; some space limitations being addressed	At budget time
C3 That clear timelines be put in place and staff be adequately supported to meet timelines and ensure that workload levels are appropriate.	Already in place	Current

ATTACHMENT 3

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group DA Review - update

RECOMMENDATION	IMPLEMENTATION	TIMEFRAME
C4 That a mentoring and appraisal scheme be developed for planning staff.	Existing	Current
C5 That clear teams be defined and that staff receive appropriate incentives for meeting deadlines.	Not appropriate for Manly as staff numbers already encourage a team approach	N/A

ATTACHMENT 36

Manly Daily – 28 July 2007

DA Review – Completion of
Implantation.

News

Manly Council

Mayor's Message

Your views on changes to Manly's DA System

This week Manly Council launched a new online publication which I hope will help improve the development application process. The **Essential Development Application Guide** is a comprehensive document containing helpful information for anyone lodging a development application with Manly Council. The publication is available at www.manly.nsw.gov.au.

It's the latest measure in a raft of changes currently being introduced following the independent external review into the DA system which I instigated 18 months ago. I believe that the changes being introduced across the department will mean the process will become more user-friendly for staff and customers alike.

The significant changes include:

Lodgement:

- The original application forms have been simplified.
- A matrix has been developed to clarify specific requirements for any given development application.
- A Fact Sheet about the process, containing Frequently Asked Questions, is also available online.

Assessment:

- A 'how to' guide has been developed to assist you with tracking your DA on line and a copy of the guide is sent to applicants and objectors as part of the notification process.
- A Planner is now available to meet with applicants and objectors between 9.00am and 11.00am, Monday to Thursday at Council's Belgrave Street Customer Service Centre counter for issues regarding current DAs.

Determination:

- Applicants and objectors are notified of recommendations prior to final determination.
- Final reports for DAs are made available on the website.

As well as these changes, a liaison officer continues to be available Monday to Friday from 9.00am to 11.00am at Council's Customer Service Centre to answer any planning or DA related queries. And as always, I am more than happy to receive representations on any development matter.

Recent media attention on the State Government's report into the 2005 - 2006 figures has focused on the length of time taken to assess Development Applications and the perception that the process is unnecessarily delayed. But as pointed out in many of the subsequent letters to the editor, it is the quality of the final assessment that is crucial to how our communities develop and I like to think that at Manly we are getting this balance right.

I appreciate the cooperation from Council staff in implementing the changes and I am now seeking feedback from the public as to whether the changes are working.

If you have had recent experience with the new system and would like to offer your comments, please contact me at peter.macdonald@manly.nsw.gov.au or phone my office on 9976 1473. I look forward to hearing your thoughts - the good, the bad and the ugly.

I hope that together, we can make a system that works for all of us.



Dr Peter Macdonald
Mayor

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

Attachment 4

Manly Council



Your Ref: C/2007/3160 & C/2007/9222
Our Ref: 3FE1-L11M
Enquiries: Mayor's Office 9976 1501

Mayor's Office
PO Box 82
Manly NSW 1655
AUSTRALIA
Telephone (02) 9976 1501
Facsimile (02) 9976 1400
records@manly.nsw.gov.au
www.manly.nsw.gov.au
ABN 43 662 868 065

Mr Chris Wheeler
Deputy Ombudsman
NSW Ombudsman
Level 24, 580 George Street
SYDNEY NSW 2000

Dear Mr Wheeler

Re: Investigation regarding complaints from Mr and Mrs Paul and Sue Humphreys and the Peninsula Owners Corporation

I refer to your letter and investigation report dated 3 September 2010.

In accordance with section 26(5) of the *Ombudsman Act 1974* and as requested, I hereby inform you of the actions taken or proposed to be taken in consequence of the investigation report.

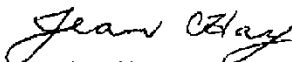
Upon receipt of the report, I distributed a full copy to each councillor and the officers referred to in your letter. Further, I tabled a full copy of the report for discussion in open session at the Ordinary Council Meeting on 11 October 2010.

After discussing the matter, the Council resolved by a 9-1 majority to establish a Councillors Working Group to obtain and be guided by legal and consultant's advice in the management and implementation of your recommendations. The Councillors Working Group will monitor this process and advise you further as matters progress.

A copy of this letter will be forwarded to the Minister for Local Government in accordance with your recommendation 7.24.

Should you require any further information or assistance please contact my office on telephone 9976 1501.

Yours faithfully


Jean Hay AM
Mayor

Dated: 14-10-10

cc: The Hon. Barbara Perry MP
Minister for Local Government

The Mayor's office is located at Manly Council Chambers 1 Belgrave Street Manly NSW 2095

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

ATTACHMENT 4a

Manly Council



Mayor's Office

PO Box 82
Manly NSW 1655
AUSTRALIA

Telephone (02) 9976 1501
Facsimile (02) 9976 1400

records@manly.nsw.gov.au
www.manly.nsw.gov.au

ABN 43 662 868 065

The Chief Executive Officer,
Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
Nowra NSW 2541

28 October 2010

Dear Mr Woodward,

In reference to the recent Ombudsman's report into Manly Council's handling of complaints involving two development sites, I would like to request the Division of Local Government to conduct a Better Practice review of Manly Council in your 2011 program.

I would be grateful if you could call me to explain what the process entails so that I could direct the General Manager accordingly. I can be reached on 02 9976 1501.

Yours Sincerely,

Jean Hay AM
Mayor

The Mayors office is located at Manly Council Chambers 1 Belgrave Street Manly NSW 2095

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

Attachment 4

HWL
EBSWORTH
LAWYERS

Our Ref: LF/192790

29 October 2010

Ms Jean Hay
Mayor
Manly Council
1 Belgrave Street
MANLY NSW 2095

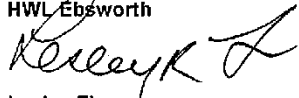
Dear Madam Mayor

The litigation between Manly Council and Mr and Mrs Humphreys was the subject of a mediation between the parties which resulted in some agreed Orders being filed with the Land and Environment Court. Those Orders became formal orders of the Land and Environment Court of New South Wales in Proceedings 10454 of 2005 and required the applicant Paul Humphreys to carry out rectification and remediation works in respect of the property 15 Richmond Road, Seaforth.

In relation to other noncompliant aspects of the development at 15 Richmond Road, Seaforth which had been the subject of correspondence between the parties' legal representatives, Council and Mr and Mrs Humphreys entered into a Deed requiring the owners of 15 Richmond Road, Seaforth to carry out rectification works at the premises.

We attach a stamped copy of the Orders of the Land and Environment Court of New South Wales and Deed between the parties in relation to other unauthorised works.

Yours sincerely
HWL Ebsworth



Lesley Finn
Special Counsel

Writer: Lesley Finn | (02) 9334 8682 |
E-mail: lesley.finn@hwlebsworth.com.au
Postal: GPO Box 5408 Sydney, New South Wales 2001
Address: Level 14, Australia Square, 264-278 George Street, Sydney, New South Wales 2000
Facsimile: 1300 369 656 (Australia) | +61 3 8615 4301 (international)
DX: DX 129 Sydney

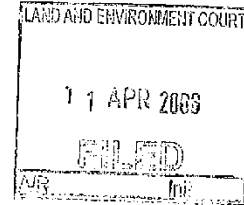
Brisbane
Melbourne
Norwest
Sydney

50244381/v1

ABN 37 246 549 189

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence



IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

No 10454 of 2005

BY CONSENT THE COURT MAKES THE
FOLLOWING ORDERS -

PAUL JOSEPH HUMPHREYS
Applicant

MANLY COUNCIL
Respondent

ORDER

1. The appeal is upheld in part.
2. The words "to completely demolish and completely remove from the land the works" are deleted from the opening paragraph and paragraph 4 of the Order numbered 38/05, dated 12 May 2005 issued by the Respondent.
3. In substitution therefor the words "to carry out the works as set out in the Schedule hereto" are inserted.
4. "Schedule 1 (the Works)" is deleted and the Schedule annexed to these Orders is substituted therefor.
5. ^{Note} ~~For~~ the agreement between the parties that upon completion of the Works in the Schedule that a building certificate will be issued for the retaining wall.
6. The period "42 days" at paragraph 5 of the Order numbered 38/05, dated 12 May 2005 is to be amended to read "90 days".
7. No order as to costs.

Clayton Utz
Lawyers
Levels 23-35
No. 1 O'Connell Street
Sydney NSW 2000
DX 370 Sydney
Tel: 02 9353 4000
Fax: 02 8220 6700
Ref: 80021458/11252/14892

Legal\101947432.1

Ordered:

[Signature]
Counsel for Applicant

[Signature]
Respondent

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

2

Schedule

The Works

1. Landscape work including the planting of native species is to be carried out generally in accordance with Plan No. 06/08 Sheet 1 of 1 dated 21 March 2006 prepared by Paul Scrivener.
2. The concrete retaining wall is to be capped with maximum 100mm high capping course of sandstone or similar material.
3. The concrete retaining wall is to be painted in a recessive grey weathered sandstone colour.
4. A garden bed not less than 500mm ^{WIDE.} high is to be provided on the house side of, and adjacent to, the top of the concrete retaining wall and safety balustrade.
5. The safety balustrade fence 1.2 metres high will be constructed along the top of the concrete wall generally as shown on sketch plan dated 27 February 2006 by Landscape Architects International Pty Ltd (excluding vines). The safety balustrade may form part of the pool safety enclosure, subject to the satisfaction of the ^{Principal} Presenting Certifying Authority.
6. The not less than 500 mm wide garden bed is to be planted with a continuous hedging species which will attain a height of approximately 1 metre.
7. A drip irrigation system is to be provided to the terraced areas.
8. Proposed claoarpus will be at existing ground level and will be provided with a minimum soil depth of approximately 700mm.
9. Other plantings will be at existing ground level and will be provided with a minimum soil depth of approximately 500mm.
10. There is to be no change to existing ground levels in the Council's road reserve.
11. A 1.2 metres wide grassed area is to be provided adjacent to the kerb in Richmond Road.
12. Each stone block in the top course of the demolition-stone wall is to be split in half so as to provide a wider planting area in that location.

Legal\101947432.1

David M. ...
Council to Applicant

Reiley K Z
Solomon
He Kapoor

ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

2006 04 10 12:40 From: Abbott Tout Lawyers Page: 5/6 Date: 4/10/2006 12:51:01 PM
RE: 7334 0000 77 10X HUMPHREYS

DEED made at Sydney on 6 April 2006 between:

A: MANLY COUNCIL, having its offices at ^{1 Belfrage} ~~Wentworth~~ Street, Manly ("Council"); and

B: PAUL AND SUE HUMPHREYS of 15 Richmond Road, Seaforth ("Mr and Mrs Humphreys")

BACKGROUND

The Council and Mr and Mrs Humphreys wish to enter into an agreement in accordance with the provisions of this Deed concerning the completion of construction and alteration to the existing construction of the dwelling located at 15 Richmond Road, Seaforth.

PROVISIONS

Garage

- The double door presently fixed to the garage will be repositioned approximately 600mm further away from David Place. If for engineering reasons the distance of approximately 600mm is not practicable, the door will be repositioned to a location and manner agreed to by David Stray of Council.

Undercroft

- A wall will be built between the area identified as a "rumpus" and the area referred to as "plant" on the Construction Certificate drawing 04/B. A door to be consistent with the size of the ~~other~~ bedroom doors within the dwelling will be added in this wall for access to the "plant" area.
- Stair 4 as shown in Construction Certificate drawing 04/B is not to be constructed and the wall adjacent to stair 1 is to be extended so as to complete the enclosure of the area marked "plant".
- ~~It is confirmed that~~ No cook-top or oven will be installed in the area referred to as the "kitchenette" on the Construction Certificate drawing 04/B.
- A netball or basketball goal area will be marked out on the floor of the "rumpus" referred to on the Construction Certificate drawing 04/B and ~~for~~ an appropriate net ring to be installed/^{provisioned}
- Mr and Mrs Humphreys acknowledge and undertake to the Council that the ^{area} ~~are~~ marked "rumpus" will not be used other than as an indoor recreation area in association with the use of the dwelling as a single dwelling.

Other Works

- Mr and Mrs Humphreys will complete the works specified in paragraph 5 in the letter addressed to them from the Council dated 3 March 2006.

Building Certificate

- A Building Certificate will be issued in respect of DA401/01 once the above works have been completed.

No. 17 Richmond Road

- An Order under Section 121B of the Environmental Planning and Assessment Act 1979 was issued by Council to the owners of No. 17 Richmond Road, Seaforth ("No. 17") on 3 April 2006 to carry out certain works. It is the present intention of Council to enforce the Order.

Legal\101947240.1

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ATTACHMENT 4

Mayoral Minute Report No. 13 - Ombudsman's Report and Recommendations - Implementation Plan and the Establishment of a Councillors Working Group Correspondence

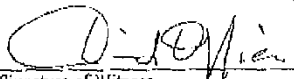
2006 04 10 12:40 From: Abbott Tout Lawyers Page: 6/8 Date: 4/10/2006 12:51:01 PM
02 7334 0303 77 FAX NUMBER

- Should the owners of No. 17 seek to modify any condition of consent of DA154/02 dated 8 November 2002, then Mr David Stray, Manager of Development Assessment at Manly Council will recommend to the Land Use Committee, General Manager or Development and Assessment Committee, as relevant, that any modification:
 - (a) Provides for screen planting to be carried out by the owners of No. 17 between the southern side of their building and the boundary with 15 Richmond Road, Seaforth. If any change is made to landscaping in that area proposed by condition 29 of DA154/02 then the revised planting will be no less effective in providing privacy and screening for the owners of No. 15 Richmond Road, Seaforth when compared to the landscaping proposed and required by condition 29 of DA154/02.
 - (b) Will require the removal of trees currently planted at No. 17 that are adjacent to the section of boundary fence with 15 Richmond Road, that lay east of the building line. This planting will be replaced with species nominated in the amended plan as approved by the Council.
 - (c) Will require removal of the planter built by the owners of No. 17 against the boundary wall with No. 15 Richmond Road, along the section of boundary fence ~~forward~~ that lay west of the building line to ~~Richmond Road~~ David Place.
- Should the owners of No. 17 seek to negotiate any condition of consent of DA154/02 dated 8 November 2002, then Mr David Stray, Manager of Development and Assessment at Manly Council will recommend as relevant the terms stated at (a) to (c) above.
- Any decision to be made by the Council related to the working out or enforcement of this Deed or the orders to be made by consent in Proceedings number 10454/2005 and 40998/2005 in the Land and Environment Court, will first involve consultation with Mr David Stray.

Executed as a Deed.

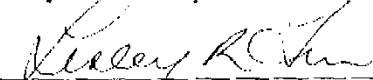
Executed by Paul Humphreys in the presence

of: DAVID OFFICER & C


Signature of Witness

Name of Witness in full

Executed by an authorised delegate of
Manly Council in the presence of:


Signature of Witness

LESLIE RUSSELL FINN
Name of Witness in full

Legal101947240.1


Signature

This fax was received by Manly Councils fax server.

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 50
SUBJECT: Bike racks in Balgowlah Heights Precinct
FILE NO:

Councillor Lauren Elder will move:

To encourage sustainable transport and provide a bike storage option, Council install bike racks in an appropriate location in the Balgowlah Heights shopping precinct through consultation with the Balgowlah Heights Precinct committee and store owners for a minimum of 10 bikes.

Background:

Balgowlah Heights - Clontarf area has a population of over 4,700 people and a thriving local shopping precinct. Nearly 70% of households in the area are families with children with 25% of the population aged under 15 and a further 11% under 25. Despite the demographics and the push towards sustainable transport options for people, regardless of age, there are no options for bike storage and residents are forced to park bikes on foot paths and/or secured to posts when riding to the area to shop and/or catch public transport.

There is space for bike racks and potential locations exist outside the chemist where council has two large pot plants that are in an area suitable for bike storage. There is a further area of overgrown nature-strip opposite the chemist adjacent to where Council have recently installed six 90 degree parking spots.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_1

***** End of Notice of Motion Report No. 50 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 51
SUBJECT: "Love Food Hate Waste" Partnership Program
FILE NO:

Councillor Barbara Aird will move:

To tackle the problem of food waste in our community that Manly Council becomes a partner with DECCW in the "Love Food Hate Waste" program.

Note: DECCW is partnering with councils to promote and support the program's aim to reduce food waste across the community.

As a partner in the "Love Food Hate Waste" program, councils will be provided with the opportunity to develop local education programs using a range of marketing and promotional resources. An education grants program is also available to councils and the materials available to Council can support a variety of food waste minimisation activities and programs.

This campaign is aimed at raising awareness of the economic and environmental impacts of food waste and supporting positive behaviour change, and does not involve any financial commitment from Council.

Facts:

- * In NSW alone, more than 1.1 million tonnes of food is sent to landfill annually
- * NSW households throw away more than \$2.5 billion worth of edible food annually
- * For every NSW household more than \$1,000 of food is thrown away each year
- * 38% of a household's weekly garbage is food
- * It is a waste of food, money and resources
- * The consequences of this unnecessary waste are not well known by the community
- * \$848 million of fresh food, \$694 million of leftovers, \$372 million of packaged food, \$231 million of unfinished drinks, \$231 million of frozen food and \$180 million of takeaway food is set to landfill in NSW each year
- * for every tonne of food waste that doesn't go to landfill, 0.9 tonnes of greenhouse gas is saved

If food waste produced by households is reduced by 66%, in line with NSW Govt. Waste Avoidance and Resource Recovery Strategy, the greenhouse gas savings would be equivalent to taking 117,000 cars permanently off the road in NSW.

When food is wasted, all the resources that are invested by the supply chain into producing, delivering, selling and disposing of food are lost. This not only has a significant economic impact on households and businesses, it is also associated with very large impacts on the environment such as carbon pollution from landfills.

By taking simple steps to reduce food waste, households and businesses can save money, water and energy whilst reducing greenhouse emissions.

The community needs to be informed of actions they can take to minimise the amount of waste created.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_2

***** End of Notice of Motion Report No. 51 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 52
SUBJECT: Recommendations from Ombudsman's Report
FILE NO:

Councillor Cathy Griffin will move:

That the General Manager be requested to publish on the Council website responses to the recommendations of the Ombudsman's report that pertain to DA processing and reporting procedures, Complaints Handling, Employee Recruitment, Training and Performance Management policies and procedures and record management.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_3

***** End of Notice of Motion Report No. 52 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 53
SUBJECT: Manly Council's Website
FILE NO:

Councillor Cathy Griffin will move:

That the General Manager provide a report to Council which includes but is not limited to a timeline and budget proposal for consideration in the next financial year to upgrade and improve the Manly Council website.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_4

***** End of Notice of Motion Report No. 53 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 54
SUBJECT: Ombudsman's Report
FILE NO:

Councillor Mark Norek will move:

1. That the General Manager report back in open Council at each meeting, on the progress made on each of the recommendations in the Ombudsman's Report, and that the General Manager's performance review be brought forward and held as soon as possible in November 2010.
2. That, in an attempt to regain the trust of the people of Manly, independent external stakeholders are involved in the performance review, with, for example a senior representative from the Chamber of Commerce, being a member of the Panel, and other stakeholders being asked to be part of a confidential 360 degree appraisal of the General Manager. An independent consultant should be employed to facilitate the process. External stakeholders to be invited to be part of the 360 degree appraisal could include members of the local and business communities, and perhaps State Agencies.
3. That the recommendations to be reported to a Council meeting, as a public document.

Background

Since the Ordinary Meeting of Manly Council held on 11 October 2010 at which the Ombudsman's Report was considered, there has been considerable concern expressed, not least through the Manly Daily, with a readers' survey at one stage saying that 91% of respondents were not convinced that the Council would deal with the Ombudsman's Report properly. The unwillingness of Council to make the Report public when, having been tabled at a Council meeting, it was clearly a public document, has added to the community's distrust of the Council that Councillors need to be aware of and make every effort to put right.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_5

***** End of Notice of Motion Report No. 54 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 55
SUBJECT: Reforms to the operation of the Manly Independent Assessment Panel (MIAP)
FILE NO:

Councillor Hugh Burns will move:

1. That it is proposed the time allowed for presentations shall be increased to at least 5 minutes, and include the opportunity for presentations from all objectors who claim significant loss of amenity.
2. That it shall be written in the instructions issued to objectors that speakers shall be able to provide a written submission to the panel of up to 5 pages to backup and amplify the issues contained in their presentation.
3. That as part of being on, or being eligible to sit on, the panel, there needs to be a requirement for all professional (non community) panel members not to have any pecuniary or significant non-pecuniary interests in the Manly Municipality. Should an unexpected conflict of interest arise it should be declared at the point the business papers are received by the panel members so that that person can be replaced for the entire hearing on the nominated day. Following such a declaration that person is to be permanently replaced and otherwise become ineligible for further service on the panel.
4. That a staff report is to be compiled outlining all decisions of the panel in which the panel determination has varied from the staff recommendation, to determine whether a better framework for minor variation from staff recommendations needs to be put in place. The intent of this is to cover limited issues such as increasing set backs, lowering heights or imposing noise restrictions or operating conditions to reduce the impact on adjacent residents and assist objectors in producing a better compromise outcome with less impact.

Background

The MIAP has been operating for the last two years and many of its administrative procedures are based on procedures originating from when Councillors determined Development Applications (DAs).

Increased access by objectors - Notwithstanding the ability for objectors to make submissions to staff as part of the DA assessment process, objectors can also make a presentation to the MIAP panel.

However the maximum time allotted for presentations is currently too low to raise more than a couple of major issues or give a brief summary of more significant matters. The 3 minute limit is unreasonable when something like a case of major view loss or other significant loss of amenity has to be presented to the panel, that could result in a major financial loss of property value for the objector.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_6

***** End of Notice of Motion Report No. 55 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Motion Report No. 56
SUBJECT: Return of Committee Delegation to the Council
FILE NO:

Councillor Hugh Burns will move:

That all Manly Council Committee terms of reference be amended and General Manager's delegation be amended so as to return to the usual Committee delegation form (as was the case under the previous term of Council), that the Special Purpose Committees are convened by Council(lors), to provide a forum for discussion and recommendation to Council.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NM_8

***** End of Notice of Motion Report No. 56 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Notice of Rescission Report No. 6
SUBJECT: Proposed review of the Code of Practice for personal trainers
FILE NO:

Councillor Lauren Elder, Councillor Adele Heasman, and Councillor Alan Le Surf will move:

"That the Council's decision of 11 October 2010 being Item 47 in respect of Proposed review of the Code of Practice for personal trainers be and is hereby rescinded."

The resolution passed on 11 October 2010 was in the terms of:

172/10 RESOLVED: (Whitting / Burns)

That Manly Council review the Code of Practice for Personal Trainers with the intention of amending it to reduce the noise problem local residents are experiencing during the early mornings and evenings. All amendments to be enforced by Council and the review be reported back to Council and include the following:

- Hours of operation for boxing exercise be restricted to between 7.00am and 8.30pm.
- No activity is to be conducted within 50 metres of a residential property.

For the Resolution: Councillors Hay, Whitting, Morrison, Norek, Griffin, Burns and Macdonald
Against the Resolution: Councillors Elder, Murphy and LeSurf

If the above Notice of Rescission Motion is carried, it is proposed to move the following alternate motion:

That:

- Personal training activities are permitted between the hours of 6am – 8:30pm in accordance with Council's personal training agreement.
- Boxing activities prior to 7am must be conducted a minimum of 50 metres from a residential property in Council's designated reserves under the personal trainers agreement.

RECOMMENDATION

That the above Notice of Rescission be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM081110NR_1

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

TO: Ordinary Meeting - 8 November 2010
REPORT: Item For Brief Mention Report No. 8
SUBJECT: Items for Brief Mention
FILE NO:

1. Complaints made to the General Manager

In the month of October 2010, the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Finalised
June	Alleged misconduct by staff	No breach of Code of Conduct. No further action.	October
October	Alleged misuse of resources and conflict of interests	Review in progress	Pending

2. Notice of Motions status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
173/10	11 Oct	Notice of Motion Report No. 49 - Road Reserve Lease for 4 Peronne Avenue Clontarf	1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.	Traffic Committee meeting being held on 8/11/10 and the residents from 2 and 4 Peronne Avenue, Clontarf attending the meeting.
172/10	11 Oct	Notice of Motion Report No. 47 - Proposed review of the Code of Practice for Personal Trainers.	That Manly Council review the Code of Practice for Personal Trainers with the intention of amending it to reduce the noise problem local residents are experiencing during the early mornings and evenings. All amendments to be enforced by Council and the review be reported back to Council and include the following: • Hours of operation for boxing exercise be restricted to between 7.00am and 8.30pm. • No activity is to be conducted within 50 metres of a residential property.	No further action taken as the matter is subject to a Rescission motion for OM 08/11/10.
156/10	13 Sep	Notice of Motion - Removal of Storm Water pipes along Manly Beach	That the General Manager provide an updated report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.	Report received from consultants. In progress.

Item For Brief Mention Report No. 8 (Cont'd)

149/ 10	13 Sep	Notice of Motion - Manly Lagoon Rehabilitation	That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.	Warringah council has distributed letters. Website will be complete by mid December.
94/ 10	21 June	Notice of Motion - Membership of Sustainable Choice Program	5. Establishing a tracking system to monitor the scope and level of purchasing activity.	Tracking system currently not available. LGSA to advise of suitable options for a tracking system.
44/ 10	19 Apr	Notice of Motion - Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.	In progress. Awaiting response from Energy Australia.

RECOMMENDATION

1. That the information be received and noted.
2. That the report be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM081110IBM_1

***** End of Item For Brief Mention Report No. 8 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Report Of Committees Report No. 45
SUBJECT: Minutes for adoption by Council - Sustainability and Climate Change Committee
- 14 September 2010
FILE NO:

This report was dealt with at the Sustainability and Climate Change Committee meeting of 14 September 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. ITEM 3 MATTERS ARISING

A discussion about the future role and functioning of the Committee was facilitated. Michael Long presented one proposed approach, which was discussed by the group. Members present agreed that the functioning of the Committee did not allow members to contribute their skills or knowledge for the benefit of Council and the community and expressed frustration with the current model being a one way flow of information. An alternative model was discussed whereby the group would meet, or be consulted in other ways, on an as-needs basis to provide sustainability and climate change advice to staff on specific projects / matters, as they arise. Members expressed the desire to have front-end input before key decisions have already been made so that their advice may be appropriately considered and factored into the project or direction of Council on relevant matters.

The group indicated that this arrangement would be more beneficial to be informal, without formal business papers and reports etc. They indicated Council could seek advice through holding workshops with just a calendar invitation with the relevant paperwork attached and/or via telephone/email.

A trial for this model was discussed as a good way forward. Thus the first 'trial' workshop with members of the Committee will be scheduled for October (precise date TBC via electronic invitation) to seek the group's sustainability and climate change advice and input for the Council's '2015' project.

Other projects earmarked for Council staff to seek advice on included; regional co-generation procurement and management project (if co-generation is confirmed through the Carbon Emissions Reduction Project – corporate/community components and the community component of the carbon emissions reduction project. Opportunities for advice were also identified for assisting with environment protection and habitat conservation zone identification and integration into the LEP/DCP.

RECOMMENDATION

That the minutes of the Sustainability and Climate Change Committee meeting on 14 September 2010 be adopted including the following items:

The Committee recommends to the General Manager and Council that:

1. The role and functioning of the Sustainability & Climate Change Committee be amended so that relevant members of the group meet, or are consulted, on an as-needs basis to provide sustainability and climate change advice to the Council and/or Council staff on matters or projects that would benefit from such input. Under this new model Council and/or Council staff would specifically request advice from the group at the front-end of projects or matters relevant to sustainability and/or climate change.

Report Of Committees Report No. 45 (Cont'd)

2. Under the new model of functioning for the Committee, a trial workshop be held in October (precise date TBC) to seek the Sustainability & Climate Change Committee's advice and input for the Council's '2015' project.
3. Depending on the outcomes of the trial workshop, members of the Sustainability & Climate Change Committee meet and/or be consulted on an as-needs basis under the new model of functioning for this Committee.

ATTACHMENTS

There are no attachments for this report.

OM081110RC_1

***** End of Report Of Committees Report No. 45 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Report Of Committees Report No. 46
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) Manly Traffic Committee – 11 October 2010
- ii) Community Environment Committee – 13 October 2010
- iii) Community Safety Committee – 14 October 2010

RECOMMENDATION

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

- i) Manly Traffic Committee – 11 October 2010
- ii) Community Environment Committee – 13 October 2010
- iii) Community Safety Committee – 14 October 2010

ATTACHMENTS

There are no attachments for this report.

OM081110RC_2

***** End of Report Of Committees Report No. 46 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Corporate Services Division Report No. 39
SUBJECT: Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors
FILE NO:

SUMMARY

Council is required to adopt a Policy concerning payment of expenses and the provision of facilities to the Mayor and Councillors within 5 months after the end of each year, and to forward a copy of the Policy to the Director General.

REPORT

Section 252(1) of the Local Government Act 1993, provides that within 5 months after the end of each year, Council is required to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors (irrespective of whether there are any changes to the current policy).

Where a Council is to adopt or amend its policy section 253(1) requires that public notice be given allowing at least 28 days for the making of public submissions. Council need not give public notice if, in its opinion, the proposed amendment is not substantial (section 253(3)).

Section 253(4) then requires that a copy of the policy be forwarded to the Director General within 28 days of its adoption.

Council's Policy on "Payment of Expenses and Provision of Facilities to Mayor and Councillors", was adopted at the Ordinary Meeting of 14 December 2009.

After reviewing this Policy it is considered that Council's Policy meets the requirements of the legislation and the guidelines issued in October 2009 by the Division of Local Government, in relation to the payment of expenses incurred and the provision of facilities to the mayor and councilors. No changes are proposed at this time.

It is therefore recommended that as there are no changes to the policy, that Council adopt the Payment of Expenses & Provision of Facilities Policy pursuant to section 253(3) of the Local Government Act 1993, and that a copy of the Policy be forwarded to the Director General.

RECOMMENDATION

That:

1. Pursuant to section 253(3) of the Local Government Act 1993, the Policy on Payment of Expenses and Provision of Facilities to the Mayor and Councillors, be adopted;
2. A copy of the Policy be forwarded to the Director General, Division of Local Government.

ATTACHMENTS

AT- 1 Policy - Payment of Expenses & Provision of Facilities Policy Nov 2010 16 Pages

OM081110CSD_1

***** End of Corporate Services Division Report No. 39 *****

Manly Council



Policy on Payment of Expenses & Provision
of Facilities to Mayor & Councillors

ADOPTED November 2010

ATTACHMENT 1

Corporate Services Division Report No. 39 - Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy - Payment of Expenses & Provision of Facilities Policy Nov 2010

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Corporate Services Division Report No. 39 - Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors
Policy - Payment of Expenses & Provision of Facilities Policy Nov 2010



Payment of Expenses & Provision of Facilities Policy

PART 1 INTRODUCTION

1. Preliminary

1.1 Title: Complaints Management Policy

This policy is in accordance with the requirements of the Local Government Act 1993 and may be cited as the "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy".

1.2 Policy No: MAN-POL-P51

1.3 Keywords

Payments, Expenses, Facilities, Benefits, Travel, Mayor, Councillors, Equipment, Private Use, Accommodation, Spouse.

1.4 Policy Objectives

The purpose of this policy is to allow for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

This policy will also apply as applicable to NSW Council administrators in the event of their appointment.

1.5 Legislative and other Government Policy Provisions

1. This policy is made under the Local Government Act 1993 ("the Act"), including sections 252 to 254. The Act requires that Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.
 - The Local Government (General) Regulation 2005 ("the Regulation").
 - Division of Local Government, Department of Premier and Cabinet Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW" (October 2009).
 - Department of Local Government Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 08/24 – Mis-use of Council Resources
 - Council's Code of Conduct
 - ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources
 - Other relevant publications.
2. Clause 403 of the Regulation states that a policy under section 252 of the Act must not include any provision enabling Council:
 - (a) to pay any councillor an allowance in the nature of a general expense allowance, or

Corporate Services Division Report No. 39 - Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors
Policy - Payment of Expenses & Provision of Facilities Policy Nov 2010



Payment of Expenses & Provision of Facilities Policy

- (b) to make a motor vehicle owned or leased by Council available for the exclusive or primary use or disposition of a particular Councillor other than the Mayor.

1.6 Reporting

Section 428(2) (f) of the Act requires a council to include in its Annual Report:

- Council's policy on the provision of facilities for, and the payment of expenses to Councillors.
- Total amount of money expended during the year on providing those facilities and paying those expenses.

Clause 217(1)(a) and (a1) of the Regulation requires Council to include in the Annual Report the total cost of expenses and provision of facilities for the Mayor and Councillors, specifically:

- details (including the purpose) of overseas visits undertaken during the year by Councillors while representing Council
- cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in Councillors homes
- cost of telephone calls including mobiles, home located landlines, facsimile and internet services
- attendance of Councillors at conference and seminars
- interstate visits and cost of travel, accommodation, etc
- overseas visits and cost of travel, accommodation, etc
- spouse/partner/accompanying person expenses
- care and other related expenses

1.7 Monetary Limits

The payment of expenses and provision of equipment and facilities is limited by the budget allocations made for Councillor expenses each year in the adopted Estimates which are included and exhibited as part of Council's Annual Management Plan, or as otherwise indicated in this policy.

Any claim submitted to Council for reimbursement must be approved by the General Manager. The General Manager will assess the appropriateness of the claim and shall have regard to the budget allocations.

1.8 Dispute Resolution

Any dispute by a Councillor relating to the administration of this policy must be made in writing to the General Manager detailing the grounds of the dispute.

All such disputes will be referred to the Full Council for determination and resolution.

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PART 2 FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Mayor

In addition to those facilities provided to the Councillors below, the Mayor is entitled to receive the benefit of:

- use of the Mayoral office;
- a mobile telephone for use for in relation to official duties;
- secretarial services associated with office of the mayor;
- cost of transport to official functions (if required);
- provision and maintenance of mayoral chain and robes.

2.2 Councillors

The Councillors, including the Mayor and Deputy Mayor are to receive the benefit of:

- use of official council stationery;
- postage of official correspondence - all mail is to be directed through the Council's own mailing system;
- meals/refreshments prior to Council and Committee Meetings;
- cost of transport to official functions (if required) when deputising for the Mayor
- an electronic access card for parking in the Whistler Parking Station seven (7) days per week;
- provision (on loan) of a facsimile machine at place of residence or business;
- provision of a laptop personal computer (on loan), modem, and a fax/laser printer, and domicile support services from Council IT staff;
- provision of broadband internet services to the Councillor's residence;
- provision of a residential telephone service (where requested), and payment of monthly line rental fee and 50% of call charges including designated mobile and STD calls relating to council business up to maximum \$100.00 per month (*CPI Indexed Annually*) (subject to below[#]);
- Councillor's own residential telephone service OR mobile telephone service - reimbursement of reasonable telephony expenses incurred by Councillors for telephone calls made in the performance of their duty, up to a maximum of \$100 per month (*CPI Indexed Annually*) (subject to below[#]);

Provided that:

- a) Councillor's telephone numbers in respect of which a claim is made are made available to the public;
- b) claims for reimbursement are made no later than three (3) months after the account is due for payment;
- c) claim for payment of telephone calls are to be certified as being substantially incurred on council business;
- d) copy of telephone account to be provided;

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- e) maximum claim for telephone service(s) is limited to \$50.00 per month where calls have not been itemised. Where the account exceeds \$50.00, maximum claim will be \$100.00 per month provided telephone calls made in the performance of their duty are itemised on the account;

Attendance at political fundraising functions are considered to be a personal interest and not covered in the policy.

2.3 Spouse/Partner/Accompanying person

Council may from time to time hold functions or civic events where Councillor's spouses, partners or accompanying person are also invited. In these instances, Council shall meet the cost of meals and refreshments.

2.4 Private Use of Equipment and Facilities

Council acknowledges that incidental private use of equipment and facilities may occur from time to time and such use is not subject to compensatory payment. The General Manager shall determine the standard and quality of equipment provided. However, Councillors must not obtain more than incidental private use of facilities.

2.5 Unauthorised use of Council Facilities, Equipment and Services

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

2.6 Return of Equipment and Facilities by Councillors

Councillors are required to return all Council issued equipment to Council after the completion of the Councillors term of office or at the cessation of their civic duties.

Councillors may choose to purchase Council equipment previously allocated to them at the cessation of their duties. Items will be offered at the written down value at the time of purchase.

ATTACHMENT 1

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PART 3 ANNUAL FEES

3.1 Mayor and Councillors

The Councillors are paid an annual fee (s248), and in addition the Mayor receives an annual allowance (s249). Members fees and the Mayoral allowance are set by resolution of Council in accordance with the determination of the Local Government Remuneration Tribunal for the category of Council each year, and do not form part of this policy.

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

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

A councillor may elect by agreement with Council to forgo part of their fees under s248 or 249 in return for contributions paid to a complying Superannuation Fund (see Australian Tax Office Interpretive Decision (ATO ID 2007/205)). (Cnl 18/02/2008)

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PART 4 PAYMENT OF EXPENSES FOR MAYOR AND COUNCILLORS

4.1 Transport

In addition to the payment of annual fees in accordance with sections 248 and 249 of the Act, Councillors are entitled to claim "mileage" allowance for use of private vehicles to drive between their place of residence and the Council Chambers, inspections within the area of the Council undertaken in compliance with a resolution of the Council, meetings which Council has endorsed the Councillor's membership, civic receptions hosted by Council, or meetings or functions approved by the Mayor or General Manager, and return. "Mileage" rates will be paid at the then current rate set by the appropriate Local Government Industrial Award or equivalent.

Other out of pocket expenses associated with travel by motor vehicle such as parking fees and road toll charges may be claimed, noting that the driver is personally liable for all traffic or parking fines while travelling in private or council vehicles on Council business.

Reimbursement is subject to a formal claim being lodged not later than three (3) months after the expense was incurred.

Alternatively, Councillors may travel by taxi and use a Councillor issued Taxi charge-card.

4.2 Conferences and Seminars

4.2.1 Who May Attend Conferences and Seminars

Councillors may be nominated to attend conferences, seminars and similar functions by:

- the Council, through resolution duly taken;
- the Mayor and General Manager acting under delegated authorities and subject to budget requirements being adhered to.

In addition the Mayor may nominate a substitute attendee for functions within the Council area or general Sydney Metropolitan Area or on those occasions where the Mayor is unable to be in attendance.

4.2.2 What Conferences and Seminars may be Attended

The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- Local Government Association Annual Conferences (Federal and State);
- special "one-off" conferences called by Local Government Association on important issues;
- annual conferences and congresses of the major industry associations and professions in local government;

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- seminars which further the training and development efforts of the Council and within the budget framework.

4.2.3 Overseas Travel

The cost of overseas travel for purposes such as conferences and delegations to friendship communities shall not be met by Council. In extenuating circumstances, any agreement to meet the costs of overseas travel either in whole or in part, shall be specifically resolved by a meeting of Council and subject to a detailed report to Council on all aspects of the trip relevant to Council business within three (3) months of the completion of the travel.

4.2.4 Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

4.3 Expenses Incurred

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business, being to and from the periodical conferences and seminars of local government related organisations (generally as listed above) at which attendance has been approved.
- (b) the travel is undertaken with all due expedition, and by the shortest route and the most practicable and economical transport;
- (c) only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- (d) out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;
- (e) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (f) the claim is made not later than three (3) months after the expenses were incurred, and upon an approved claim form, supported by appropriate receipts and tax invoices.
- (g) any expenses in relation to Council related business should only be incurred by Councillors in accordance with the provisions of this policy. All claims shall be submitted for approval by the General Manager or his delegate.

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4.4 Payment In Advance

The Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance.

An allowance for estimated "out-of-pocket" expenses may be paid to an attendee in advance upon request.

Any advance payments are subject to a reconciliation statement accompanied by tax invoices/receipts, verification of expenses and the refund of any unexpended amount being submitted within ten (10) days of the close of the conference, seminar or function.

4.5 Categories of Payment or Reimbursement

Subject to nomination in accordance with the provisions of Clause 4.4, the categories of payment or reimbursement are as follows:

(a) Travel

- All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train. Where trains are used, the Council will provide first class travel, including a sleeping berth where necessary.
- Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle subject to prior approval from the General Manager. Persons using private vehicles will be paid the "mileage" allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.
- Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.

(b) Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

(c) Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.

(d) Spouse/Partner

All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

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PART 5 INSURANCE - COUNCILLORS

Councillors are to receive the benefit of insurance cover for:

(a) Personal Injury

Whilst ever on Council business, world-wide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses other than that covered by travel insurance taken out in respect of the travel on approved council business. Full details of personal accident insurance are available in Council's Insurance Manual held by the Risk Manager.

(b) Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as councillors, provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

(c) Public Liability

For matters arising out of Councillors performance of civic duties or exercise of their functions as councillors provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff

(d) Councillors and Officers Liability

For matters arising out of Councillors performance of civic duties or exercise of their functions as councillors provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

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PART 6 LEGAL ASSISTANCE FOR COUNCILLORS

6.1 Legal Assistance for Councillors

In the event of:

1. An enquiry, investigation or hearing by any of:
 - The Independent Commission Against Corruption
 - The Office of the NSW Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - The NSW Police Force
 - The Director of Public Prosecutions; or
 - The Local Government Pecuniary Interest and Disciplinary Tribunal
 - Council's Conduct Review Committee/Reviewerinto the conduct of a Councillor provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the body makes a finding substantially favourable to the Councillor, or
2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall, providing the body makes a finding substantially favourable to the councillor, reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:
 - a. the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis;
 - b. the Councillor's performance or exercise of the civic duty or function was, in the opinion of Council, bona fide and/or proper.
 - c. the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's solicitors will be paid, ie any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's solicitors will not be reimbursed.
 - d. In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct.
 - e. In the case of a pecuniary interest misbehaviour matter, legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

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Despite the above, Council in its absolute discretion may refuse any or part of a reimbursement.

3. Defamation proceedings, or other proceedings arising from the making of public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

6.2 General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- i. The statement was made or the act was done in relation to discharging the functions of civic office;
- ii. The Councillor concerned was acting in good faith; and
- iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

Then Council will indemnify or reimburse the Councillor for:

- i. All legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- ii. Any other loss, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceedings **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any moneys that may or are recouped by the Councillor on any basis.

6.3 Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must:
 - (a) Be in written or electronic form;
 - (b) Include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - (c) Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor

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or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to claim, notify and forward to Council's insurer any information in relation to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied
4.
 - (a) If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in-turn notify the Councillor concerned in written or electronic form of that view.
 - (b) If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause 4(a), the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated the President for the being of the Law Society of NSW or the President of the NSW Bar Association.
6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
 - In the case that the claim is accepted by Council's insurer it will have sole carriage of the matter and Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
 - If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the Insurers the General Manager in consultation with Council's solicitors will take what ever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
 - If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:

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- (a) Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - (b) Accounts being considered and approved by the General Manager prior to payment; and
 - (c) All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraphs 2(b) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed.

[Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.]

6.4 Exclusion from Policy

This policy will not apply to:

- 1. any action in defamation taken by a Councillor or Council staff member as plaintiff in any circumstances as Council will not meet these costs.
- 2. costs incurred by a Councillor or Council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation as Council will not meet these costs.
- 3. any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:
 - a) the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
 - b) the statement:
 - i. is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefings; and
 - ii. is in accordance with the Local Government (General) Regulation 2005 (Meetings) and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
 - iii. does not breach any other law.

ATTACHMENT 1

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Payment of Expenses & Provision of Facilities Policy

PART 7 POLICY HISTORY

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TO: Ordinary Meeting - 8 November 2010
REPORT: Corporate Services Division Report No. 40
SUBJECT: Adoption of the Manly Council Code of Meeting Practice
FILE NO:

SUMMARY

Pursuant to section 361(2) of the Local Government Act 1993, the draft *Code of Meeting Practice* was placed on public exhibition. Following the close of the exhibition period, the *Code of Meeting Practice* is now recommended to Council for adoption.

REPORT

The current Code of Meeting Practice was adopted on 2 March 2009.

Council at the Planning & Strategy Meeting of 7 June 2010, considered a report recommending changes to the Code in accordance with the Meetings Practice Note issued by the Division of Local Government. Council resolved that no action be taken to amend the existing Code.

Subsequent to this meeting, Council was informed at the Ordinary Meeting on 13 September 2010, that the Division of Local Government, Department of Premier and Cabinet, had written to Council regarding its Code of Meeting Practice. Council subsequently resolved:

1. *That the staff recommendation for no limits on the number of Notices of Motion be adopted.*
2. *That the status quo remains for Questions Without Notice*
3. *That the draft Manly Council – Code of Meeting Practice be placed on public exhibition in accordance with the requirements of the Local Government Act.*

Section 361 of the Local Government Act, 1993, provides that:

- (1) Before adopting a draft code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.

Pursuant to section 361(2) the draft *Code of Meeting Practice* was placed on public exhibition from 20 September 2010 to 19 October 2010. Council has not received any submissions within the period while draft code was on exhibition.

For the information of Councillors, below is a brief summary of changes to the Code which are in accordance with the Division of Local Government requirements:

CMP Clause	Page	Topic	Proposed Amendment / Reason
3.3	3	Calling of extraordinary meeting	Clarifies the requirements for calling of extra-ordinary meetings.
6.9	12	Limitation on number of Notices of Motion	Remove Cl 6.9(4) regarding the limitation on number of Notices of Motion, renumber Clauses.

Corporate Services Division Report No. 40 (Cont'd)

			• <i>The DLG Meetings Practice Note states that provided notice and other procedures are followed, and the councillor balances their civic responsibility with their obligation to use council's resources effectively and efficiently, the number of notices of motion put forward by a councillor cannot be limited.</i> • Inserts new clause to clarify when a councillor can withdraw a notice of motion.
6.13	13	Questions may be put to Councillors and Council Employees	• Questions without Notice retained with clarification that QWN must be submitted to the General Manager in writing at the Meeting.
10.2	28	Automatic Amendments to CMP	• Update wording regarding automatic update to the Code of Meeting Practice as a result of any changes in the Local Government Act or Regulations.

RECOMMENDATION

That Council having given public notice in accordance with section 361(2) of the Local Government Act 1993, of its intention to adopt the draft *Code of Meeting Practice*, and having received no submissions at the close of the exhibition period, that pursuant to section 362((1)(b) the draft *Code of Meeting Practice (November 2010)* be adopted.

ATTACHMENTS

There are no attachments for this report

OM081110CSD_2

***** End of Corporate Services Division Report No. 40 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Corporate Services Division Report No. 41
SUBJECT: Schedule of Meetings - 1 January to 31 December 2011
FILE NO:

SUMMARY

A schedule of proposed dates for Council and the Principal Committee meetings from 1 January 2011 to 31 December 2011 is submitted to Council for adoption.

REPORT

Council's current Code of Meeting Practice provides that meetings of Council and its Principal Committee be held on a monthly cycle on a Monday evening commencing at 7.30pm. Where a public holiday falls on a Monday, meetings will be held on the following Monday.

The following proposed Schedule of Meetings for the period 1 January 2011 to 31 December 2011, has regard to the same period of recess over Christmas/New Year break as occurred last year. Allowance has also been made in the schedule for school holidays in April, July and October.

RECOMMENDATION

That the Schedule of Meetings for the period 1 January to 31 December 2011, as outlined in this Report, be adopted.

ATTACHMENTS

AT- 1 Schedule of Council Meetings 2011 2 Pages

OM081110CSD_3

***** End of Corporate Services Division Report No. 41 *****

ATTACHMENT 1

Corporate Services Division Report No. 41 - Schedule of Meetings - 1 January to 31 December 2011

Schedule of Council Meetings 2011



Schedule of Council Meetings 2011

JANUARY 2011 – In Recess

Date	Day	Time	Meeting
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FEBRUARY 2011

7 th February 2011	Monday	7.30pm	Planning & Strategy Committee
14 th February 2011	Monday	7.30pm	Ordinary Meeting

MARCH 2011

7 th March 2011	Monday	7.30pm	Planning & Strategy Committee
14 th March 2011	Monday	7.30pm	Ordinary Meeting

APRIL 2011

4 th April 2011	Monday	7.30pm	Ordinary Meeting and Planning & Strategy Committee
11 th April 2011	Monday		No Meeting-School Holidays
18 th April 2011	Monday		No Meeting-School Holidays
25 th April 2011	Monday		No Meeting- Anzac Day

MAY 2011

2 nd May 2011	Monday	7.30pm	Planning & Strategy Committee
9 th May 2011	Monday	7.30pm	Ordinary Meeting

JUNE 2011

6 th June 2011	Monday	7.30pm	Planning & Strategy Committee
13 th June 2011	Monday		No Meeting - Queen's Birthday
20 th June 2011	Monday	7.30pm	Ordinary Meeting

ATTACHMENT 1

Corporate Services Division Report No. 41 - Schedule of Meetings - 1 January to 31 December 2011

Schedule of Council Meetings 2011

Date	Day	Time	Meeting
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JULY 2011

4 th July 2011	Monday		No Meeting-School holidays
11 th July 2011	Monday		No Meeting-School holidays
18 th July 2011	Monday	7.30pm	Planning & Strategy Committee
25 th July 2011	Monday	7.30pm	Ordinary Meeting

AUGUST 2011

1 st August 2011	Monday	7.30pm	Planning & Strategy Committee
8 th August 2011	Monday	7.30pm	Ordinary Meeting

SEPTEMBER 2011

5 th September 2011	Monday	7.30pm	Planning & Strategy Committee
12 th September 2011	Monday	7.30pm	Ordinary Meeting

OCTOBER 2011

3 rd October 2011	Monday		No Meeting - Labour Day Holiday
10 th October 2011	Monday	7.30pm	Planning & Strategy Committee
17 th October 2011	Monday	7.30pm	Ordinary Meeting

NOVEMBER 2011

7 th November 2011	Monday	7.30pm	Planning & Strategy Committee
14 th November 2011	Monday	7.30pm	Ordinary Meeting

DECEMBER 2011

5 th December 2011	Monday	7.30pm	Planning & Strategy Committee
12 th December 2011	Monday	7.30pm	Ordinary Meeting

TO: Ordinary Meeting - 8 November 2010
REPORT: Corporate Services Division Report No. 43
SUBJECT: Quarterly Financial Review
FILE NO:

SUMMARY

Council's income and expenditure for the quarter 1 July 2010 to 30 September 2010 has been reviewed, together with a projection of Council's Budget as at 30 June 2011, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$119,158 and a forecast deficit at 30 June 2011 of \$396,231.

REPORT

Council is required to prepare a budget review statement each quarter, in accordance with Clause 7 of the Local Government (General) Regulation 2005. This report is prepared in accordance with the clause for the period ended 30 June 2011.

The purpose of these reviews is to ensure that the impact of financial variation, which should only be of a minor nature, is reflected in the forecast of Council's global budgetary position, and the adopted Budget adjusted accordingly.

The following is a summary of Council's adopted Budget for 2010/2011 and revised estimates of Income and Expenditure to 30 June 2011, following the adjustments included in this report.

	Original Budget	Revised Budget at 30/09/2010
Operating Income	-\$62,891,766	-\$63,051,746
Capital Income	-\$17,377,215	-\$18,234,193
Total Income	-\$80,268,981	-\$81,285,939
Operating Expenditure	\$62,839,575	\$62,892,925
Capital Expenditure	\$17,706,479	\$18,789,245
Total Expenditure	\$80,546,054	\$81,682,170
Net Surplus / (Deficit)	(\$277,073)	(\$396,231)

Net Program adjustments for the quarter are summarized in the following table which outlines the aggregate changes to program areas in the Budget for the Quarter ended 31 September 2010.

Prog No.	Program	Variation
1.0	Corporate Services	\$20,350
2.0	Planning & Strategy	\$13,100
4.0	Human Services & Facilities	\$212,550
5.0	Recreation & Culture	\$164,600
6.0	Environmental Services	\$0
7.0	Public Order & Safety	\$0
8.0	Urban & Infrastructural Services	-\$242,177
9.0	Environmental & Community Amenities	\$0

10.0	General Purpose Revenues	-\$49,265
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\$119,158

Program	Details	\$
2.4	Cabbage Tree Bay Aquatic Reserve (** Grant from DECCW)	\$50,000
2.4	MEC – Science Week – Sunday at the Sanctuary (** Grant from CSIRO)	\$1,500
2.5	National Surfing Reserve Dedication (** Grant from Land & Property Mngt Auth - \$4,500)	\$26,600
4.32	Roundhouse Childcare Centre – Building extensions/playground (Under funding of project by Dept of Education Employment & Workplace Relations)	\$156,000
4.36	Kangaroo Street Playground Refurbishment	\$6,500
5.76	Keirle Park Sports Lighting Upgrade (** Grant from NSW Sport & Rec - \$30,000)	\$60,000
5.76	Seaforth Oval Car Park Upgrade (sec 94 funds)	\$226,000
8.2	Financial Assistance Grant (Roads Component)	-\$16,177
10.1	Financial Assistance Grant (General Purpose Component)	-\$49,265

Appended to this Report is a statement on the projected estimated position of Council Reserves (Restricted Funds) balances at 30 June 2011.

In accordance with Part 9 Division 3 of the Local Government (General) Regulation 2005, Council's Responsible Accounting Officer hereby certifies that the Council's financial position is satisfactory having regard to the original estimates of income and expenditure and projected financial year result.

THAT the 2010/2011 Adopted Budget be varied in terms of this Report.

AT- 1	Statement as to position of Council Reserves	1 Page
AT- 2	Budget Variations 2010-2011	1 Page

***** End of Corporate Services Division Report No. 43 *****

ATTACHMENT 1

Corporate Services Division Report No. 43 - Quarterly Financial Review Statement as to position of Council Reserves

Statement as to position of Council Reserves

SCHEDULE OF CASH RESERVES (PROJECTIONS)				
RESERVE	Estimated Balances 1/07/2009	Transfers to Reserve	Transfers from Reserve	Projected Balance 30/06/2010
EXTERNALLY RESTRICTED:				
S.94 CONTRIBUTIONS PLAN	3,200,632	940,000	-664,000	3,476,632
DOMESTIC WASTE MANAGEMENT RESERVE	1,431,145	215,340	-1,443,194	203,291
SPECIFIC PURPOSE UNEXPENDED GRANTS	2,285,048	0	-1,322,360	962,688
MANLY ART GALLERY - THEODORE BATTEN	719,877	0		719,877
TOTAL EXTERNALLY RESTRICTED	7,636,702	1,155,340	-3,429,554	5,362,488
INTERNALLY RESTRICTED:				
ART GALLERY/MUSEUM EXTENSIONS RESERVE	17,702	0	0	17,702
DEPOT REDEVELOPMENT RESERVE	244,252	0	-80,000	164,252
EMPLOYEE LEAVE ENTITLEMENTS	1,160,065	200,000	0	1,360,065
ENVIRONMENT LEVY RESERVE	809,636	1,000,000	-1,000,000	809,636
LOAN BORROWING	2,050,427	0	-1,000,000	1,050,427
OFFICE EQUIPMENT REPLACEMENT RESERVE	84,486	0	0	84,486
ROADS MAINTENANCE RESERVE	200,000	0	0	200,000
PREMISES LIABILITY RESERVE	275,000	0	0	275,000
SHELLY BEACH IMPROVEMENTS RESERVE	9,413	0	0	9,413
UNEXPENDED SPECIFIC PURPOSE CONTRS	20,243	0	0	20,243
VEHICLE REPLACEMENT RESERVE	0	50,000	-50,000	0
MANLY TOWN CENTRE IMPROVEMENTS	60,000	0	0	60,000
MANLY WHARF FORECOURT RESERVE (NEW)	50,000	0	0	50,000
BALGOWLAH AREA IMPROVEMENTS RESERVE	95,845	51,453	0	147,298
INCOMPLETE CAPITAL OR CONTRACTED WORKS	40,713	0	0	40,713
PLANT REPLACEMENT RESERVE	385,517	750,000	-750,000	385,517
MANLY YOUTH COUNCIL RESERVE	45,000	0	-37,000	8,000
STORMWATER MANAGEMENT RESERVE	479,984	350,000	-350,000	479,984
INFRASTRUCTURE LEVY RESERVE	611,546	450,000	-622,500	439,046
PROPERTY ACQUISITION & IMPROV. RESERVE	1,530,760	0	0	1,530,760
CBD & OCEAN BEACH IMPROVEMENTS RESERVE	-1,678,333	1,074,785	-267,500	-3,871,048
INFRASTRUCTURE MAINTENANCE RESERVE	0	5,600,000	0	5,600,000
TOTAL INTERNALLY RESTRICTED	3,492,256	9,526,238	-4,157,000	8,861,494
TOTAL PROJECTED RESTRICTED FUNDS	11,128,958	10,681,578	-7,586,554	14,223,982
(Note: Excludes funds held in Trust such as bonds and security deposits)				

ATTACHMENT 2

Corporate Services Division Report No. 43 - Quarterly Financial Review Budget Variations 2010-2011

Summary

Description	Original	2010/2011 Budget Variation						Full Year Budget Estimates	Full Year Budget Variation \$	% Budget Variation
		Council Approved	September Review	Council Approved	December Review	Council Approved	March Review			
Income										
1 Corporate Governance	(2,221,500)	-	(56,000)	-	-	-	-	(2,221,500)	56,000	0.00%
2 Corporate Planning & Strategy	(208,500)	-	-	-	-	-	-	(208,500)	-	-26.86%
4 Human Services & Facilities	(9,887,548)	-	(38,538)	-	-	-	-	(9,887,548)	38,538	-1.05%
5 Recreation & Culture	(2,409,900)	-	-	-	-	-	-	(2,409,900)	-	0.00%
6 Environmental Services	(4,152,000)	-	-	-	-	-	-	(4,152,000)	-	0.00%
7 Public Order & Safety	(50,000)	-	-	-	-	-	-	(50,000)	-	0.00%
8 Urban & Infrastructural Services	(10,096,797)	-	(16,177)	-	-	-	-	(10,112,974)	16,177	0.16%
9 Environmental & Community Amenities	(10,315,803)	-	-	-	-	-	-	(10,315,803)	-	0.00%
10 General Purpose Revenues	(29,749,720)	-	(49,265)	-	-	-	-	(29,798,985)	49,265	-0.17%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	0	-	0.00%
Capital Income										
1 Corporate Governance	(62,891,765)	-	(159,960)	-	-	-	-	(63,051,746)	159,960	-0.25%
2 Corporate Planning & Strategy	(105,000)	-	-	-	-	-	-	(105,000)	-	0.00%
4 Human Services & Facilities	(3,072,320)	-	-	-	-	-	-	(3,072,320)	-	0.00%
5 Recreation & Culture	(366,560)	-	(366,560)	-	-	-	-	(733,120)	366,560	87.27%
6 Environmental Services	(410,000)	-	(113,838)	-	-	-	-	(523,838)	113,838	27.78%
7 Public Order & Safety	0	-	-	-	-	-	-	0	-	0.00%
8 Urban & Infrastructural Services	(5,896,895)	-	-	-	-	-	-	(5,896,895)	-	0.00%
9 Environmental & Community Amenities	(200,000)	-	(376,600)	-	-	-	-	(576,600)	376,600	8.39%
10 General Purpose Revenues	(7,273,000)	-	-	-	-	-	-	(7,273,000)	-	0.00%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	0	-	0.00%
	(17,377,215)	-	(856,976)	-	-	-	-	(18,234,193)	856,976	-0.25%
Expenditure										
1 Corporate Governance	17,023,468	-	-	-	-	-	-	17,023,468	-	0.00%
2 Corporate Planning & Strategy	3,602,233	-	69,100	-	-	-	-	3,671,333	(69,100)	0.00%
4 Human Services & Facilities	5,691,529	-	4,600	-	-	-	-	5,696,129	(4,600)	-0.08%
5 Recreation & Culture	9,134,462	-	(20,350)	-	-	-	-	9,114,112	20,350	0.22%
6 Environmental Services	5,117,844	-	-	-	-	-	-	5,117,844	-	0.00%
7 Public Order & Safety	1,117,715	-	-	-	-	-	-	1,117,715	-	0.00%
8 Urban & Infrastructural Services	7,641,831	-	-	-	-	-	-	7,641,831	-	0.00%
9 Environmental & Community Amenities	13,510,491	-	-	-	-	-	-	13,510,491	-	0.00%
10 General Purpose Revenues	0	-	-	-	-	-	-	0	-	0.00%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	0	-	0.00%
	62,839,575	-	53,350	-	-	-	-	62,892,925	(53,350)	0.08%
Capital Expenditure										
1 Corporate Governance	1,510,000	-	-	-	-	-	-	1,530,350	(20,350)	-1.35%
2 Corporate Planning & Strategy	2,216,320	-	20,350	-	-	-	-	2,216,320	-	0.00%
4 Human Services & Facilities	500,000	-	613,038	-	-	-	-	1,113,038	(613,038)	122.61%
5 Recreation & Culture	1,119,630	-	298,778	-	-	-	-	1,418,408	(298,778)	26.69%
6 Environmental Services	25,000	-	-	-	-	-	-	25,000	-	0.00%
7 Public Order & Safety	0	-	-	-	-	-	-	0	-	0.00%
8 Urban & Infrastructural Services	6,393,695	-	150,600	-	-	-	-	6,544,465	(150,600)	-2.36%
9 Environmental & Community Amenities	1,048,100	-	-	-	-	-	-	1,048,100	-	0.00%
10 General Purpose Revenues	0	-	-	-	-	-	-	0	-	0.00%
11 Appropriations for Future Expenditure	4,293,594	-	-	-	-	-	-	4,293,594	-	0.00%
	17,706,478	-	1,082,768	-	-	-	-	18,789,245	(1,082,768)	6.12%
Surplus/(Deficit)	(277,073)	-	(119,158)	-	-	-	-	(396,231)	119,158	
Net Surplus/(Deficit)	(277,073)	-	(119,158)	-	-	-	-	(396,231)	119,158	

TO: Ordinary Meeting - 8 November 2010
REPORT: Planning And Strategy Division Report No. 25
SUBJECT: Quarterly Update Report on the Management Plan 2010-2013
for the period 1st July to 30th September 2010
FILE NO:

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2010 – 2013 for the period 1 July 2010 to 30 September 2010, in accordance with the requirements of the *Local Government Act, 1993*.

REPORT

Section 407 of the *Local Government Act, 1993*, requires the General Manager to report periodically *"as to the extent to which the performance targets set by the Council's current management plan have been achieved during each quarter."*

In June 2010, Council adopted the 2010-2013 Management Plan. Contained within this Management Plan are the five (5) Principal Activities undertaken by Council, being:

1. Governance
2. People and Place
3. People Services
4. Infrastructure Services
5. The Environment

The actions matrix derived from Council's Management Plan has been updated for the July to September 2010 quarter, and is circulated under separate cover, along with trend data on the key performance indicators listed in Council's Management Plan 2010–2013. The graphs, displaying data for the 2008 and 2009 calendar years as well as data for 2010 for comparative analysis, are also circulated under separate cover.

This Report provides for the requirement of statutory quarterly reporting on the Council's five Principal Activities in the Management Plan for the period ending 30 September 2010.

Some of the key highlights for the first quarter, being July to September 2010 are as follows.

- Removal of excess sand from Clontarf Swimming Enclosure was undertaken and beach nourishment works undertaken along the beach areas adjacent to the enclosure (at the rear of properties along Monash Crescent).
- The seawall restoration / toe protection works project at North Steyne have been completed with the removal of the redundant rock material from the site.
- The LEP Working Group has received briefings on the Draft Manly (Comprehensive) Local Environmental Plan 2011 and related planning reforms. Preparation of the draft Plan is proceeding in accordance with the timeframe for reporting to Council and submission to Department of Planning by the end of 2010.
- Hassell Consultants is preparing the Masterplan for Manly's Industrial Zone. Consultations with the community and owner/tenant representatives have taken place to identify matters for inclusion. The input provided through the consultation will be included

Planning And Strategy Division Report No. 25 (Cont'd)

in the draft Masterplan. A briefing for Councillors is proposed before the draft Masterplan is presented to the community and is publicly exhibited.

- The extension to the Roundhouse Childcare Centre building to enable a doubling of childcare places provided from the Centre to the local community is progressing well and currently scheduled for completion by the end of the calendar year.
- The Roundhouse Childcare Centre received a High Accreditation standard for our NCAC Visit.
- Shelly Beach toilet upgrade was completed, with additional works undertaken to address drainage issues.
- Manly and Freshwater Beaches and their adjacent foreshore areas became a combined National Surfing Reserve as officially recognised by the NSW Land and Management Authority. A dedication ceremony to formalise these arrangements took place on Saturday 25 September 2010 at the Manly Ocean Beachfront.
- Work is progressing on the Manly 2015 project and is planned to be reported to Council at its November Ordinary Meeting. Architects Choi Ropiha is assisting on this project in progressing "strategic designs concepts". Stakeholder consultations took place over the quarter, and more are planned going forward.
- Planning and site preparation works continued to enable dredging at Manly Lagoon sites one and two to commence in November 2010.
- The selection process, induction and training for the new seasonal and casual lifeguards has been completed.
- The new Kangaroo Street Playschool playground was completed and is now in use by children at the Centre.
- Total bookings have increased for the Spring Vacation Care program with an overall occupancy rate of 79%. This represents an increase of 8% over the Winter program. The transfer of 15 places from Seaforth to Kangaroo St has allowed the service to accept more enrolments.
- Street Art Project – between 20 and 30 young people attended the aerosol art workshops each Friday night. The mural is now completed and Youth Services is currently identifying new opportunities to continue this program.
- New web page drafted, "Manly Welcomes People with Disabilities", to promote Manly as an accessible destination for visitors, which includes information on accessible accommodation in Manly from Spinal Cord Injuries Australia.
- Graffiti removal kits purchased and ready for sale at customer service counter, along with a flyer which has been sent to Precincts and displayed in the Library and Customer Service Centre.
- The Sandy Bay Landscape Masterplan, the North Harbour Reserve Landscape Masterplan and the LM Graham Reserve Landscape Masterplan were progressed to public exhibition stage.
- Manly Lagoon Catchment Flood Study - Warringah Council, in partnership with Manly Council, has received NSW Government Floodplain Management Program funding to

Planning And Strategy Division Report No. 25 (Cont'd)

support the development of a new Flood Study for the Manly Lagoon Catchment including portions of both Local Government Areas.

- All Council operated stormwater quality improvement devices (GPTs) were cleaned by contractors in September, preventing pollution from entering waterways.
- The multi-component Burnt Bridge Creek Integrated Restoration Program (BBCIRP), an alliance partnership between Manly and Warringah Councils, is now being implemented by both Councils. The next quarterly Steering Committee meeting is scheduled for November 2010. The program was highlighted in the Mayor's message on 11 September 2010.

These highlights should be read in conjunction with the Management Plan Actions Matrix and Key Performance Indicator Charts as mentioned above.

RECOMMENDATION

It is recommended that the report on the first quarterly review of the Management Plan 2010-2013 for the period ending 30 September 2010 be received and noted.

ATTACHMENTS

AT-1	Management Plan Matrix First Quarter Update to 30092010	39 Pages	Circulated Separately
AT-2	PROGRAM KPIs	12 Pages	Circulated Separately

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***** End of Planning And Strategy Division Report No. 25 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Planning And Strategy Division Report No. 26
SUBJECT: Update Report on the Development of Manly2015
FILE NO:

SUMMARY

This report provides Council with:

- Information on the development of *Manly2015*;
- Feedback from key stakeholders on *Manly2015*; and
- Concepts prepared to date on *Manly2015*.

REPORT

Background

Manly2015 is a strategic, forward thinking vision to guide the future rejuvenation of the Manly Village, which aims to improve and capitalise on Manly as a village and international destination for our current and future community and visitors. It contains public domain, traffic and streetscape improvements that are necessary to renew the Manly Village for the future, with long-term infrastructure benefits for the local environment, economy and community. It aims to benefit the quadruple bottom line for Manly and build a stronger economy, protect and sustain the natural and built environment with safer and more accessible public spaces that prioritises pedestrians, public transport and community places.

There has long been an identified need for public domain and laneway improvements in the areas surrounding the Manly Town Centre's Corso. The problems identified include narrow streets, multiple and under-utilised lane-ways with high vehicle dominance, poor pedestrian safety due also to poor light, high buildings, inactive street frontages, and public infrastructure assets in immediate need for renewal (such as roads, lanes, footpaths and paved surfaces).

In April 2008, the LMUD Committee considered a report on the area, and a brief presented to consider the urban renewal of the Whistler Street and Market Lane car park. Since then, the project evolved during 2009 into a Laneways Master plan providing a bigger picture of urban renewal for Manly Town Centre, and refined by group comprising Choi Ropiha, MacGregor & Coxall, GTA Consulting and Hill PDA on behalf of Manly Council.

Manly2015 provides for the renewal of the Manly CBD with a combination of laneways, car park and transport strategies and options, as well as additional public domain improvements needed over the long term.

Key Elements of *Manly2015*

Manly2015 both enhances and builds on Manly's assets such as natural seclusion, its setting and pedestrian village and parks, while minimising some of the negative aspects that currently impede the village via disconnected roads, and imbalance between services that compete between tourist and resident needs.

The aim of *Manly2015* is to ensure that Manly moves into the 21st century as a compact urban village immersed in beautiful natural surroundings and as a prosperous, sustainable, vibrant place with improved 'liveability'. Further background detail is provided at Attachment 1.

Planning And Strategy Division Report No. 26 (Cont'd)

The key concepts in *Manly2015* are as follows:

- Creates a welcoming and conducive space for Manly Residents;
- Non local and through traffic is removed from the Manly Village;
- Pedestrianize and energise the whole of the Manly Village by activating the currently inactive private/public indomains interface;
- Create and imbed *piazas* and rooms in the rich network of maze of the village;
- Leverage on heritage;
- Provides a variety of access options for residents and visitors;
- Enrich community experience and village atmosphere;
- Enhance social and cultural capital, and excite economic possibilities, and
- Differentiate the international Manly by reinforcing the Manly Village character.

Public Domain Highlights

Manly2015 will involve the following public domain infrastructure improvements for the next five year (plus) period:

- In the streets north of the Corso (New Town), all streets will be extensively landscaped to encourage private domain activation. Local traffic in selective lanes will share this space with pedestrians.
- Remove kerb-side parking from the Manly Village and in the Whistler Steet Carpark and relocating these to a new underground carpark beneath Manly Oval;
- Improved public transport options (such as trams, bus connections) in and around the Manly Town Centre;
- Pedestrianization of the Manly Village and facilitate alternative transport options in and around the centre, and
- Create a new Village Centre around a new library that serves as a community hub at the village centre by replacing the Whistler Street carpark and the existing Library, and introduce into this space a variety of small scale retail opportunities, cafes, arts and crafts studios to attract local residents to their Village Centre.

Traffic considerations

One of the main challenges of *Manly2015* is how to minimise on the one hand, and improve access on the other for local residents of the Little Manly and Fairy Bower precincts. Consultants using the latest traffic modelling techniques are working on the best options to take to the community for engagement on. This community engagement process will no doubt produce exciting and innovative community led solutions.

Opportunities for local businesses and services

Manly 2015 will no doubt involve long term changes to private domains, sparking new economic models and opportunities. Feedback on the concepts proposed will shape *Manly2015*.

Preliminary consultation with key stakeholders

Council staff have undertaken preliminary confidential briefings on *Manly2015* with key stakeholders. Some of the key stakeholders and committees that have been briefed about the vision and key concepts of the plan, as well as key areas of interest, are listed below.

Planning And Strategy Division Report No. 26 (Cont'd)

Committee/s	Areas of concern	Date of consultation	Recommendation
Sustainable Transport Committee	- Public transport connections; - Alternative transport means discussed: such as cycle-ways, buses, trams; - Potential conflicts with transport usage – private cars, delivery vehicles; - Supportive of greater pedestrian movements.	25 August 2010	In principle support
Traffic Committee	- Consideration and comments on traffic & road closure aspects (via RTA & traffic analysis); - Need to review concept plans; - Further detailed traffic modelling suggested for CBD to be reviewed.	9 August 2010	In principle support
Landscape Management & Urban Design Committee	- Involved in development of various public domain improvements for Council over the years; - Reviewed vision and concept plans; - Development of concepts; - Further modifications to streetscapes on Whistler and Sydney Streets.	18 August 2010	In principle support
Economic Development and Tourism Committee	- Sydney street changes and impacts on local businesses needed to be considered further; - Consider private street frontage impacts; - Transport changes in CBD – detail required; - Further discussions with Mounties Club (Diggers) as well as the International College of Management Sydney.	5 August 2010	In principle support
Meetings with Sporting Clubs & selected sporting groups	- Concerns with loss of sporting facilities at Manly Oval during construction; and - Other options available regionally can be negotiated with clubs with Council; - Important to consult with local Precincts; - Is entry/exit from carpark possible from Belgrave Street? May be better than Raglan Street?	Late August 2010	In principle support
Meetings with Chambers of Commerce representatives;	- Concerns with impacts on shop owners to be resolved prior to construction; - Positive economic and employment outcomes for local businesses supported; - Tourism benefits supported; - How to encourage more local services may need further consideration & development.	Late August 2010	In principle support

Planning And Strategy Division Report No. 26 (Cont'd)

Committee/s	Areas of concern	Date of consultation	Recommendation
Access Committee	- Access for pedestrians considered positive; - Concerned about 'workability' of shared use zones – visibility & signage necessary; - Major street crossings (at Wharf) still may be problematic; - Beach terrace – need to resolve access & how this benefits pedestrians; - Clarify traffic arrangements for beach terrace; - Consideration and comments on public domain aspects of plan as proposed in <i>Manly2015</i> Design.	17 August 2010	In principle support
Sustainability & Climate Change Committee	- Ensure sustainability outcomes are embedded in all aspects of the project; - Consideration of active/passive security implications of less traffic in CBD; - Consideration of pedestrian/traffic grades at Manly Wharf (crossing between the Wharf and The Corso); - Liked Tramway concept – linking places of interest for locals; - Review LEP & DCP building codes and consider compliance issues associated with business/residential mix; - Increase opportunities for car share strategies as part of sustainable transport options; - Suggestion to look at identifying the right infrastructure/services upfront to enable possible decentralised management of energy, water and waste; - Water sensitive and energy efficient design features in new buildings.	27 October 2010	In principle support (note, mixed views in relation to carpark)

Community Engagement

Manly2015 could only be achieved through extensive community engagement. Everyone will have a say, and Council will listen to these voices carefully. If endorsed, Council will undertake extensive community wide engagement.

RECOMMENDATION**THAT:**

1. Council formally endorse *Manly2015*;
2. Council notes that *Manly2015* will undergo extensive Community Engagement over the period of the 12 months

ATTACHMENTS

There are no attachments for this report

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***** End of Planning And Strategy Division Report No. 26 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Planning And Strategy Division Report No. 27
SUBJECT: Update Report on Community Engagement in preparation of Council's 10 Year Community Strategic Plan
FILE NO:

SUMMARY

This report provides an update for Council on the development of its Ten Year plus Community Strategic Plan, in particular its community engagement activities.

The report circulates under separate cover two documents developed as part of Council's Community Strategic Plan preparations, namely:

1. Manly Beyond 2021: Issues Paper as prepared by Manly Council in September 2010;
2. Manly Community Strategic Plan - Community Engagement process, Elton Consulting, September 2010.

REPORT

Background

Manly Council is required under the *Local Government Act, 1993* to establish and implement a Community Strategic Plan (CSP) that engages the community via a strategy based on social justice principles of equity, access, participation and rights and identifies the community's main priorities and aspiration for the future.

Council has been directed by the NSW Department of Local Government that a new CSP must be adopted by Council by June 2011, and consistent with the recent legislative amendments to the LGA as part of the Integrated Planning and Reporting Framework (IPR framework).

The CSP is required to be developed and delivered as a partnership between Council, state agencies, community groups and individuals. It should address a broad range of issues that are relevant to the whole community. As well, an essential element is that any relevant state or regional draft plan and strategy that is available at the time of preparing the CSP should also be considered.

The Community Strategic Plan is designed to address four essential questions for the community:

- Where are we now?
- Where do we want to be in 10 years time?
- How will we get there?
- How will we know when we've arrived?

Council's role in this process is to guide the community in the strategic planning process and assist in the identification of major issues and understanding how these issues may impact on the community.

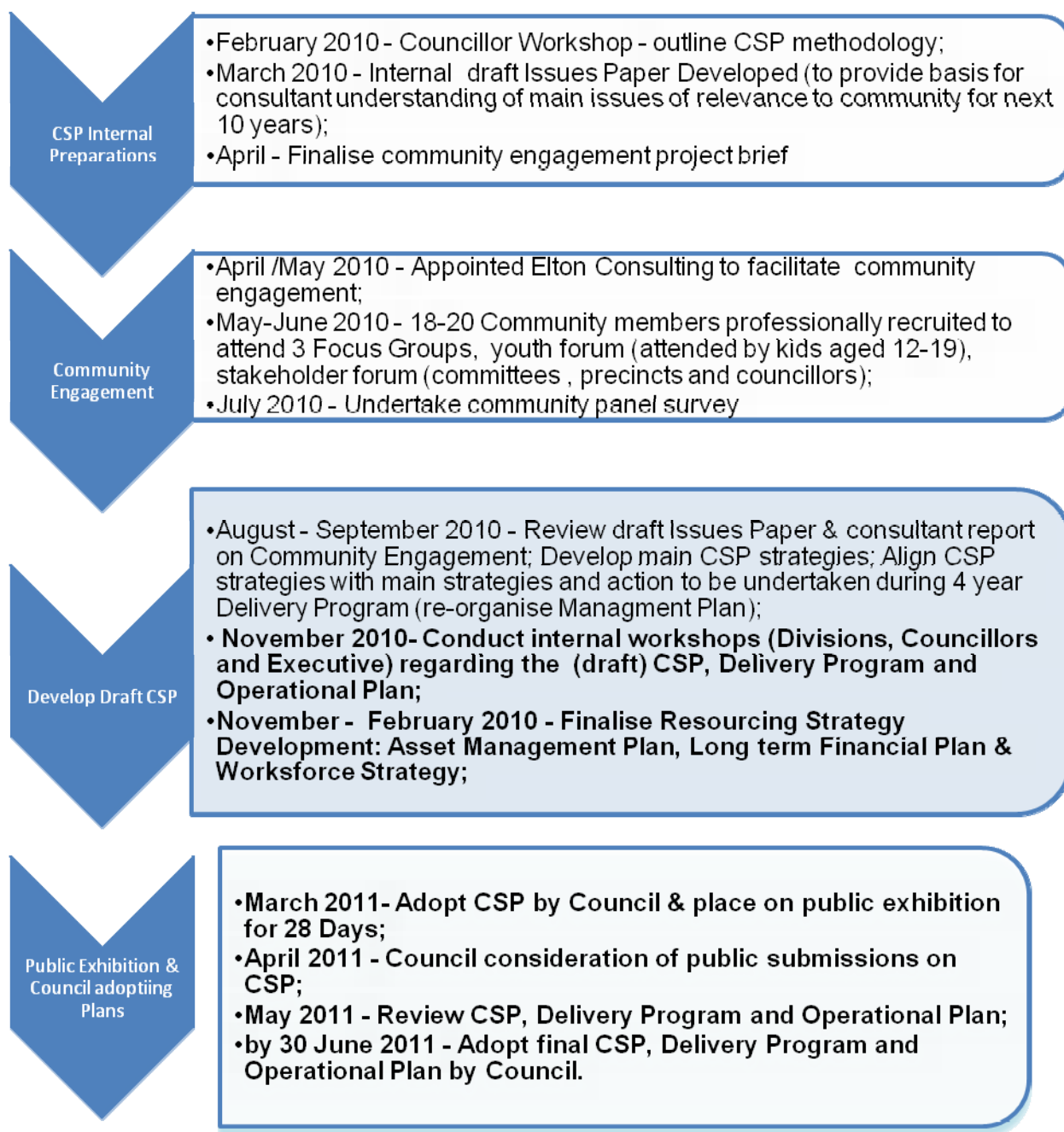
How Manly is developing its CSP?

There have been a number of processes employed at Manly Council to develop the community strategic plan. The following diagram summarises the methodology employed to develop the CSP,

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commencing with the internal preparations (undertaken in February/April 2010), community engagement (May/July 2010), developing a draft CSP (August/September 2010).

The actions highlighted in bold below from November 2010 onwards have yet to be undertaken to complete the plans, and be ready for a March 2011 public exhibition.

**Where we are now?**

Therefore to this end, Council has developed priority issues considering local, regional and state plans and considered these issues and strategies across the quadruple bottom line of social, environmental, economic and governance priorities. This paper is titled *Manly Beyond 2021: Issues Paper* and is circulated under separate cover, for the information of Councillors.

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Council staff prepared a background issues papers in March 2010 (and updated in September 2010) consisting of:

1. Research into existing NSW, regional and local Council plans, reports and strategies;
2. Comparing and contrasting various existing reports/plans/strategies;
3. Analysis of the demographic characteristics of the Manly population; and
4. Analysis of the various strategies and key directions that might be relevant for the future of Manly LGA based on existing plans, strategies and NSW DLG Planning and Reporting Manual requirements across the quadruple bottom line that impact on the environment, economy, social/community aspects and civic leadership.

A copy of this issues paper was provided as a background briefing paper to Council's consultants that were contracted to undertake community engagement activities as discussed below.

Community engagement

In line with Council's 2008 Community Engagement policy, Council contracted Elton Consulting in April 2010 to assist it with its community strategic plan's community engagement processes.

This involved targeted and demographically representative focus groups, a youth forum, stakeholder and precincts information and consultation forum, as well as re-establishing a community panel during May to July 2010.

Engaging and collaborating with the community on key issues in a variety of different forums consisting of the following four mechanisms:

1. Targeted community focus groups that were professionally recruited community representatives from various age groups across the Manly LGA in 3 meetings with (approx.) 18-20 people in three focus groups, as well as a council staff focus group (25 staff members attended);
2. A community youth forum, comprising up to 30 young people aged between 12 and 20 years of age recruited by Council staff writing to a number of schools, clubs and youth forums in the local area and asking for nominations;
3. A separate stakeholder and precincts information and consultation forum, including representatives of Council (all Councillors and the Mayor were invited) and Precinct chairs (all 12 were invited) and representatives from each council committee (all 23 committee chairs and/or representatives were invited);
4. **Additional Community Engagement** via a community panel survey of 576 residents was established in June 2010 that was representative of LGA demographics and screened for age, gender, postcode and desire for future involvement in community planning. An online survey was then undertaken in July 2010 after the focus groups and forums (referred to above). The purpose of this was to quantitatively test the validity of the key directions, strategies and actions arising from the community engagement activities undertaken to date, as well as Council's Issues paper.

The results of the community engagement show a high degree of similarity between the key issues, strategies and directions between members of the panel and those attending the community focus groups and forums.

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The community engagement process and outcomes are documented in Elton Consulting's *Manly Community Strategic Plan - Community engagement process*, which is circulated under separate cover, for the information of Councillors.

RECOMMENDATION

It is recommended that the report on the preparation of Council's Community Strategic Plan Beyond 2021 be received and noted.

ATTACHMENTS

AT-1	Manly Beyond 2021: Issues Paper as prepared by Manly Council in September 2010	36 Pages	Circulated Separately
AT-2	Manly Community Strategic Plan. Community Engagement process, Elton Consulting, September 2010.	48 Pages	Circulated Separately

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***** End of Planning And Strategy Division Report No. 27 *****

TO: Ordinary Meeting - 8 November 2010
REPORT: Planning And Strategy Division Report No. 28
SUBJECT: Carbon Reduction Strategy & Action Plan for the Council
FILE NO:

SUMMARY

A Manly Council Carbon Reduction Strategy and Action Plan has been prepared to plan for the delivery of Council's resolved carbon emissions reduction target of 25% on 2000 levels by 2020. It proposes a pathway for Council that will exceed Council's target delivering a 30% reduction on 2008/09 baseline year by 2020. Proposed actions follow the widely accepted energy hierarchy and include improving energy efficiency, fuel switching and renewable energy options.

REPORT

Introduction & Background

In 2009 Council resolved to establish the following carbon emissions reduction target:

"That Council's target on carbon emissions be brought into line with Prime Minister Mr. Rudd's recent announcement to commence phasing-in of emission reductions from 1 July 2011 and working to a 25% carbon emission reduction on the 2000 level by 2020."
(Council Resolution, 14 September 2009)

In order to achieve this target the Carbon Emissions Reduction Project (CERP) was commissioned and expert consultant firm 'Kinesis' was appointed by Council to prepare a Carbon Reduction Strategy and Action Plan.

The CERP has two components. The first component is focused on reducing Council's own corporate carbon emissions to meet the resolved reduction targets. The second component, additional to the Council's resolution, focuses on assisting the Manly community to reduce its carbon emissions.

This report presents the Carbon Reduction Strategy and Action Plan (Carbon Reduction Plan) for the Council (component 1) at Attachment 1.

Council's Carbon Footprint

To determine the boundaries or scope of Council's carbon footprint Council's organisational boundary and area of control in addition to the scope of emissions that should be included were considered.

Council's organisational boundary and area of control was established in line with the *National Greenhouse and Energy Reporting (NGER) Act 2007* and the *NSW Local Government Act 1993*. The scope of the Council's carbon footprint was established in line with the *National Carbon Offset Standard (2010)*.

The scope of Manly Council's carbon footprint thus includes:

- All Scope* 1 greenhouse gas emissions.
- All Scope* 2 greenhouse gas emissions.
- The following Scope* 3 greenhouse gas emissions:
 - o Employee business travel
 - o Council's corporate waste disposal

Planning And Strategy Division Report No. 28 (Cont'd)

- o Council's paper consumption
- o Extraction, production and transport of purchased fuels
- o Incidental emissions (refrigerant gas leakage from air conditioning and other systems and outsourced maintenance activities).

*Emission 'Scopes' are defined in the National Carbon Offset Standard (2010).

The 2008/09 carbon footprint will be used as the baseline year against which future emissions will be measured for Council. This year was preferred over the year 2000 as better quality and more comparable data was available to enable more meaningful comparison and monitoring.

Manly Council Carbon Footprint – 2008/09

Based on the above carbon footprint scope, Manly Council's total greenhouse gas emissions (carbon footprint) for financial year 2008/2009 was **7,663 tonnes** of carbon dioxide equivalents (CO_{2-e}).

Figure 1 (Attachment 2) provides Council's emissions breakdown by sector and scope. As shown in Figure 1 the sectors of Properties (40% of total emissions) and Street Lighting (27% of total emissions) are the greatest contributors to Council's carbon footprint. It is also evident that scope 2 emissions (from the purchase of electricity) are Council's largest emissions source, accounting for 61% of total emissions.

Council's reportable emissions (under the *NGER Act*) were calculated to be 5,963 tonnes of CO_{2-e}. This figure is well below the thresholds for mandatory reporting under the Act and thus Council has chosen to voluntarily report its emissions in the public interest.

Manly Council Carbon Reduction Strategy and Action Plan

The Manly Council Carbon Reduction Strategy and Action Plan quantifies the potential to reduce Council's carbon footprint through planning and deploying a range of technologies to reduce emissions in a cost effective manner.

The Manly Council Carbon Reduction Strategy and Action Plan is based on a combination of building audits, an integrated sustainability modelling framework, a workshop with the Sustainability & Climate Change Committee and another with Council staff.

The Manly Council Carbon Reduction Strategy and Action Plan shows potential for Council to reduce operational emissions by 30% from 2008/09 levels by 2020. This reduction is relative to 'business as usual' operations and excludes future expansion of properties or services.

Figure 2 (Attachment 3) illustrates a pathway for Council that will deliver a 30% reduction on 2008/09 baseline year by 2020. Actions considered follow the widely accepted energy hierarchy, starting with the 'low hanging fruit' by improving energy efficiency, then fuel switching and renewable energy.

Community Carbon Reduction

Kinesis will next be focussing on the community component of the CERP. This second component of the project will be the subject of a later report to Council.

Planning And Strategy Division Report No. 28 (Cont'd)**RECOMMENDATION**

It is recommended that:

1. Council endorse, in principle, the Manly Council Carbon Reduction Strategy, and refer the Strategy to the Sustainability and Climate Change Committee for its comment and final recommendation to Council.
2. Council note the Carbon Reduction Strategy and Action Plan is intended to be a dynamic document. It is essential that the document be adapted to accommodate rapid changes and ongoing advancements in the industry and associated technologies.
3. Progress towards Council's resolved carbon emissions reduction target be reported annually through the Council's Integrated Strategic Plan.

ATTACHMENTS

AT- 1	Manly Carbon Emissions Reduction Action Plan dated 20101027	33 Pages
AT- 2	Carbon Emissions Reduction Project Figure 1	1 Page
AT- 3	Carbon Emissions Reduction Project Figure 2	1 Page

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***** End of Planning And Strategy Division Report No. 28 *****

ATTACHMENT 1

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027



	REPORT	
PROGRAM	Manly Council Carbon Reduction Strategy and Action Plan	
PROJECT	Climate Change Action Plan	
PREPARED FOR	Manly Council	
VERSION	Final	
AUTHORS	<i>Bruce Taper, Director David Holden, Climate Strategist – Urban Planning Lachlan Kranz, Sustainability Consultant Liz Helstroom, Economic Analyst Matthew Sander, Policy Analyst Rob Helstroom, Principal Scientist</i>	<i>27th October, 2010</i>

ATTACHMENT 1

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027

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Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027

Executive Summary

The Manly Council Carbon Footprint, published on the 19 July 2010, established that Manly Council's greenhouse gas emissions were 7,663 tonnes CO₂-e in financial year 08/09.

This report provides Manly Council with a *Climate Change Action Plan* that quantifies the potential to reduce the previously identified greenhouse gas emissions of Council properties and operations that could be achieved by planning and deploying a range of technologies to reduce carbon emissions in a cost effective manner.

This report is based on a combination of building audits, an integrated sustainability modelling framework and a workshop with Manly Council staff. It shows that the potential exists for Council to reduce operational emissions by 30% from 2008/09 levels by 2020.

This reduction is relative to 'business as usual' Council operations and excludes future expansion of properties or services. Council staff indicated significant property developments are being considered by Manly Council over the action plan period. Once further details are available, the effects of these projects will be analysed and reported through Kinesis's ongoing relationship with Council using Council's carbon management tool C^{CAP}.

Figure 1 illustrates a step-by-step pathway for Council that will deliver a 30% reduction on the 2008/09 baseline year by 2020. It quantifies how the proposed strategic actions will individually work towards and collectively achieve the emission reductions. Actions considered include energy efficiency, fuel switching and renewable energy.

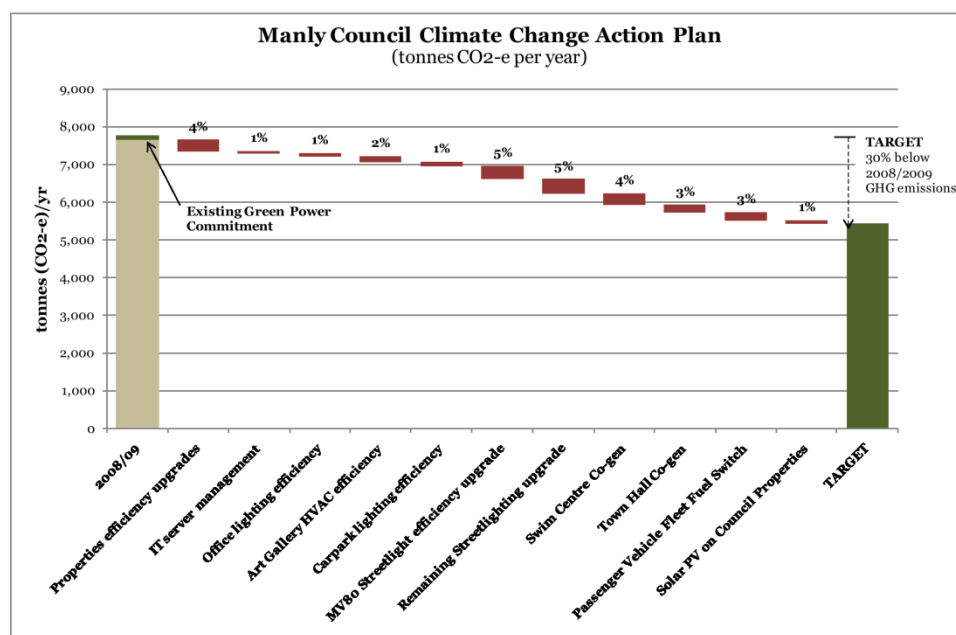


Figure 1: Manly Council Climate Change Action Plan

Points to note:

- Council's existing purchase of GreenPower (2% of electrical consumption) is included in the 2008/2009 baseline greenhouse gas inventory and is therefore assumed to be an ongoing commitment.
- No actions were modelled for waste abatement. Waste emissions represent 5% of Council's 2008/2009 baseline greenhouse gas inventory and the existing systems for diversion of waste from landfill are effectively managed. Emission reduction potential exists through 100% waste diversion from landfill via Council's proposed installation of an advanced waste treatment (AWT) facility at the Kimbriki site.

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027

Introduction

Kinesis modelled Manly Council's greenhouse gas emission reduction potential from a suite of actions across Council assets. The actions considered were determined from a breakdown by emission source and feedback from Councillors and Council staff following a presentation by Kinesis to Manly Council's Sustainability and Climate Change Committee.

Each action was customised to Manly Council's specific operations and assessed to be feasible using technology currently available to Manly Council. The annual greenhouse abatement committed by Council's GreenPower purchase was accounted for as a constant measure. However, the significant short-term increase in GreenPower committed until 2012 was treated as additional to the action plan and is addressed as an additional action to those presented in this plan.

The Action Planning Workshop conducted with Council staff tested draft action plan results against operational and financial limitations. This action plan contains actions that have already been initiated or were deemed feasible to implement over the period 2008/09 to 2020.

Council Climate Change Actions

The actions described in this Action Plan, including approximate costs and abatement potential, have been modelled using the best available information on existing building services and technology standards. It must be noted that all energy efficiency actions are best undertaken when existing technology is due for replacement. In this way unnecessary capital costs can be avoided and the true cost of emission reduction can be calculated.

Some actions included in the action summary at Table 1 below are projects which Kinesis is aware Council is exploring however insufficient information exists to make an assessment of the effect of these projects on Council's greenhouse gas emissions.

Table 1: Action Summary

Action type	Action	% reduction on 2010 baseline levels	Progress notes
Energy efficiency	Properties efficiency upgrades	4%	A three year plan to undertake asset condition audits across all Council properties has commenced. Results from this work to be relayed to environmental services staff as they become available in order to prioritise retrofit actions and document the timeline of when emission reductions will be achieved.
Energy efficiency	IT server management	1%	A server energy audit has been commissioned by IT staff. Results to be used to inform action prioritisation.
Energy efficiency	Office lighting efficiency	1%	Asset condition audits have commenced and include lighting audits which will inform action prioritisation.
Energy efficiency	Art Gallery HVAC efficiency	2%	Unknown
Energy efficiency	Carpark lighting efficiency	1%	Not started

ATTACHMENT 1

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Action type	Action	% reduction on 2010 baseline levels	Progress notes
Energy efficiency	MV80 streetlight efficiency upgrade	5%	Not started
Energy efficiency	Remaining streetlight upgrade	5%	Not started
Fuel switching	Swim Centre Co-gen	4%	Not started
Fuel switching	Town Hall Co-gen	3%	Not started
Fuel switching	Passenger Vehicle Fleet Fuel Switch	3%	Priority is being given to small diesel passenger vehicles.
Fuel switching	Solar PV on Council Properties	1%	Not started
Offset	GreenPower purchase	36%	Council has committed to a short term GreenPower purchase for large assets (10% until 31/12/2012), small assets (50% until 30/06/2011) and streetlighting (100% end date unknown) This offsetting equates to an emissions savings of 2721 tonnes of CO ₂ -e per year based on current consumption.
Energy efficiency	Streetlight asset transfer	unknown	There is a proposal to negotiate streetlight ownership from Energy Australia to Manly Council. This project has an unknown timescale however control of streetlight assets may enable Manly Council to exceed the efficiency gains projected in this report by installing LED technology.
Waste	Kimbriki waste to energy plant	unknown	A project to construct a waste to energy plant at the Kimbriki site, with operation commencing in 2013.
Property development	Construct new carpark.	unknown	A proposal to construct a new 1000 space public carpark under Manly Oval.
Property development	Demolish Whistler Street Carpark and Manly Library	unknown	A proposal to demolish Whistler Street Carpark and Manly Library and redevelop the site with new uses including a new Library.
Property development	Redevelop Manly Swim Centre	unknown	A proposal to redevelop (including enclose) Manly Swim Centre.

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Manly Carbon Emissions Reduction Action Plan dated 20101027

1. Properties Efficiency Upgrades.

Outcome:

- Abatement over 2010 baseline emissions = 300 tonnes
- Abatement as a percentage of total baseline emissions = 4%

Description: This action relates to many smaller actions which are best achieved through strategic maintenance rather than dedicated works. As single actions these measures are too small to be identified and costed at this level of planning but could include; lighting upgrades, occupancy sensors and timers and computer workstation energy management improvements.

External factors will also assist this action, for example, Federal Government legislation to phase out incandescent light bulbs by 2010 is expected to reduce commercial building electricity consumption by approximately 6% as efficient alternatives are installed through necessity.

Action Focus: Dedicated retrofit actions undertaken solely for efficiency improvement are generally expensive, however, by integrating energy efficiency into ongoing maintenance programs Council could achieve cost effective savings. The analysis has shown that a 10% efficiency improvement is readily achievable as part of general building maintenance and opportunity exists for additional funding to support general maintenance for further emission reduction.

Tenant education (both Council staff and external) is also critical to efficiency improvement. Council staff should be educated to turn off services that are not being utilised. Community tenants should be given responsibility for their energy usage through education and a user pays system. Currently Council pays for community tenant's electricity and gas consumption as part of the leasing arrangement. Staff expressed concern that budgetary limitations are being stretched by a combination of increasing energy costs, service increases and resource intensity of tenant's. User pays is a critical part of education for tenants who cannot be expected to engage with efficiency improvements if they have no awareness of their resource consumption.

Responsibility: During the staff workshop, Council's property manager commented that a three year plan to undertake asset condition audits across all Council properties has commenced and that core services such as lighting will be included. Results from this work should be relayed to environmental services staff as they become available in order to document the timeline of when retrofits and resulting emission reductions will be achieved as well as to include efficient solutions in the works budget.

Summary:

Action delivery recommendations	Responsibility	Status
1. Undertake asset condition audits.	Property Services	Commenced
2. Start energy efficiency education for Council staff and community tenants.	Environmental, Community and Property Services	Pending
3. Transfer responsibility for utility bills to community tenants.	Community Services and Finance	Pending
4. Prioritise efficiency retrofit actions based on results of asset condition audits.	Property Services	Pending

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Manly Carbon Emissions Reduction Action Plan dated 20101027

2. IT server management

Outcome:

- Abatement over 2010 baseline emissions = 48 tonnes
- Abatement as a percentage of total baseline emissions = 1%

Description: As corporate demands for data storage and analysis grow, servers have become more powerful and therefore more energy intensive. Minimising operational costs has not traditionally been a focus for IT professionals where purchasing servers has been based on meeting performance demands. With operational costs and GHG emissions increasing annually, energy efficiency must become a paramount factor in IT purchasing and installation decisions. There are a suite of actions Council could pursue to achieve an estimated 20% energy efficiency improvement in server operation.

Action Focus: 4 key areas for server management have been explored:

Understanding business needs – demand management

Understanding data management trends and current levels of server utilisation will allow accurate forecasting of future demands and management responses. Before technological solutions are implemented it is necessary to first understand current levels of demand and utilisation. Reviewing data requirements is the first step and requires Council management to decide what data is retained and for how long, how and when analytics are performed and how much disaster recovery capacity is maintained. Secondly the utilisation rate of the current system must be known in order to understand Council's tolerance to increased utilisation of the current physical capacity including through server virtualisation. If demand management solutions can be found it may be possible to defer investment in increased capacity and therefore divert capital to improving efficiency.

Server virtualisation

Server virtualisation means consolidating several partially loaded (idle) servers onto one server partitioned into multiple virtual servers. Since a server running at 10% capacity requires the same power and cooling as a server running at 75% capacity, utilising more physical capacity increases energy efficiency. It is common for basic virtualisation methods to reduce physical hardware by 20% which lowers capital costs as well as running costs.

The downsides to virtualisation are that if the remaining physical server is not operational this will result in multiple services being unavailable. Applications which are time sensitive (i.e. VOIP) or have heavy disk utilisation (databases) are poor virtualisation candidates.

Upgrade UPS (uninterruptable power supply) and PDU (power distribution unit)

These units are able to be retrofitted to existing servers with the potential to deliver a 5-15% efficiency gain (dependent on existing specifications) through less electrical loss and less waste heat. This translates to lower direct electricity consumption as well as indirect reductions in the cooling demand for dedicated air-conditioning units. Negatives associated with this strategy include high capital and installation costs including possible downtime of servers.

Cooling optimisation

Almost 100% of electrical energy used by servers is converted to heat which leads to lower system performance, the risk of damage to components and high cooling demands. Up to 40% reduction in cooling (dedicated HVAC) costs can be achieved through designing systems which;

- prevent cool air delivered and hot air exhaust mixing.
- real time thermal monitoring and VSD fans.
- improved ventilation rather than active cooling.

Cooling optimisation must be incorporated into the design of the server room and will generally yield a very good payback period and maintain 100% uptime of equipment.

Council currently has centralised the bulk of its server infrastructure in the Town Hall building. The server room is in the middle of Town Hall on the ground floor and supplied by a dedicated HVAC

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system. This location is a poor choice as it limits opportunities for ventilation and maximises demand on the HVAC system which is required to run 24 hours a day and seven days a week. This activity consumes approximately 44,000 kWh per annum, costing \$5,200 and producing 47 tonnes of CO₂-e emissions.

Responsibility: During the staff workshop, it was noted that a server energy audit has already been engaged by the IT department. The results of this audit, expected before the end of the year will significantly enhance Council's capacity to prioritise and implement technological solutions which may include those presented in the action delivery recommendations below. Once the audit has been completed, consideration should also be given to committing to a discreet IT energy efficiency target.

Summary:

Action delivery recommendations	Responsibility	Status
1. Undertake server energy audit.	IT	Commenced
2. Once the potential of efficiency actions is known, undertake a future business needs assessment as well as explore opportunities for re-locating the server room as part of proposed new buildings. This would enable full cooling optimisation to be achieved in the most cost effective manner and should be considered prior to investment in efficiency actions within the current location.	IT and General Managers Unit	Pending
3. Prioritise efficiency improvement actions based on results of needs assessment, re-location opportunities and energy audit.	IT and General Managers Unit	Pending

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3. Office lighting efficiency

Outcome:

Abatement over 2010 baseline emissions = 85 tonnes

Abatement as a percentage of total baseline emissions = 1%

Description: This action is based on lighting audits undertaken for large council assets (Town Hall, Manly Library and Manly Art Gallery). Analysis of currently installed lighting technology has shown that a more efficient mix of lighting (T5 fluorescent worklighting and LED downlighting) could reduce emissions by 8 tonnes per annum in Town Hall, 55 tonnes per annum in the library and 22 tonnes per annum, in the art gallery.

Action Focus: In order to maximise return on investment it is recommended that lighting efficiency upgrades be undertaken when luminaires or other fittings are being changed due to age or operational changes of use. Under this replacement strategy improving the efficacy of lighting will save Council money. If Council choose to undertake lighting retrofits outside of luminaire replacement opportunities, the full cost of the action would be weighed against the energy saving which in the case of a T8 to T5 fluorescent retrofit would equate to a cost \$22 per tonne.

Responsibility: During the staff workshop, Council's property manager commented that a three year plan to undertake asset condition audits across all Council properties has commenced and that core services such as lighting will be included. Results from this work should be relayed to environmental services staff as they become available in order to document the timeline of when lighting retrofits and resulting emission reductions will be achieved as well as to include efficiency retrofits in the works budget.

Summary:

Action delivery recommendations	Responsibility	Status
1. Undertake asset condition audits to document remaining service life of office lighting.	Property Services	Commenced
2. Prioritise lighting retrofit actions based on results of asset condition audits.	Property and Environmental Services	Pending
3. Monitor building energy consumption in order to validate and report on action outcomes.	Property and Environmental Services	Pending

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Manly Carbon Emissions Reduction Action Plan dated 20101027

4. Art Gallery HVAC efficiency

Outcome:

- Abatement over 2010 baseline emissions = 157 tonnes
- Abatement as a percentage of total baseline emissions = 2%

Description: Manly Art Gallery has particular heating, ventilation and cooling (HVAC) needs determined by the requirement to maintain a stable environment for the preservation of artwork. The building audit found the HVAC system to be running sub-optimally in a setting seemingly designed to reduce humidity. The HVAC was additionally heavily loaded compensating for the significant heat generated by the Art Gallery's numerous and powerful spot lighting.

Action Focus: This report is unable to provide a cost of improving this complicated HVAC system, however, modelling a complete replacement of the current system with a gas driven, desiccant cooling system showed potential for a GHG reduction of 157 tonnes/p.a. The energy cost balance of this system is such that the current HVAC electricity costs approximately \$35,300 p.a. while the new system would cost approximately \$2,200 for electricity and \$25,200 for gas which equates to a net saving of \$7,900. With this significant abatement potential and attractive operational cost benefit, it is recommended that Council commission an HVAC specialist to quote on a complete HVAC solution.

Responsibility: Property Services.

Summary:

Action delivery recommendations	Responsibility	Status
1. Commission an HVAC specialist to design and quote on an efficient HVAC solution which meets the requirement for Art Storage.	Property Services	TBC
2. Undertake HVAC retrofit actions based on results of HVAC design proposal.	Property Services	Pending
3. Monitor building energy consumption in order to validate and report on action outcomes.	Property and Environmental Services	Pending

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5. Carpark lighting efficiency

Outcome:

- Abatement over 2010 baseline emissions = 100 tonnes
- Abatement as a percentage of total baseline emissions = 1%

Description: 2 strategies for reducing electricity demand in Council carpark's were considered in this analysis. The first strategy, retrofitting T5 lamps in place of the current T8 lamps was attractive with a cost (saving) of -\$36/tonne to achieve a 25% efficiency gain. It is recognised however that T5 lamps are not ideal for carpark lighting applications. There are examples of reliability problems as well as disposal issues with non-recyclable electronic components relative to the high recyclability of T8 lamps.

Action Focus: The preferred option uses T8 tubes with the highest performance 'B1' magnetic ballast. Okostart, flicker free electronic starters replace the standard T8 starters and a voltage reduction unit is used to lower the energy demand of the lights once they have achieved operational warmth. This strategy achieves a 39% efficiency gain and a cost saving with a lifetime cost (saving) of -\$114/tonne.

Using National Carpark as an example, year one of this action will increase capital expenditure by \$6,500 as additional services are purchased and installed. An annual operational saving of \$4,500 resulting from lowered electricity demand and significant maintenance savings means payback is achieved 1.5 years after installation.

Responsibility: Results of Property Services asset condition audits should be used by Property and Environmental Services to prioritise lighting retrofits in Council carpark.

Summary:

Action delivery recommendations	Responsibility	Status
1. Undertake asset condition audits, documenting remaining service life of carpark lighting.	Property Services	Commenced
2. Prioritise lighting upgrades based on results of asset condition audits.	Property and Environmental Services	Pending
3. Monitor building energy consumption in order to validate and report on action outcomes.	Property and Environmental Services	Pending

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6. Streetlight Efficiency Upgrades.

Outcome: Strategy 1

Strategy 1 delivers substantial emission reductions as well as cost savings as detailed in the annual GHG and cost projections below which after 4 years achieve a total cost saving of \$5,820:

Year 1 = 121 tonnes CO₂-e (20%) and costing \$367
 Year 2 = 241 tonnes CO₂-e (40%) and saving \$183
 Year 3 = 362 tonnes CO₂-e (60%) and saving \$2,971
 Year 4 = 362 tonnes CO₂-e (60%) and saving \$3,034

Outcome: Strategy 2

Strategy 2 delivers substantial emission reductions as well as cost savings as detailed in the annual GHG and cost projections below which after 4 years achieve a total cost saving of \$50,948:

Year 1 = 122 tonnes CO₂-e (12%) and saving \$4,634
 Year 2 = 244 tonnes CO₂-e (25%) and saving \$10,197
 Year 3 = 366 tonnes CO₂-e (37%) and saving \$18,024
 Year 4 = 366 tonnes CO₂-e (37%) and saving \$18,092

Description: Street lighting accounts for 27% of Manly Council's overall carbon emissions and therefore represents a significant abatement opportunity. Energy Australia now includes energy efficient streetlight options on its list of approved public lighting in the form of T5 fluorescents and 42 watt compact fluorescents (CFL). Of these, the T5 2x14 watt fluorescent presents the most cost efficient solution for minor road lighting. The potential of light emitting diode (LED) lamps, a rapidly developing technology, has also been considered. This technology is currently not approved by Energy Australia for street lighting application and has therefore not been included within the analysis.

Street lighting analysis shows that improved streetlight technology has a lighting efficiency of 70 to 100 lumens per watt which compares to 52 lumens per watt for mercury vapour lamps and 19 lumens per watt for 'twin 20' fluorescent streetlights. This significantly reduces the watts required to achieve the same lighting levels. Pricing information from Energy Australia¹ and the Australian Energy Regulator (AER)ⁱⁱ was used to compare the relative costs of streetlight types under the current electricity pricing regime of \$0.050842 per kWh for public lighting. Costs were also calculated within the Energy Australia street lighting tariff class whereby Energy Australia installs, owns and operates street lights and charge's Council an annual 'network charge' for capital and maintenance costs.

The key message for Council is that efficient streetlight technology is available and will deliver significant emission reduction and operational cost savings relative to maintaining existing lighting. Manly Council must first request an updated streetlight inventory from Energy Australia and seek to replace outdated lamps at the end of their working lives with the efficient alternatives identified in this report.

All assumptions used for streetlight modelling are included at Appendix A. The cost per tonne reflects the cost of proposed lights (the cost of abatement) relative to the price of currently installed technology and takes into account the cost savings from reduced energy and maintenance bills over the lifetime of the contrasted technology types.

Action Focus: Strategy 1

Two streetlight upgrade strategies were modelled based on kinesis analysis of Councils latest streetlighting inventory. Strategy 1 replaces MV80 (80 watt mercury vapour) lamps and tubular fluorescent street lights with T5 fluorescents and high pressure sodium technology. The strategy maintains or improves existing light levels and when fully implemented delivers a 60% annual emission saving of 362 tonnes at an average cost (saving) of -\$4 per tonne of CO₂-e.

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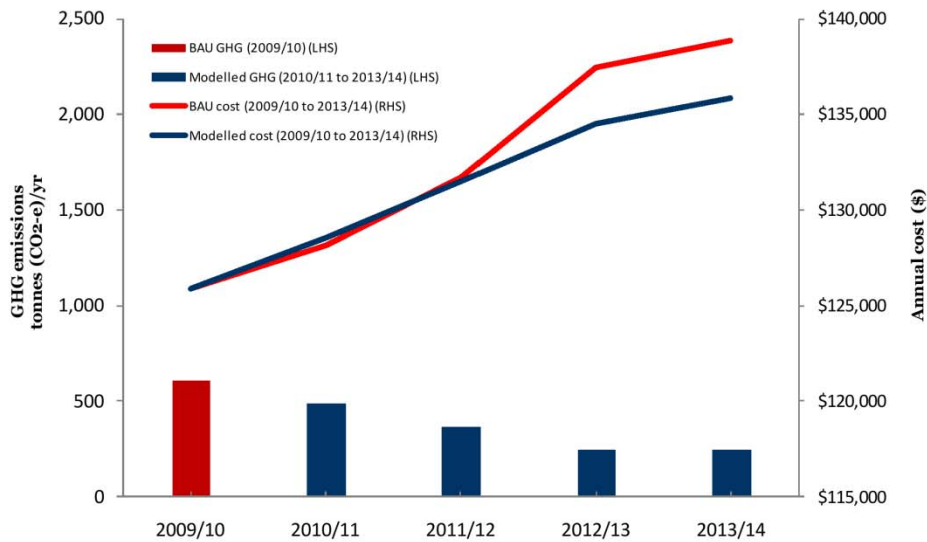


Figure 3: Strategy 1 cost benefit

Figure 3 demonstrates the projected implementation path for strategy 1 starting at the Business as usual (BAU) cost and modelled current GHG emissions from operating streetlights in 2009-10. This strategy assumes that one third of the targeted lights are replaced annually over 3 years as existing lamps are due for replacement. The current lamps identified for replacement have duty lives of 3-4 years meaning by adhering to this methodical replacement strategy by the end of three years all of the existing lamps could be replaced. Figure 2 shows annual abatement increasing and operational costs decreasing (relative to the reference business as usual cost) over time as more efficient lights are added to the portfolio.

Action Focus: Strategy 2

Strategy 2 replaces all other mercury vapour lamps (50, 125, 250, 400 watt) as well as tubular fluorescent 2x20 watt and 4x40 watt street lights with efficient T5 fluorescents and high pressure sodium lamps. The strategy maintains or improves existing light levels and when fully implemented delivers an annual 37% emission saving of 366 tonnes at an average cost of -\$38 per tonne of CO₂-e (a cost saving).

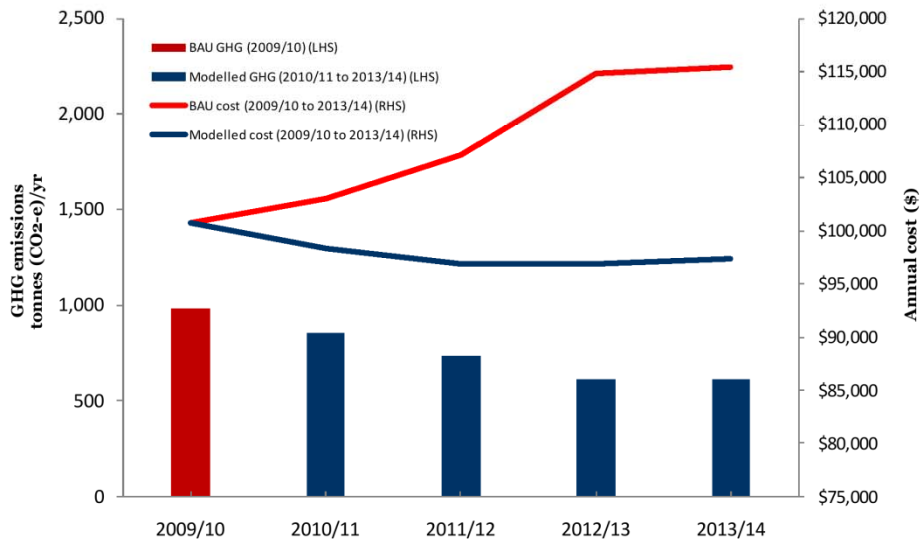


Figure 4: Strategy 2 cost benefit

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Figure 4 demonstrates the projected implementation path for Strategy 2 starting at the reference cost and GHG emissions from operating streetlights in 2008-09. This strategy assumes that one third of the targeted lights are replaced annually over 3 years as existing lamps are due for replacement. The current lamps identified for replacement have duty lives of 3-4 years meaning by adhering to this methodical replacement strategy by the end of three years all of the existing lamps could be replaced. Figure 3 shows annual abatement increasing and operational costs decreasing over time as more efficient lights are added to the portfolio.

Responsibility: Appendix B identifies the abatement potential and cost specific to each lamp technology type highlighting the range of potential and associated costs. In order to achieve the outcome of this strategy Council officers would have to nominate the use of these improved technology lamps at the end of each existing lamp's life.

An important consideration examined but not included in this modelling is the remaining life of existing streetlight assets. Analysis of Manly Council's streetlight inventory found that of the 2034 lights recommended for replacement, 90% (1825) have an energised date greater than 20 years. 20 years is the critical time for light replacement as the entire fixture, lamp and luminaires rather than just the lamp is due for replacement by Energy Australia. In seeking this abatement opportunity Manly Council would need to negotiate with Energy Australia to cost the remaining life of any streetlight assets where early (within 20 years) replacement is requested.

Summary:

Action delivery recommendations	Responsibility	Status
1. Request updated streetlight inventory from Energy Australia.	Streetlight manager	Pending
2. Confirm technology change costs and delivery schedule with Energy Australia.	Streetlight manager	Pending
3. Undertake streetlighting upgrades.	Property and Environmental Services	Pending
4. Monitor streetlight energy bills. Streetlights are not metered, instead a formula is used to work out consumption based on lamp type and operating hours. When the change to more efficient lamps occurs, Council should monitor their energy bills to make sure the expected reduction has been passed through.	Property and Environmental Services	Pending

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7. Swim Centre co-generation system

Outcome:

- Abatement over 2010 baseline emissions = 280 tonnes
- Abatement as a percentage of total baseline emissions = 4%

Description: Co-generation is a process whereby electricity is generated from natural gas with the heat produced during this process captured and employed for water heating, space cooling and space heating purposes.

It is important to note that there are several methods which providers of co-generation technology may be used to size, cost and install a co-generation system. The method considered for this analysis is designed to meet the thermal load of the asset; however, it is possible to install systems of larger or smaller capacity which would result in different costs and emission reduction potential.

Action Focus: Manly Swim Centre is the largest energy user among Council's assets and possesses a significant heating load which is ideal for co-generation. Through discussion with commercial providers it has been established that a 33kW (electrical) co-generation plant would provide sufficient exhaust heat to meet the baseline thermal load of heating the pool water and additionally produce approximately 280,000 kWh of electricity per year. A gas boost boiler with a capacity of 359kW (thermal) would be installed to act as a booster in much the same way as the current electric heat pump system has been oversized to enable rapid heating in winter months.

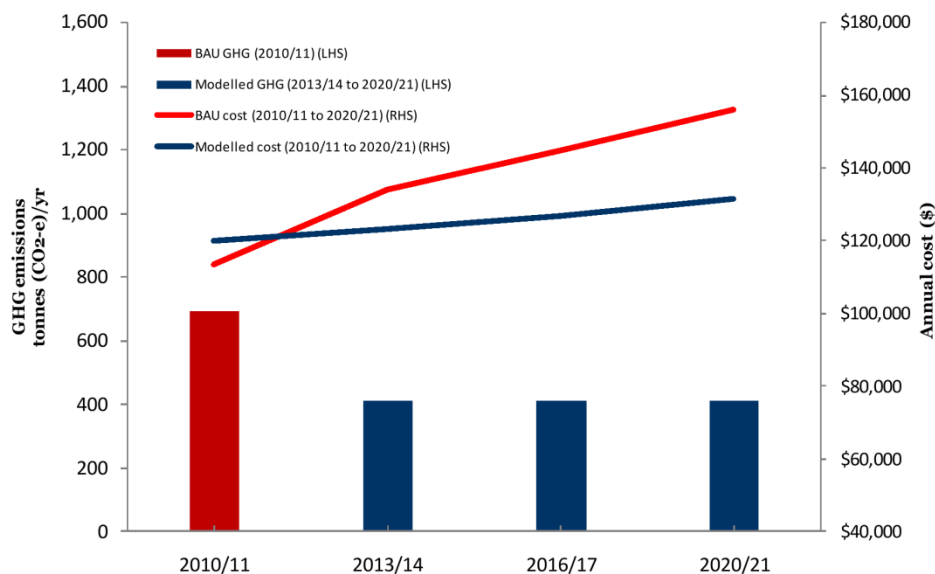


Figure 5: Swim Centre cogeneration strategy cost benefit

This system provides significant emission and running cost reductions against operating the BAU case of the current electric heat pump system. Figure 5 shows that by 2020 annual operating costs would be \$24,000 lower under the cogeneration scenario while a saving of 280 tonnes CO2-e against the 2010 baseline, or 4% of Council's total emissions is achieved.

As a water heating system, cogeneration with a gas booster at the swim centre is a simple unit with an installed capital cost of approximately \$100,000. Based on Kinesis assumptions of the full cost (capital, maintenance and operational) of the BAU heating system versus the cogeneration system it is estimated that this action will save Council \$20 per tonne of carbon abatement.

Alternative Policy: A preliminary assessment of likely cost and suitability of a solar thermal pool heating system as an alternative to cogeneration was also undertaken. Two alternative solar thermal technologies were tested as follows:

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- Unglazed thermal pipes are a simple system of black water tubes which require a large surface area to compensate for their low thermal efficiency. Such a system would require at least 80% of the total pools surface area of 1,875 m². Kinesis estimate a minimum cost of \$200,000 for the required 1,500 m² of unglazed pipes however the pool does not currently have enough roof areas to accommodate this system which detracts significantly from the systems suitability.
- Evacuated tubes currently have a maximum thermal efficiency of 60% meaning this technology would only require a collector panel area equal to 50% of the pools surface area. The minimum installed cost of such a system is estimated to be between \$400,000 - \$500,000. Like the previous example this system would also require the building of additional roof area which comes at an unknown additional cost.

Solar thermal pool heating has the capacity to extend the swimming season by 2 to 3 months per year, however, it will provide the least amount of heat input when it is most required during the winter months. Significant heat boosting provided through gas or electric heating would be required for at least 3 months of the year with the cost of this system unknown until the solar system size is confirmed.

Responsibility: Kinesis have been informed of a possible redevelopment of the Swim Centre facilities which includes enclosing the pool. Manly Swim Centre Manager in conjunction with Environmental Services and the General Managers Unit need to finalise the vision for the Swim Centre's future prior to any investment in alternative pool heating methods. The existing electric heat pump system is aged and likely to need replacement or major overhaul in the next 5 years and this is the point at which alternatives should be considered. Roofing the pool complex would significantly change operational characteristics and the usefulness of a solar heating system.

If the existing outdoor form of the Swim Centre is to be maintained, the cogeneration system described is the recommended approach for pool heating. Further analysis would be required as part of any future redevelopment.

Summary:

Action delivery recommendations	Responsibility	Status
1. Finalise plans for the Swim Centre's future.	Council	Pending
2. Install alternative pool heating system when the existing plant is next scheduled for major maintenance or replacement.	Council	Pending

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8. Town Hall co-generation system

Outcome:

- Abatement over 2010 baseline emissions = 235 tonnes
- Abatement as a percentage of total baseline emissions = 3%

Description: Co-generation is a process whereby electricity is generated from natural gas with the heat produced during this process captured and employed for water heating, space cooling and space heating purposes.

It is important to note that there are several methods which providers of co-generation technology may be used to size, cost and install a co-generation system. The method considered for this analysis is designed to meet the thermal load of the asset; however, it is possible to install systems of larger or smaller capacity which would result in different costs and emission reduction potential.

Action Focus: A 150 kW combined heating, cooling and co-generation plant would provide sufficient exhaust heat to meet the thermal load of Manly Town Hall space heating and cooling (HVAC) while additionally generating 410,000 kWh of electricity per year.

Figure 6 shows annual operational cost savings of \$16,000 by 2020 while achieving an emission reduction of 235 tonnes CO₂-e against the 2010 baseline or 3% of Council's total emissions.

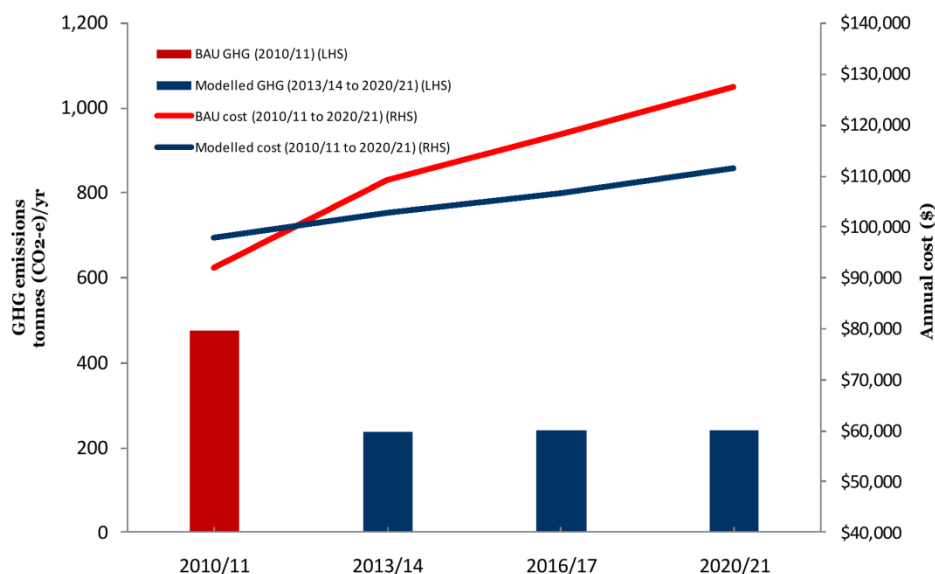


Figure 6: Town Hall cogeneration strategy cost benefit

The installed capital cost of this system including replacement of current heating and cooling plant is approximately \$340,000. Based on Kinesis assumptions of the full cost (capital, maintenance and operational) of the BAU/current HVAC system versus the cogeneration system it is estimated that this action will cost Council \$93 per tonne of carbon abatement.

Responsibility: Councils property manager should receive advice on the remaining life of the Town Hall HVAC system as part of the asset condition audit. Early or end of life replacement with the described cogeneration system should then be considered by Council.

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Summary:

Action delivery recommendations	Responsibility	Status
1. Asset condition audit to advise existing HVAC remaining life.	Council	Pending
2. Tender for cogeneration system installation.	Council	Pending
3. Install cogeneration system.	Council	Pending

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9. Passenger vehicle fleet fuel switch

Outcome:

Abatement over 2010 baseline emissions = 214 tonnes
Abatement as a percentage of total baseline emissions = 3%

Description: The passenger vehicle fleet fuel switch action was designed to maintain the current level of staff amenity and vehicle choice. Recognising the issues surrounding the provision of leaseback vehicles, not least being staff retention, policy actions such as reducing vehicle sizes or restricting access to leaseback vehicles have not been considered. It should be acknowledged, however, that by providing and financing fuel use for leaseback vehicles Council is accepting ownership of employees' private CO₂-e emissions under the corporate umbrella.

Greater emission reduction than that presented here is therefore possible by downsizing the fleet or providing vehicles for business use only. Such policy actions have not been costed due to the variety of potential alternatives, such as providing subsidised staff travel passes, which Council may wish to explore in offsetting the loss of leaseback vehicles.

Action Focus: The most cost effective strategy to maintain current staff amenity is achieved through fuel switching from the current fleet of predominantly 4 cylinder petrol engine vehicles to 4 cylinder diesel engines. This means parity of vehicle types and sizes is maintained while fuel efficiency is significantly enhanced (see tables 2, 3 and 4). Upfront purchase costs are usually higher for diesel variants of the same car models; however, Council would recoup this higher capital cost over the two year lease period through reduced operational costs resulting in an operational saving of \$600 per tonne of CO₂-e abatement.

Table 2: Existing fleet average vehicle statistics by class

Vehicle Class	% of Fleet	Average Fuel Consumption l/100km	Average Fuel Consumption Cost \$/100km	Average Purchase Cost \$	Average CO ₂ -e g/km
Small	52%	7.8	\$9.07	\$24,662	198
Medium	6%	8.9	\$10.89	\$32,125	248
Large	14%	14.5	\$16.69	\$36,622	363
SUV	5%	15.7	\$18.04	\$43,161	392
Utility	23%	12.0	\$13.92	\$31,700	304

Table 3: Proposed fleet average vehicle statistics by class

Vehicle Class	% of Fleet	Average Fuel Consumption l/100km	Average Fuel Consumption Cost \$/100km	Average Purchase Cost \$	Average CO ₂ -e g/km	Average CO ₂ -e g/km % Change
Small	52%	4.3	\$5.22	\$24,125	110	-45%
Medium	6%	4.4	\$5.38	\$33,250	113	-55%
Large	14%	5.6	\$7.02	\$35,500	148	-59%
SUV	5%	7.2	\$9.00	\$39,750	192	-51%
Utility	23%	7.9	\$9.88	\$30,625	208	-32%

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Table 4: Potential annual fleet CO₂-e emission and cost reductions

Annual Fleet CO₂-e Reduction (tonnes)	214
Annual Fleet Fuel Cost Reduction	\$93,000
Total Purchase Price Reduction	\$72,000
Total abatement cost (\$/tonne)	-\$600

Table 4 shows that the proposed strategy, if implemented, would deliver both emission reduction and reduced fleet operational costs. Current and proposed vehicle purchase costs were taken from RedBook;ⁱⁱⁱ however, they have not been adjusted to factor fleet purchase arrangements that may be available to Council. Operational costs are based on rated fuel consumption figures published by the Australian Government in the Green Vehicle Guide^{iv} and assume an average of 20,000 km per annum travelled per vehicle.

Further GHG savings would also be possible if Council chose to use soy based biodiesel in a diesel fleet. Soy based biodiesel is available in Sydney at a commercial scale as either B5 or B20 mixes. Soy biodiesel is on par with or slightly cheaper than regular diesel and is a genuine renewable fuel without the deforestation or food displacement issues acknowledged in palm based biodiesel. An additional 19% reduction in GHG emissions would be achieved by Council's fleet if B20 biodiesel was used. This equates to an additional 49 tonnes of abatement.

A comparison of hybrid vehicles (table 5), investigating the option of replacing all small and medium vehicles with hybrid alternatives, has also been undertaken. This comparison found that hybrids maintain a significant price premium and do not present the same cost effective opportunity in terms of dollars per tonne of carbon abatement as modern diesel engine vehicles.

Table 5: Alternative hybrid fleet (replaces all small and medium vehicles)

Vehicle Class	% of Fleet	Average Fuel Consumption l/100km	Average Fuel Consumption Cost \$/100km	Average Purchase Cost \$	Average CO ₂ -e g/km	Average CO ₂ -e g/km % Change
HYBRID (small/medium)	58%	5.2	\$5.94	\$39,000	120	-42%
Prius (small/medium)	58%	3.9	\$4.49	\$45,000	89	-57%

Based on the current 53 vehicles in the small and medium passenger fleet, replacing all of these vehicles with a mix of the Toyota Prius, Honda Civic Hybrid and Toyota Camry Hybrid would attract a 40% price increase (at end of the standard 2 year lease period) for a 42% reduction in greenhouse emissions. Replacing this fleet component only with the Prius for a 57% reduction in emissions would attract a price increase of 60%.

Council's passenger vehicle fleet represents an ongoing opportunity for emission reduction if increased vehicle efficiency is sought at the start of each new leaseback period. The most cost effective efficient vehicles are currently the latest generation European diesel vehicles while hybrids continue to get more affordable. The availability and potential of plug in electric vehicles are currently being explored by policy makers at federal, state and city levels. The expectation is that such vehicles will be commercially available and viable in Australia by 2013. Manly Council should establish an ongoing mechanism to track performance and cost of vehicles on the market making this information readily available during fleet procurement.

Commercial vehicle fleet

Unlike passenger vehicles, commercial vehicles have specialist operational needs which make broad efficiency analysis unsound. Opportunities do exist through fuel switching to 100% biodiesel (soy) or compressed natural gas (CNG) in some instances. Several models of light truck now come in a hybrid variant which for an approximate 10% increase in purchase cost are claimed to deliver a 10 – 30% efficiency gain which will be highly dependent on use.

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During the staff workshop it was confirmed that Council's fleet management staff are actively engaged in improving fleet efficiency to pursue operational savings and emission reductions. Hybrid light commercial trucks are being trialled, the results of which should be monitored after 6 and 12 months of operation before wider use of hybrid trucks is pursued. CNG for heavy vehicles has been investigated in the past however the lack of any fuelling station on the Northern beaches was a critical limitation. A potential lead in furthering this technology would be to meet with Waverley Council's fleet manager who could provide a practical insight having used CNG for several years.

Responsibility: Council fleet managers are engaged in maximising fuel efficiency across the fleet. Council policy should be continually reviewed to ensure the most efficient options are promoted. Environmental Services staff are responsible for annual greenhouse emission reporting and should work closely with fleet management staff to gather data as described at Appendix B. This will ensure progress is tracked and prevent regression in fleet fuel efficiency.

Summary:

Action delivery recommendations	Responsibility	Status
1. Review fleet purchase policy to promote efficient vehicles.	Council	TBC
2. Implement efficient procurement policy.	Fleet manager	TBC
3. Establish fleet data collection strategy.	Fleet manager and Environmental Services	Pending
4. Utilise soy-based biodiesel in appropriate vehicles.	Fleet manager	Pending

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10. Solar photovoltaics on Council properties

Outcome:

- Abatement over 2010 baseline emissions = 85 tonnes
- Abatement as a percentage of total baseline emissions = 1%

Description: This action consists of the installation of 57 kW capacity of solar photovoltaic (PV) panels installed on Council owned and occupied assets. Solar is a tried and tested technology which, if installed at the scale modelled, would abate 85 tonnes per year.

Action Focus: Two solar strategies were modelled, one assuming installation on Council occupied buildings, the other using Council buildings leased to community groups by Council. Solar PV was costed assuming \$8,000 per installed kW of capacity with each panel generating 1,382 kWh per year over a 15 year lifetime. Solar PV would cost council \$230 per tonne (assuming Council retires rather than sells its renewable energy certificates - RECs) with a capital cost of \$460,000 for the 57 kW of capacity.

The second strategy, installation of solar PV on Council owned but community tenanted properties is a lower cost solution. The financial analysis of this action differs greatly from solar PV on Council occupied properties as community groups consuming less than 160 MWh of electricity are eligible to receive the NSW Solar Bonus Scheme^v which pays a gross feed in tariff of \$0.60 for each kWh generated from 1 January 2010. Our modelling showed this action would provide Council and or the tenant with cost savings (a positive return) of \$45 per tonne of abatement if RECS were sold. This means a solar system (guaranteed for 15 years) will pay for itself in 7 years after which time all further electricity savings are profit. If RECS were retired this scenario becomes a cost equating to \$140 per tonne of abatement.

Responsibility: Environmental, Property and Community Services staff would be involved to identify the 460 m2 of roof area on suitable Council buildings required for 57 kW of PV panels. Installation, including the development consent process and data tracking would also be arranged by this group.

Summary:

Action delivery recommendations	Responsibility	Status
1. Identify at least 460m2 of roof area on suitable Council buildings with sufficient solar access.	Property, Environmental and Community Services	Pending
2. Tender for solar system installation.	Environmental Services	Pending
3. Work with community organizations to apply for the NSW Solar Bonus Scheme solar generation tariff.	Environmental and Community Services	Pending
4. Manage development process for solar installations.	Property and Environmental Services	Pending
5. Manage installation.	Property Services	Pending
6. Monitor system performance through data collection system.	Environmental Services	Pending

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11. Short term GreenPower purchase

Outcome:

The modelled effect of Council's commitment to GreenPower is shown below and in total equates to an emissions saving of 2,721 tonnes of CO₂-e per year based on current consumption:

Large assets = 289 tonnes CO₂-e (4% of Council total) and costing \$1,539
 Small assets = 368 tonnes CO₂-e (5% of Council total) and costing \$11,000
 Streetlights = 2065 tonnes CO₂-e (27% of Council total) and costing \$11,000*

*no GreenPower cost premium information was provided for streetlighting GreenPower so the rate of 0.57 c/kWh given for large assets was assumed.

Description: Councils has enacted a decision to purchase 10%, 50% and 100% GreenPower for large assets, small assets and streetlighting respectively. GreenPower is ideally considered as a final solution to bridge any shortfall where physical actions have been unable to reach a desired emission reduction target because the cost and abatement contribution of purchasing GreenPower will be significantly reduced if demand management actions are undertaken first.

Action Focus: Ongoing GreenPower investment should be considered relative to investment in demand management actions. GreenPower will get more expensive over time whereas demand management can achieve cost savings.

Responsibility: Environmental and Financial Services staff should assess the merits of an ongoing GreenPower commitment relative to demand management actions.

Summary:

Action delivery recommendations	Responsibility	Status
1. Assess GreenPower cost benefit relative to alternative demand management actions.	Environmental and Financial Services	Pending

Future Projects

Staff consultation identified the potential for several significant development projects to be undertaken by Manly Council over the report period, all of which are included as actions in Table 1: Action Summary.

This action plan has been based on a business as usual scenario whereby Council's operational characteristics and property portfolio do not significantly change. Changes to Council's operational characteristics and property portfolio will affect Council's capacity to achieve emission reduction. However if all future development projects are built to include the best possible efficiency standard in design and building services they present significant potential to reduce emissions.

Appendix

Appendix A: Analysis assumptions

The majority of data sources are provided throughout the report, details of additional data and key assumptions used in the analysis are documented below.

Streetlighting

The cost of a streetlight replacement strategy is compared relative to a reference case where the current stock of street lights persists. Costs are only modelled on lights that are replaced. The analysis spans four years, using a discount rate of 7%.

The replacement strategy for a given light is determined by the bulk replacement period for that light. If the bulk replacement period is N years, 1/N of the stock is replaced each year. Once N years have elapsed, all lights of that type have been replaced by the proposed lights.

Total cost is calculated as the sum of tariffs based on street lighting assets, and costs of electricity consumption.

The tariff for each street lighting asset is comprised of annualised installation, capital (lamp, luminaire, bracket, PE cell), and maintenance costs. These costs are based on the tariffs determined by Energy Australia. Installation and capital costs are held constant over time, maintenance costs are increased by approximately 2.3% per annum—the rate specified in AER final decision, report p.360 which reflects annual labour rate increases.

The electricity tariff in the first year (2009-10) is set as 5.0842 c/kWh as paid under Council's 777 contract. A tariff price increase was applied at a rate of 39% in year 2010-11 in line with the NSW Government Procurement offices estimated increase in 777 contracts. This higher tariff of 7.06 c/kWh was applied each year thereafter to 2012-13 as such contracts are fixed price for the contract term.

Constant emissions intensity of the electricity grid, at 1.06 t/MWh.

Cogeneration

Electricity costs include energy (commodity) charges, network charges, network demand charges, market and ancillary charges, and exclude fixed charges, such as network access charges and meter provision charges; these charges are adjusted to include GST and standard Transmission Loss Factors and Distribution Loss Factors.

Forward electricity prices are forecast to increase by 25.9% in real terms over the period 2009/10 to 2012/13, in line with IPART's final determination for regulated retail tariffs and charges for electricity FY2010–2013. Thereafter the electricity tariff is modelled to increase in line with historical trends, starting at 3.4% real p.a. in 2013/14, and increasing at a decreasing rate each year thereafter.

Gas costs include gas (commodity) charges and estimated network charges, and exclude fixed charges, such as meter provision charges.

Forward gas prices are forecast to increase by 4.6% in real terms, from a conservative base of 1.8 c/MJ, over the period 2009/10 to 2012/13, and increase at a decreasing rate each year thereafter in line with historical trends.

The model assumes that cogen-generated electricity exported to the grid receives a tariff equal to the off-peak grid commodity rate.

Installed capital cost of \$2,000/kWe for a CHP cogeneration plant. Excludes piping costs.

Annual maintenance cost of \$22/MWhe for a CHP cogeneration plant.

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Description including BAU vs modelled cogeneration scenario components:

Manly Swim Centre Cogeneration

A combined heat and power cogeneration plant is modelled for Manly Swim Centre. The size of the plant is chosen to provide heating energy and electricity, without over-sizing the plant such that it produces large amounts of electricity that are exported to the grid at little value. A gas boost boiler is modelled alongside the cogeneration plant, to provide extra heat during time periods when the cogeneration plant is not large enough to meet the heat demand.

The modelled cogeneration plant reduces the site's annual grid electricity consumption from 650,946 kWh to 17,046 kWh, due to the heat and power generated by the plant and used on-site. While the vast majority of electricity generated is used on-site, a total of 15,171 kWh is exported each year.

The costs of both BAU and the modelled scenario are assessed to provide an indication of expected net cost of the project. Capital costs and operating costs are both calculated to illustrate the difference in cash flow between BAU and the modelled scenario. Costs under BAU include:

- Electricity operating cost
- Gas operating cost
- Estimated maintenance operating cost of a 706 kWth electric heat pump
- Estimated capital cost of a 706 kWth electric heat pump

Costs under the modelled scenario include:

- Electricity operating cost, including revenue from exported electricity
- Gas operating cost
- Estimated maintenance operating cost a 33 kWe CHP cogeneration plant and a 359 kWth gas boost boiler
- Estimated capital cost of a 33 kWe CHP cogeneration plant and a 359 kWth gas boost boiler

The maintenance and capital costs of separate hot water systems in BAU and the modelled scenario are not included in the analysis, as these are assumed to be negligible and constant in both cases.

Manly Town Hall Cogeneration

A combined heat and power cogeneration plant is modelled for Manly Town Hall. The size of the plant is chosen to provide heating energy and electricity, without over-sizing the plant such that it produces large amounts of electricity that are exported to the grid at little value. Cooling energy is provided by the heat driven chiller which transforms heat produced by the cogeneration plant into coolth (cooling energy). Any heating and cooling demands not met by the cogeneration plant, such as in peak demand periods, are modelled to be supplied by an electric chiller which is smaller than the BAU system.

The modelled cogeneration plant reduces the site's annual grid electricity consumption from 449,069 kWh to 143,887 kWh, due to the heat and power generated by the plant and used on-site. While much of the electricity generated is used on-site, a total of 177,908 kWh is exported each year.

An evaluation of costs under BAU and the modelled scenario is used to assess the net cost of the project versus BAU. Costs under BAU include:

- Electricity operating cost
- Gas operating cost
- Estimated maintenance operating cost of a 305 kWth electric chiller
- Estimated capital cost of a 305 kWth electric chiller

Costs under the modelled scenario include:

- Electricity operating cost, including revenue from exported electricity
- Gas operating cost
- Estimated maintenance operating cost a 150kWe CHP cogeneration plant, a 68 kWth heat driven chiller, and a 221 kWth electric chiller
- Estimated capital cost of a 150 kWe CHP cogeneration plant, a 68 kWth heat driven chiller, and a 221 kWth electric chiller

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The maintenance and capital costs of separate hot water systems in BAU and the modelled scenario are not included in the analysis, as these are assumed to be negligible and constant in both cases.

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Appendix B: Annual data collection list

The list below includes all data sources which Council needs to collect on an annual basis in order to effectively manage carbon emissions and track progress of actions.

Carbon Source	Data Requirement	Source	Department	Notes	Notes on calculation
Fleet size	Updated inventory list of small + medium + heavy fleet vehicles (including date of acquisition and divestment)	Fleet manager	Infrastructure Manager, Civic and Urban Services	Existing inventories are saved in Council's CERP - Data folder for future reference.	
Fleet fuel usage - biodiesel	Vehicle fleet - fuel type and consumption (litres) on a per vehicle basis if available.	Fleet manager	Infrastructure Manager, Civic and Urban Services	biodiesel is BD20 i.e. 80% normal diesel and 20% biodiesel for this total + Data pertaining to fuel used and type per vehicle would have to be extracted from individual invoices. Unless an average is provided by the Fleet Manager. Thus for 08/09 this was calculated based on average kms travelled along with the fleet inventory list and bulk consumption.	
Fleet fuel usage - unleaded	Vehicle fleet - fuel type and consumption (litres) on a per vehicle basis if available.	Fleet manager	Infrastructure Manager, Civic and Urban Services	Data pertaining to fuel used and type per vehicle would have to be extracted from individual invoices. Unless an average is provided by the Fleet Manager. Thus for 08/09 this was calculated based on average kms travelled along with the fleet inventory list and bulk consumption.	
Fleet fuel usage - diesel	Vehicle fleet - fuel type and consumption (litres) on a per vehicle basis if available.	Fleet manager	Infrastructure Manager, Civic and Urban Services	Data pertaining to fuel used and type per vehicle would have to be extracted from individual invoices. Unless an average is provided by the Fleet Manager. Thus for 08/09 this was calculated based on average kms travelled along with the fleet inventory list and bulk consumption.	
Fleet - distance travelled	annual kms travelled on a per vehicle basis (this could be an average advised by the fleet manager if detailed data cannot be obtained)	Fleet manager		Data pertaining to annual kms travelled per vehicle would have to be extracted from individual invoices. Unless an average is provided by the Fleet Manager	
Street lighting - Electricity amount and cost	Streetlighting - annual consumption kWh and cost \$	Energy contract switched to AGL as at 1 July 2010 (Prior to that Andrew Collins at Energy Australia)		Energy Australia advised as of July 2009 Council is on 12% GreenPower (till July 2010). Note: Belgrave St account name refers to all Manly Council's street lighting. New energy contract with AGL starts 1 July 2010.	based on an algorithm
Street lighting - inventory	Annual update on street light inventory (lamp type etc.)	Energy Australia			
Street (Park) Lighting - Electricity	Annual updated inventory list of Council owned park (street) lights (area name, number of lights, description of lights)	Raj / engineers		Note current list is saved in Council's CERP data folder	

ATTACHMENT 1

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027

Electricity - Council buildings and facilities	Electricity consumption (kWh) per building per month	Planet Footprint Report	Natural Resources Branch		
Gas usage - Council buildings and facilities	Gas consumption (MJ) per building per month	Planet Footprint Report	Natural Resources Branch		
Paper use - Library	Number of reams consumed and the type(s) consumed (size and % recycled content). + Average ream weight.	Ruth Raymond	Business Development Library Assistant	Library now orders its own paper and no longer collect it from Town Hall as it did for most of 2007/08	Kinesis will link the number of reams consumed for each type to the average weight for that type and use an emission factor conversion rate for recycled versus virgin paper.
Paper use - Library Building Level 2	Number of reams consumed and the type(s) consumed (size and % recycled content). + Average ream weight.	Susan Richardson	Office Manager, Human Services and Facilities	Collected paper from Town Hall during 2007/08, purchases own paper now	Kinesis will link the number of reams consumed for each type to the average weight for that type and use an emission factor conversion rate for recycled versus virgin paper.
Paper use - Townhall	Number of reams consumed and the type(s) consumed (size and % recycled content). + Average ream weight.	John Durazza / corporate express		the recycled content may have now changed	Kinesis will link the number of reams consumed for each type to the average weight for that type and use an emission factor conversion rate for recycled versus virgin paper.
Waste - crusher: concrete/ asphalt/ cement waste from the Depot	annual tonnes of Council generated crusher waste	Waste Officer	Waste Minimisation and Education Officer	From works and maintenance. Monthly tonnages are readily available from November 2008. Older records are more difficult to obtain. Asphalt and concrete are separated and recycled at Kimbriki under a category known as 'crusher clean fill'.	
Waste - Council public place bins		Waste Officer	Waste Minimisation and Education Officer	destination - more distant landfills via the Belrose transfer station	
Waste - Vegetation waste from Council Parks & Gardens.	Annual tonnes of vegetation waste from Council parks & gardens	Waste Officer		This includes any other vegetation brought in by Council's cleansing/construction teams however their share would be negligible (<1%). Transported via truck to Kimbriki tip.	
Waste - Public Place		Nilushi Disanayake	Waste Minimisation and Education Officer	consists of waste from Council operations that deal with public littering and illegal dumping including street sweeping and beach raking wastes.	

ATTACHMENT 1

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Waste - Council's trade waste (general)	Council general waste (annual tonnes)	Nilushi Disanayake	Waste Minimisation and Education Officer	includes Council buildings and assets + other trade waste customers. Destination - Belrose Landfill (*additional costs in terms of staff and resources would be required to separate out waste from customers and Council assets) + Council's waste is incorporated into trade waste totals (all trade waste customers including Council buildings and assets). "Trade Waste" also includes recycling (bottles – glass and plastic) for public place bins and this component has not been separately recorded. + Trade Waste includes 600-700 trade waste customers including waste from Council's assets and recycled co-mingled waste from Public Place Bins (note there is a list of Council's assets with collection details of waste generated from each asset). Council's contribution to trade waste is not recorded separately. + Council does have readily available information on waste charges for each trade waste customer.	trade waste figures from Waste Officer - note portion calculated based on 74.06% of the total trade waste weight for 08/09. Council's total charge for trade waste is 6.69% of the total charge for all trade waste customers for 2008/09. + Calculated/estimated Council's contribution to trade waste in terms of general waste, recycled paper and recycled co-mingled, based on Council's charges for each waste category.
Waste - Council's trade waste (recycled co-mingled)	Council - recycled co-mingled (annual tonnes)	Nilushi Disanayake	Waste Minimisation and Education Officer	includes Council buildings and assets + other trade waste customers. Destination - Belrose Landfill + Council's waste is incorporated into trade waste totals (all trade waste customers including Council buildings and assets). "Trade Waste" also includes recycling (bottles – glass and plastic) for public place bins and this component has not been separately recorded. + Trade Waste includes 600-700 trade waste customers including waste from Council's assets and recycled co-mingled waste from Public Place Bins (note there is a list of Council's assets with collection details of waste generated from each asset). Council's contribution to trade waste is not recorded separately. + Council does have readily available information on waste charges for each trade waste customer.	trade waste figures from Waste Officer - note portion calculated based on 12.77% of the total trade waste weight for 08/09. Council's total charge for trade waste is 6.69% of the total charge for all trade waste customers for 2008/09. + Calculated/estimated Council's contribution to trade waste in terms of general waste, recycled paper and recycled co-mingled, based on Council's charges for each waste category.

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Waste - Council's trade waste (recycled paper)	Council - recycled paper (annual tonnes)	Nilushi Disanayake	Waste Minimisation and Education Officer	includes Council buildings and assets + other trade waste customers. Destination - Belrose Landfill + Council's waste is incorporated into trade waste totals (all trade waste customers including Council buildings and assets). "Trade Waste" also includes recycling (bottles – glass and plastic) for public place bins and this component has not been separately recorded. + Trade Waste includes 600-700 trade waste customers including waste from Council's assets and recycled co-mingled waste from Public Place Bins (note there is a list of Council's assets with collection details of waste generated from each asset). Council's contribution to trade waste is not recorded separately. + Council does have readily available information on waste charges for each trade waste customer.	trade waste figures from Waste Officer - note portion calculated based on 13.17% of the total trade waste weight for 08/09. Council's total charge for trade waste is 6.69% of the total charge for all trade waste customers for 2008/09. + + Calculated/estimated Council's contribution to trade waste in terms of general waste, recycled paper and recycled co-mingled, based on Council's charges for each waste category.
Waste - Council Assets contributing to Trade Waste	Updated list of Council assets that generate waste contributing to Trade Waste.	Waste Officer		Existing list saved in Council's CERP - Data folder for future reference.	
Refrigerant use in air-conditioning units	Refrigerant gas type and storage volume for all airconditioning systems in Council buildings.	Ray Cook	Facilities Manager	Council does not have an inventory of airconditioners in Council buildings/maintenance schedule. Need to collate data on refrigerant type; amount of refrigerant per unit (kg) OR amount of refrigerant recharged (kg); and recharge rates (number of times per year).	If no audit is undertaken estimation based on area of Council's main buildings
Water use - Council	Water consumption (kL) per building per month	Planet Footprint Report	Catchments Projects Officer	EDC online	
Information Technology	Annual update of the number of computer workstations, monitors and printers		Information Technology		
Council business flights	Council staff + Councillor flight details - start and end date as well as origin and destination of each flight. (List each flight leg individually for return flights so that there is no ambiguity.)	Sally Whearty			
Floor space areas for large sites	Seek updated floor space areas for large sites (Town Hall, Art Gallery, Depot (Balgowlah), Depot (Waste - Brookvale), Swim Centre + Library) - when updates/changes to floor area are made.	Facilities Managers of large sites + Council Architect			

ATTACHMENT 1

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Manly Carbon Emissions Reduction Action Plan dated 20101027

Capital works / updates to Council facilities

Request annual update from Facilities managers detailing any changes to property portfolio, i.e. New facilities or capital works, maintenance to existing facilities.

Facilities Managers of large sites + Council Architect

Appendix C: Abbreviations

CO₂-e: Carbon dioxide equivalent (emissions unit of measure)

Emissions: Greenhouse gas emissions expressed in units of CO₂-e

HVAC: Heating, ventilation and cooling (building air conditioning)

MV80: 80 watt Mercury Vapour streetlight

LED: Light emitting diode (street light or internal light)

UPS: Computer system - Uninterruptable power supply

PDU: Computer system - Power distribution unit

SUV: Sports Utility Vehicle – a 4 wheel drive passenger vehicle

kinesis.org

ⁱ Energy Australia (2009), Public Lighting Prices For New Components.

ⁱⁱ Australian Energy Regulator (2009), Final Decision, New South Wales distribution determination 2009–10 to 2013–14.

ⁱⁱⁱ <http://www.redbook.com.au>

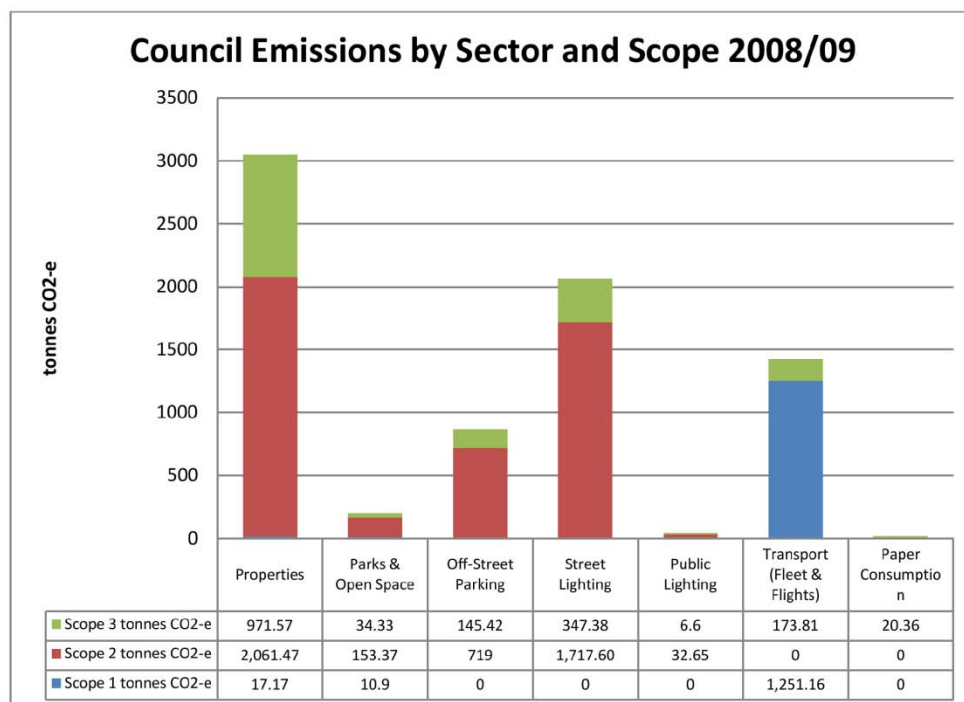
^{iv} <http://www.greenvehicleguide.gov.au>

^v <http://www.industry.nsw.gov.au/energy/sustainable/renewable/solar/solar-scheme/faq>

Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Carbon Emissions Reduction Project Figure 1

Figure 1



Planning And Strategy Division Report No. 28 - Carbon Reduction Strategy & Action Plan for the Council

Carbon Emissions Reduction Project Figure 2

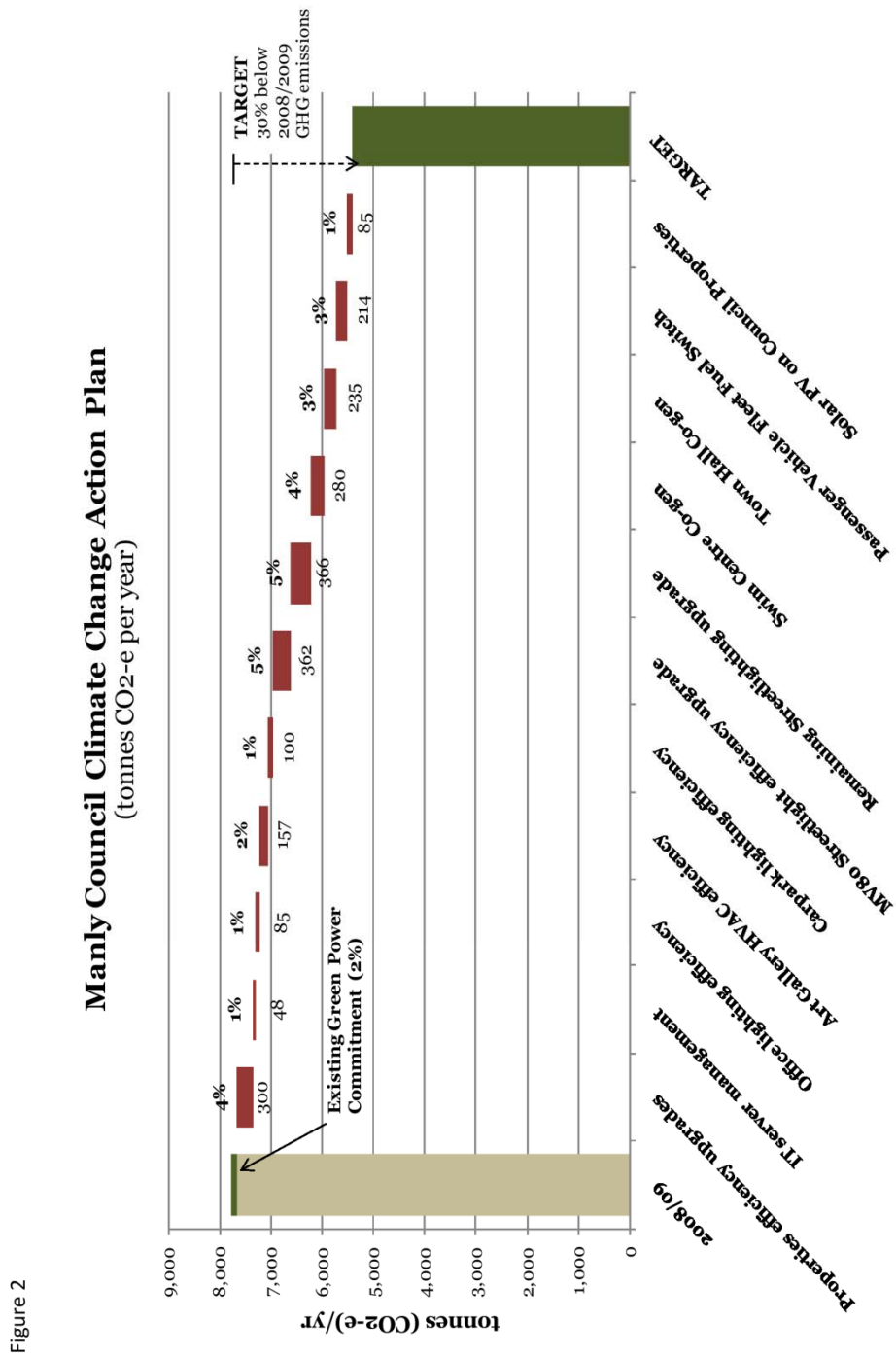


Figure 2

TO: Ordinary Meeting - 8 November 2010
REPORT: Human Services And Facilities Division Report No. 17
SUBJECT: Adoption by Council of the Manly Council Child Protection Policy
FILE NO:

SUMMARY

Council considered the report Manly Council draft Child Protection Policy and resolved at the Ordinary Meeting held on 13 September 2010 that:

- 1) The Draft Manly Council Child Protection Policy be placed on public exhibition for 28 days
- 2) At the conclusion of the exhibition period, a further report be submitted for adoption of the Manly Council Child Protection Policy.
- 3) Council engage in community education with parents and other users of Council's children's services to raise awareness of the Child Protection Policy.

REPORT

Pursuant to Section 705 of the Local Government Act 1993, Council placed the draft Manly Council Child Protection Policy on public exhibition for 28 days from 7 October to 5 November 2010.

Council displayed the draft Manly Council Child Protection Policy at each of its children's services facilities to raise awareness of the draft Child Protection Policy with parents and other users, inviting submissions from Parents and families who utilize the Children's Services.

At the conclusion of the exhibition period, no submissions were received by the Council.

RECOMMENDATION

That:-

1. The Manly Council Child Protection Policy - 2010, be adopted.
2. A copy of the Policy will be placed in the operating manuals of all Children's Services.

ATTACHMENTS

AT- 1 Child Protection Policy 13 Pages

OM081110HSFU_1

***** End of Human Services And Facilities Division Report No. 17 *****

Manly Council

Children and Young Persons Protection Policy

Draft November 2010

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
Child Protection Policy

CHILDREN AND YOUNG PERSONS PROTECTION POLICY

POLICY STATEMENT

It is Council policy to undertake to educate and raise awareness of the ramifications of child abuse as well as report to relevant government bodies any suspected cases of child abuse and/or neglect by way of the procedures contained within this policy and as required by law.

Manly Council's vision, "A thriving community where residents and visitors enjoy a clean, safe and unique natural environment enhanced by heritage and lifestyle," incorporates a proactive, protective philosophy that supports the safety of the most vulnerable in the community. Children and Young People are included in this group and, as such, Council is committed to their care and protection.

AIM & SUPPORTING INFORMATION

The aim is:

1. To identify those mandated to report and demonstrate how to recognise and report all forms of child abuse where there are reasonable grounds to suspect, using the indicators and definitions contained in the, **Children and Young Persons (Care and Protection) Act 1998**.
2. To protect children and young persons from all forms of abuse by way of ensuring all Manly Council staff and contractors engaged in child-related paid employment are not Prohibited Persons as defined in the **Child Protection (Prohibited Employment) Act 1998** or Registrable Persons as defined in the **Child Protection (Offenders Registration) Act 2000**, and are appropriately screened as prescribed by the, **Commission for Children and Young People Act 1998**.
3. To respond to allegations of reportable conduct involving Manly Council employees in accordance with the procedural and reporting mechanisms defined by the NSW Ombudsman and the NSW Department of Community Services and required by the, **Ombudsman Act 1974** and the **Child Protection Legislation Amendment Act 2003**.
4. To train Manly Council employees to raise awareness (e.g. community education, parent education and support) of the indicators, definitions, effects and procedures for reporting to the appropriate authorities any concerns about the safety, welfare or wellbeing of children and young people.

AIMS, RESPONSIBILITIES AND PROCEDURES

The following part of this Policy is divided into three separate sets of procedures:-

- **(A): PROTECTING CHILDREN AND YOUNG PEOPLE BY - REPORTING OF SUSPECTED RISK OF HARM**
- **(B): PROTECTING CHILDREN AND YOUNG PEOPLE BY - EMPLOYMENT SCREENING FOR CHILD RELATED WORK.**
- **(C): PROTECTING CHILDREN AND YOUNG PEOPLE BY - RESPONDING TO ALLEGATIONS AGAINST EMPLOYEES**

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
Child Protection Policy

Each set of procedures has appendices including the appropriate forms required by the various government agencies and departments.

AIMS, RESPONSIBILITIES & PROCEDURES (A)
PROTECTING CHILDREN AND YOUNG PEOPLE BY:-
REPORTING OF SUSPECTED RISK OF HARM

AIMS

- That Council employees who are mandated reporters are aware that it is a legal requirement for them to report when they suspect that a child is at Risk of Harm.
- That relevant Council employees are appropriately trained in recognising and reporting concerns about the safety, welfare or wellbeing of a child or young person.
- That Council undertakes to raise community awareness of the importance of ensuring that the safety, welfare and wellbeing of children and young people is paramount.

DEFINITIONS

As defined in the Children and Young Persons (Care and Protection) Act 1998

- *Child* – a person under 16 years of age. The law also includes an unborn child.
- *Young person* – a person aged 16 or 17 years old.
The law also includes homeless children and young people, and a group of children or young people.
- *Mandatory reporter* – any person who delivers the following services to children as part of their paid work: Health care, welfare, education, children's services, residential services, law enforcement.
Includes any person who holds a management position, either paid or voluntary, in any of these services whose duties include direct responsibility for, or direct supervision of, the provision of these services.
- *Report* – When a person contacts DoCS to inform of their concern for the safety, welfare or wellbeing of a child or young person.
- *Risk of Harm* – There are current concerns about the safety, welfare or wellbeing of a child or young person for any of the following reasons:
 - The child or young person's **basic physical or psychological needs** are not being met or at risk of not being met (neglect);
 - The parents/caregivers have not arranged necessary **medical care** for the child or young person, and are either unable or unwilling to do so;
 - The child or young person has been, or is at risk of being, **physically or sexually abused** or ill treated;
 - The child or young person is living in a household where there have been incidents of **domestic violence**, and as a consequence, is at risk of serious physical or psychological harm;
 - The parent or caregiver has behaved in such a way towards the child or young person that they have suffered, or are at risk of suffering **serious psychological harm**.
(See attachment 1 for further information)

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
Child Protection Policy

RESPONSIBILITIES

The NSW Department of Community Services (DoCS) has the lead responsibility under the Children and Young Persons (Care and Protection) Act 1998. This role includes, but is not limited to, providing or arranging services to children, young people and parents when a request for assistance is received; receiving and assessing reports of children or young people at risk of harm; and acting to maintain the safety of children and young people.

Mandatory reporters are required by law to make a report to DoCS if they have current concerns about the safety, welfare or wellbeing of a child. There are penalties for failing to make a report. It is not mandatory to make a report regarding a young person, but Council employees have a professional responsibility to do so.

Confidentiality surrounding matters relating to the report must be maintained at all times and all related information kept in a safe place. Staff are not to breach the confidentiality of the matter by discussing it with any person not directly involved.

SAFEGUARDS FOR REPORTERS

- Reports to DoCS are confidential. Private citizens may give information anonymously if they wish. Persons who, through their work make a report, whether or not they are required by law to do so, should make known their position and their employers name.
- Council employees making a report in good faith are protected under Sections 29 and 248 of the Children and Young Persons (Care and Protection) Act 1998. and the provisions are as follows:-
 - (a) The report shall not be held to be a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct
 - (b) No liability for defamation can be incurred because of the making of the report
 - (c) The report shall not be admitted in evidence against a person in any court proceedings
 - (d) A person cannot be compelled by a court to provide the report or give any evidence as to its contents
- If as a result of making a report to DoCS a person is threatened or fears personal violence, this should be reported to the police, who may apply and pursue on their behalf, an apprehended violence order.
- At no time should any other person disclose to an alleged perpetrator the identity of the person who made the report to the service, management or DoCS.

FEEDBACK TO REPORTERS

It is the responsibility of DoCS to provide feedback to the person reporting. When a report is made DoCS Helpline will give information about the initial action that will be taken. Mandatory reporters will also be advised in writing about this initial action plan, and if relevant, provided with details of the identified DoCS Community Services Centre looking after the case. The level of detail and information provided to reporters will depend upon the circumstances of the case.

STAFF TRAINING

Council will ensure all employees who are mandatory reporters attend current and accredited training in Child Protection.

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
Child Protection Policy

COMMUNITY AWARENESS

As part of its civil and community duty, Council will provide information to raise awareness of the ongoing negative social impact of child abuse on the community, its children and young people. Such information may take the form of promotional posters, leaflets, newsletters, Child Protection and parenting courses, as well as direct referrals to Government Child Protection Departments and agencies.

PROCEDURES

HOW TO REPORT

Note:- Prior to reporting, the supervisor of the service involved must report all concerns pertaining to the matter to their direct manager or, if deemed more appropriate, senior manager.

- Use the DoCS Report Checklist Form to determine if there is enough information to make a report. (Attachment 2)
- Gather all the relevant information you have about the child or young person's situation and family structure, including their full name, age and contact details.
- The mandatory reporter who has the concern is the person who should make the report as the Helpline Caseworker will ask questions and needs to speak to someone who can answer fully.
- Mandatory Reporters phone the DoCS Helpline on **133 627**. This is a specific number for mandatory reporters to ensure priority access. It is confidential and should not be given to the public. The number for general public use is 132 111.
- Follow the voice prompts and make your selection. You need to allow plenty of time to make the call as you may have to wait on line. The Helpline operates 24 hours, 7 days a week.
- If the situation is life threatening you should ring 000 immediately.
- When you speak to the Caseworker you will be required to give your name, position and contact details. This is held in strict confidence but necessary to provide feedback and to show that you have fulfilled your legal obligations. DoCS may also need to contact you for further information.
- Once the report has been made, record the date and time of the report and any details provided by the DoCS Caseworker. All documentation should then be secured in a safe manner and should only be made available to authorised persons.

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
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AIMS, RESPONSIBILITIES & PROCEDURES (B)

PROTECTING CHILDREN AND YOUNG PEOPLE BY:- EMPLOYMENT SCREENING FOR CHILD RELATED WORK.

AIMS

- To screen preferred applicants for child related work.
- To reduce the risk of abuse against children and young people perpetrated by an employee who is entrusted with their care and protection.
- To create an organisation that:-
 - (a) repels and refuses applications for child related work from prohibited persons
 - (b) reports suspected perpetrators of child abuse and neglect
 - (c) advocates for the rights of children and young people
- To ensure all employees whose work is child related are trained in their rights and obligations in regard to what constitutes a prohibited person, making false declarations and the outcomes of employment screening.

DEFINITIONS

As defined in the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998.

- *Child* - A person who is under 18 years of age.
- *Child related work* - See attachment 1.
- *Prohibited person* - A person convicted of a serious sex offence, child related violence, child murder, indecency, kidnapping, child prostitution or child pornography.
- *Registrable person* - A person who has been found guilty of a registrable offence against children under the Child Protection (Offenders Registration) Act 2000.
- *Reportable conduct* -
 - a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
 - b) Any assault, ill treatment or neglect of a child; or
 - c) Any behaviour that causes psychological harm to a child,

Whether or not, in any case, with the consent of the child.

RESPONSIBILITIES

Employment screening comes under the auspice of the NSW Commission for Children & Young People. According to the Commission for Children and Young People Act, 1998 and the Child Protection (Prohibited Employment) Act 1998, Council is required to screen *preferred* applicants for paid child related work.

- Council is required to include in all its employment advertising for child related positions that applicants will be required to sign a Prohibited Employment Declaration and undergo a Working with Children Check, and that Prohibited Persons are not eligible to apply.
- Prior to employment (paid or unpaid), Council must obtain a declaration from all applicants as to whether they are a Prohibited or Registrable Person.

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
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- Council must inform applicants that it is an offence to make a false statement in relation to Prohibited Employment Declarations and that if a person discloses that they are a Prohibited Person they cannot be employed in child related work.
- Council has a duty to notify the Commission for Children and Young People of the name of any applicant for child related employment whose application was rejected primarily because of an adverse risk assessment in the checking process.
- Council has a responsibility to notify the Commission for Children and Young People when an employment proceeding against any employee involving reportable conduct or an act of violence committed in the course of employment and in the presence of a child, is completed.
- Council must notify the Commission for Children and Young People of any employee against whom relevant employment proceedings have been completed since 3 July 1995.
- Where an existing employee notifies that they have become a Prohibited Person, Council must take appropriate action to immediately remove that person from child related employment.
- Through its induction processes and where required Council must draw to the notice of all staff and officers their responsibilities under Council's Code of Conduct which may relate to behaviours that may be deemed inappropriate in relation to Child Protection.
- Council must treat all information obtained through the checking process with the utmost confidentiality. Such information must not be provided to any unauthorised person or body.

PROCEDURES

1. Current employees

- All staff engaged in child related work (paid or unpaid) in Council's employment at the commencement of the Act are required to complete a Prohibited Employment Declaration form (Attachment 2).
- If an employee in child related work at any time becomes a Prohibited Person they are required to notify Council immediately and will cease to be employed in that position.

2. Recruitment

- When advertising any position for child related work, advertisements and position descriptions will include the statement to the effect that all applicants will be required to complete the Prohibited Employment Declaration and Working with Children Background Check Consent Form (Attachment 3)
- All such declarations and consents are to be attached to employment applications for information and completion by all applicants for all child related positions.
- If an applicant does not complete the declaration, or provide consent for the screening check, then the applicant cannot be employed.
- As part of the interview process it is a requirement that Council undertakes all other appropriate probity and referee checks with preferred applicant's previous employment or child related activities by way of Council's structured interview and referee checking system.

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- The preferred applicant for child related work will be requested to provide original documents to support their true identity from the lists provided by the NSW Commission for Children & Young People (see attachment 4)
- Where it is not possible or time available to receive the outcome of screening check prior to employment commencing (eg casual emergency staff) Council will commit to its best endeavours that staff do not act in an unsupervised capacity and that all declarations and consents are completed immediately prior to commencement of any duties. In this event Council will ensure the checking process is completed as soon as possible.
- In all above instances employees will be informed that employment is conditional on the satisfactory completion of the screening process.
- Once the preferred applicant has been selected, the supervisor responsible is to send the declaration and consent forms to Council's Authorised Person to conduct the background check. The name and location of this person is available from Human Resources.
- The Authorised Person will conduct the check without delay and results will be notified to the supervisor and Human Resources. If a clearance letter is obtained the applicant is clear to be employed.
- The Commission for Children and Young People will notify the applicant if any adverse information arises from the background check and the applicant will be given the opportunity to dispute the information. The Commission will then conduct a risk assessment and the outcome will be sent to Council. It is then at Council's discretion as to whether the applicant will be employed.
- The Commission for Children and Young People must be notified of any person whose application for child related employment has been rejected primarily because of the outcome of a risk assessment. (Attachment 5)

Human Services And Facilities Division Report No. 17 - Adoption by Council of the Manly Council Child Protection Policy
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AIMS, RESPONSIBILITIES & PROCEDURES (C)

**PROTECTING CHILDREN & YOUNG PEOPLE BY:-
RESPONDING TO ALLEGATIONS OF REPORTABLE CONDUCT INVOLVING
MANLY COUNCIL EMPLOYEES**

AIMS

- That Council's role and responsibilities including a clear set of procedures are defined in the event of an allegation or conviction against an employee.
- That work ethics, behaviours and systems are adopted and maintained to prevent opportunities of abuse against children and young persons occurring, while at the same time protecting employees from unfounded or vexatious allegations.
- That all employees are made aware of the protection they are afforded under the Act.
- That all employees are informed of the process of investigation, reporting and monitoring of the NSW Ombudsman following an allegation of reportable conduct.

DEFINITIONS

As defined in the Ombudsman Act 1974 and Child Protection Legislation Amendment Act 2003.

- *Child*- A person under the age of 18 years.
- *Agency*- Under S.251 of the Ombudsman Act 1974, Manly Council is an agency that is required to report.
- *Head of Agency*- The Chief Executive Officer or Principal Officer of the agency. The Head of Agency for Manly Council is the General Manager.
- *Employee* - Any employee of the agency, whether or not they are employed with any work or activities of the agency that relates to children, and any individual engaged by the agency to provide services to children (paid or unpaid). Please note, an allegation against any employee of Council during the course of their work must be reported, but in the case of employees engaged in child related work, an allegation made in or out of work must be reported.
- *Reportable conduct, Reportable allegation, Reportable conviction* – Refer to document NSW Ombudsman Child Protection in the Workplace, 3rd edition, June 2004, Section 3 for full definitions.

RESPONSIBILITIES

The **NSW Ombudsman** is responsible for:-

- a) Receiving and assessing notifications from agencies regarding reportable conduct against employees.
- b) Monitoring systems and procedures for preventing and reporting of reportable conduct by employees of agencies.
- c) Overseeing and monitoring investigations by agencies into allegations of reportable conduct against employees.
- d) May directly investigate an allegation or conviction of reportable conduct against an employee of an agency, or may investigate the handling of the matter by the agency.

The **General Manager** (Head of Agency) is required to:

- a) Set up systems to provide a safe environment for children.
- b) Ensure systems are in place to record and respond to all allegations of a child protection nature against employees.
- c) Set up systems within the agency that requires employees to inform the head of agency of any allegation or conviction of reportable conduct without delay.

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- d) Notify the Ombudsman of reportable allegations or convictions made against an employee of the agency within 30 days of becoming aware.
- e) Provide information to the Ombudsman as requested or directed.
- f) Ensure confidentiality for all parties and uphold the rights of employees.

The **employees** of an agency are required to:

- a) Report any allegation against other employees without delay. Such a report carries protection for the reporter under the Protected Disclosures Act 1994, providing it is made in good faith.
- b) If they are engaged in child related activities, self report if an allegation or conviction is made against them outside of work.

PROCEDURES

Refer to Attachment 1 (Flow chart – Steps in the investigative process)

- Any allegation, or notice of a conviction, of reportable conduct against an employee must be immediately reported to the service's most senior officer (e.g. Authorised Supervisor/Director/Co-ordinator/Manager etc.) Allegations may be made by a parent, a child, another employee, or any other person. Allegations may be verbal or written, and can be made anonymously.
- If the allegation is related to an incident outside of work involving an employee engaged in child related work, this procedure must still be followed as much as possible.
- In the event that the senior officer is the subject of the allegation then notice must go directly to the next most senior officer. In the event an allegation is brought against the General Manager, then advice must be sought from the Ombudsman.
- The senior officer must ensure that any alleged victim suffering any shock or injury is immediately given comfort and referred to a medical practitioner for examination/advice.
- As soon as possible the senior officer must tactfully and carefully contact and inform the parents/guardian of the victim about the allegation/incident ensuring all information is devoid of judgement or personal opinion and inform them that the allegation will be subject to an immediate investigation.
- The General Manager as head of agency must be immediately informed of the allegation and he will determine who is to assess the risk and investigate the matter on his behalf.
- The General Manager and senior officer must notify DoCs Helpline if there is risk of harm to the child. DoCS will advise if it is appropriate to interview the child and/or the employee. DoCS will notify the Police if they deem it necessary.
- Once approval is given by DoCS, discussions in relation to the matter with the child must not take place without a parent/guardian giving written consent and being present at any interview.
- Where the incident is alleged to have taken place at a Council workplace the senior officer must ensure the personnel against whom the allegation is being made is immediately removed from duties involving unsupervised access to the alleged victim or any other child pending an investigation.
- The General Manager may determine that the alleged perpetrator may be relocated to another service or area of Council. Alternately it may be determined they be stood down or suspended from all duties.
- If the alleged perpetrator is suspended from all duties during the investigation such suspension should be with pay.
- Where it is considered appropriate for Council to interview its personnel regarding an allegation it must remember to:
 - advise them of their rights and entitlements in respect of seeking representation or legal advice.

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- ensure the interview is undertaken by a senior officer and/or an Executive Manager appointed by the General Manager.
- take a written record of the interview ensuring it is signed and dated by all participants.
- Consideration of any disciplinary action arising from allegations and investigations must take place in accordance with appropriate award provisions.
- The effect of the allegations and investigation on any other personnel or co-workers needs to be considered and if required counselling may be offered.
- Following the risk assessment the General Manager must determine if the allegation is reportable or exempt from notification to the Ombudsman.
- If the allegation is reportable, the General Manager must notify within 30 days by completing Part A of the notification form (Attachment 2)
- Once the investigation is completed a final report, using Part B of the notification form, including findings and any action taken, and attaching all relevant documentation, should be sent to the Ombudsman by the General Manager.
- The General Manager is also responsible for notifying the Commission for Children and Young People. (Attachment 3)
- Should an employee wish to appeal any decision/s they may do this through the following:
 - The NSW Ombudsman's Office
 - The Commission for Children and Young People
 - The Administrative Decisions Tribunal

RECORD KEEPING

- All records pertaining to allegations against employees will be held on a separate HIGHLY CONFIDENTIAL file in the Human Resources department for an indefinite period and only accessed by staff approved by the General Manager regardless of the outcome of the incident.

PROTECTIVE WORK PRACTICES AND PROCEDURES

It is essential for Council employees to adopt work practices that minimise the possibility of allegations being brought against them, while ensuring the safety of the children and young people entrusted to their care.

The following procedures and practices will convey a positive message that Child Protection is an underlying principle in all Council areas and in particular where child related work is conducted.

- Strict observance of Manly Council's Code of Conduct by all employees.
- Strict adherence to the Children's Services Regulation 2004 and National Standards for child care services.
- All employees engaged in child related work should undertake Child Protection training within 12 months of commencing employment.
- Clear guidelines and policies for Behaviour Management in all of Council's child care services.
- Ensuring there is appropriate supervision by maintaining maximum visibility at all times. Maximum visibility would be ensuring all child/adult interactions are clearly visible to other adults and not withdrawn to unobservable areas.
- Where possible there should always be a minimum of 2 staff present when a service is being provided for children.
- Employees should not socialise with a child or young person outside of the workplace.
- Employees should not purchase gifts or pay special attention to a child or young person.

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- Employees should not take a child or young person to their home, or transport a child without parental consent, and then only if it is within the provision of the service.
- Employees should refrain from touching or suggestive comments that may be deemed inappropriate. These may not be sexual in nature, but can elicit a level of discomfort from the child or from others who observe the behaviour.
- Employees should not provide alcohol or drugs to children or young people.
- Children and Young People with Additional Needs present a particular concern in relation to Child Protection. Therefore as well as the above protective practices all employees should be kept informed of any child's requirements regarding relevant medical and care needs, or any other information available, in order they may appropriately and sensitively plan for a child or young person's individual needs.

SOURCES AND SUPPORTING DOCUMENTATION

Child Protection Resource Folder, NSW Department of Community Services, June 2004

Child Protection in the Workplace, NSW Ombudsman, 3rd edition, June 2004.

The Working With Children Check Guidelines, NSW Commission for Children & Young People, April 2004.

Children and Young Persons (Care and Protection) Act 1998.

Child Protection (Prohibited Employment) Act 1998.

Child Protection (Offenders Registration) Act 2000.

Commission For Children and Young People Act 1998.

Ombudsman Act 1974.

Child Protection Legislation Amendment Act 2003.

Protected Disclosures Act 1994.

Children's Services Regulation 2004.

Manly Council Code of Conduct 2005.

www.kids.nsw.gov.au

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POLICY HISTORY

Date of Council Resolution	Details	Report / Source	Minute No	Author
Amended	OM 13/09/10	HSF	166/10	
Adopted	OM 08/11/10	HSF		