
MOSMAN MUNICIPAL COUNCIL



ORDINARY MEETING

AGENDA

MEETING DATE: 28 November 2005

INFORMATION ABOUT PROCEDURES FOR THE ORDINARY MEETING OF COUNCIL

Open Question Time

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

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

Ordinary Meeting

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

Committee of the Whole

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

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

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

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

Supper Adjournment

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

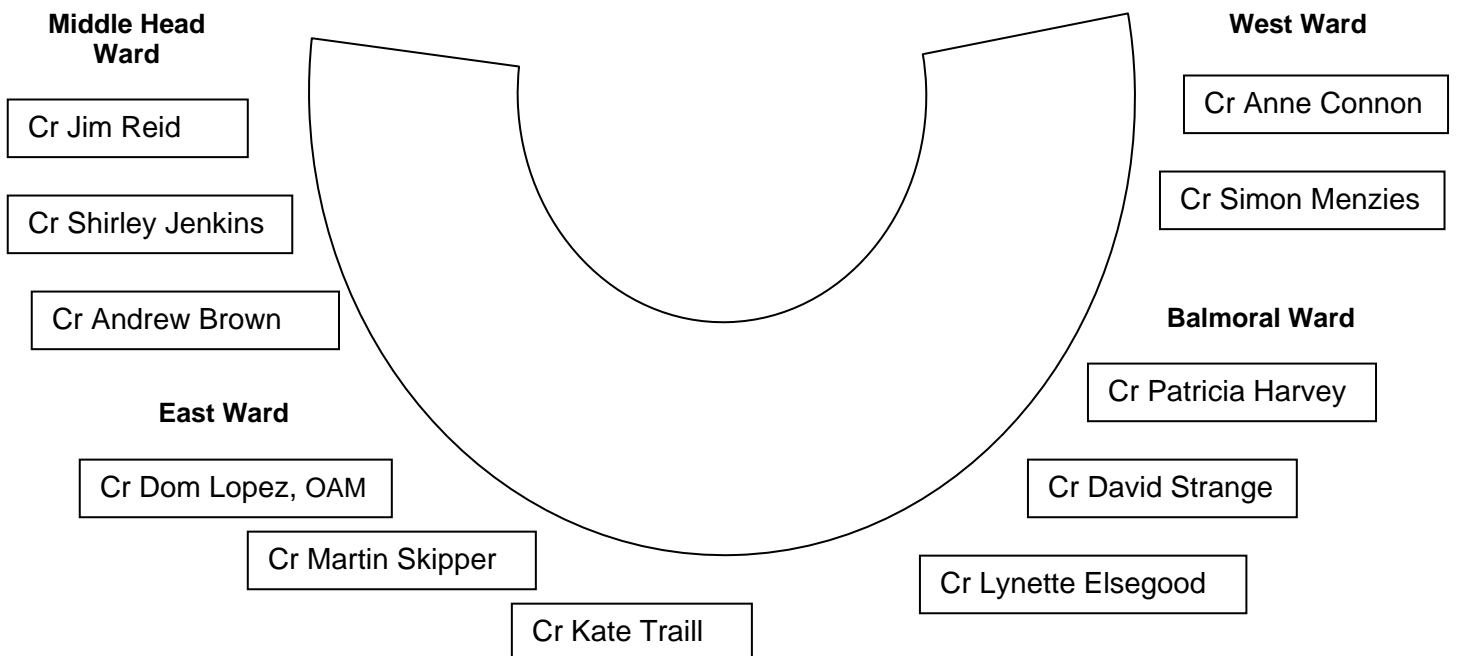
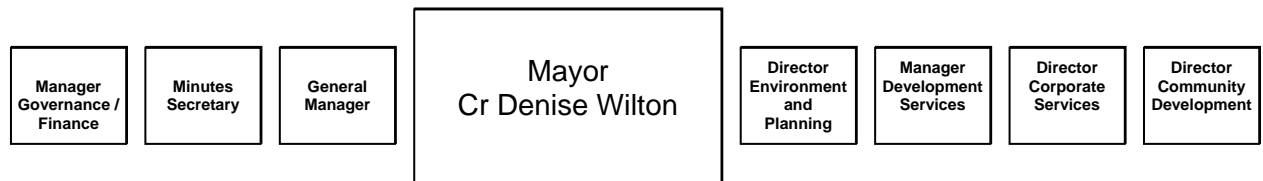
Resume Ordinary Meeting

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



MOSMAN MUNICIPAL COUNCIL

COUNCIL CHAMBERS SEATING 2005-2006 MAYORAL TERM



AGENDA - ORDINARY MEETING

1. **NATIONAL ANTHEM, PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS PEOPLE**
2. **WELCOME TO VISITORS**
3. **APOLOGIES AND LEAVE OF ABSENCE**
Councillor Traill has requested a leave of absence for this meeting.
4. **DISCLOSURES OF PECUNIARY INTEREST**
5. **DISCLOSURES OF NON-PECUNIARY INTEREST**
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8. GENERAL MANAGER'S REPORT

GM/41 **Code of Conduct - Protected Disclosure**

MOSPLAN REF: **01.03.02**

REPORT BY: **Acting General Manager, Kay Clarke**

SUMMARY

Protected disclosure from NSW Ombudsman regarding the alleged conduct of some Councillors.

OFFICER'S RECOMMENDATION

The Acting General Manager recommends:

That Council adhere to its decision to place a Section 12A restriction of the Local Government Act on the Deloitte Touche Tohmatsu protected disclosure review due to the confidentiality of the material and the potential for the information, if disclosed, to adversely affect the subject Councillors.

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

REPORT

Following receipt of advices from the NSW Ombudsman that a protected disclosure had been received regarding the alleged conduct of some Councillors, inter alia, Deloitte Touche Tohmatsu was appointed to investigate and report on same.

At an Extraordinary Meeting of Council held on 26 September 2005 it was advised that a protected disclosure review dated September 2005 had been received from DTT that concluded that the level of information made available during the course of the review was insufficient to enable DTT to determine whether the conduct of the Councillors had breached the Council's Code of Conduct provisions.

Council in considering the matter resolved:

That:

- A. Council accepts the recommendations of Deloitte and restricts access to this report under Section 12A of the Act, due to the confidentiality of the material and potential for the information, if disclosed, adversely affecting the subject Councillors.
- B. Council considers holding more in-depth training for Councillors on the Code of Conduct. Included in this training should be as follows:
 - a. A focus on what constitutes a conflict of interest or a related interest.
 - b. How conflicts of interests/related interests should be managed as to avoid:
 - i. An actual conflict of interest.
 - ii. The perception that a conflict of interest exists or has occurred.
 - c. How Councillors appropriately pursue their own personal interests within Council having regard to their position as a Councillor and the minimum legislative Code of Conduct provisions in the Act.

Section 12A of the Local Government Act provides that Council must review any restriction placed on access to a document or other information no later than three months after it is imposed. The circumstances surrounding the decision of Council to confirm the 12A restriction based on the DTT protected disclosure review have not altered and it should be maintained.

The review process was developed after extensive research into Council performance measures in Australia and overseas and is based on a range of models.”

The administration of Mosman Council was asked to complete a strategic management assessment and a checklist of key Council practices. The Department advises that the response to the checklist was used as a guide to test how Council has set about delivering its priorities and measuring its achievements. The review team used this information to inform themselves about Mosman Council before spending two days on site on 6 and 7 June 2005. The on-site review consisted of a briefing for the Mayor and the General Manager, discussions with senior staff, conducting interviews, attending a Council meeting and reviewing a number of Council's policies and other documents.

The full “Review Report – Mosman Municipal Council 2005” is attached to business papers. The Executive Summary of the Review report is reproduced below together with responses to the 40 specific recommendations. It should be noted that the vast majority of the recommendations are administrative matters and that the recommendations are welcomed and will be acted upon by the administration as indicated in the responses.

EXECUTIVE SUMMARY OF REVIEW REPORT – MOSMAN MUNICIPAL COUNCIL 2005

“Mosman Municipal Council is a mature organisation with a well-developed organisational framework. It services the needs of a population characterised by higher than average incomes, high property values and above average education. This is a demanding community. It also has a significant challenge to maintain and enhance some extremely valuable natural environmental assets bordering Sydney Harbour.

Council has recently adopted a new long-term strategy, Future Mosman, in order to give it a strategic focus for the coming 15 years. This is a valuable process, although the review team notes that there may have been insufficient attention paid in developing the strategy to external factors with which Council will need to deal.

Driving Council's management is a long standing, sophisticated and highly integrated management plan, MOSPLAN. This is a powerful unifying and clarifying instrument at Mosman Council. But the review team considers that it is time for Council to review MOSPLAN to bring to it some lost coherence and consistency. MOSPLAN has come to be different for different people at Council – in some areas virtually an operational plan but in others playing the role of providing high level strategies.

Council's elected group sought to examine Council's operations and strategy following the 2004 election, and this was critical to the Future Mosman strategy. However, the review group notes persistent evidence that a number of Councillors are not participating in the key business of the elected group – to direct the overall policy direction of the Council. Further, there is evidence some Councillors are overly concerned with operational matters. Council needs to rectify this.

Council has a well-developed governance framework and a strong commitment to high standards of governance. While there are some recommendations to improve Council's governance framework, this is overall in strong shape.

Council's regulatory activities are of considerable concern to the elected Council and the community. We note the important task of reviewing Council's Local Environmental Plan is underway, and have made some recommendations to assist Council to get the best possible outcome from this process.

The task of development assessment at Mosman is not an easy one. The review team has made recommendations to try to address some issues in this area, most notably by

recommending Council proceed to form an independent Hearing and Assessment Panel. Its enforcement activities are well organised and pleasingly proactive in many instances.

Council is in a satisfactory financial state. There are issues facing Council at present in trying to reconcile community concerns about some recent revenue raising proposals with the desire to increase revenue.

Council has a range of community services of a high standard. Its use of volunteers is particularly praiseworthy. It has a range of effective methods to engage the community on issues. Again, the review team has made some recommendations to enhance these existing efforts.

Council appears to have a dedicated and motivated workforce. It has a well-developed set of human resource policies, but there are recommendations to make these more accessible. More importantly, Council needs to develop a long-term workforce plan to meet the current and future needs of the organisation.

The review team wishes to thank Council for its assistance in completing this review."

Following are the recommendations from the Review Report with responses developed by the Directors and key managers. The recommendations relate in the main to matters of an operational nature and have been well received by the administration.

RECOMMENDATIONS OF REVIEW REPORT – MOSMAN MUNICIPAL COUNCIL 2005

RECOMMENDATIONS STRATEGIC

1. Council should have additional specific regard to external factors impacting on Mosman Council and should incorporate these factors when it next reviews its Future Mosman strategy.

Action Proposed: Agreed. Demographic information did form the basis for the Future Mosman deliberations, but other external factors will be considered.

Timeframe: Future Mosman Review

Responsibility: Executive Officer, Corporate and Human Development

2. Council should review MOSPLAN in order to fully align MOSPLAN with the Future Mosman strategy recently adopted by Council. This review should also consider the issues identified in this report with regard to the format and content of MOSPLAN.

Action Proposed: Agreed. Some alignment already achieved, but this is an ongoing process.

Timeframe: June 2006

Responsibility: Executive Officer, Corporate and Human Development

3. Council should arrange a workshop for ALL Councillors on their roles and functions under the 1993 Act. Council should also develop and deliver an ongoing Councillor training and development program, and publish in its annual report, details of all Councillor training and development, including the names of all Councillors who attend training and development sessions.

Action Proposed: Agreed. A full Councillor Induction Programme was held at the beginning of the new term of office, and relevant workshops will be delivered throughout the term with a record being kept of attendees and published in the statutory Annual Report.

Timeframe: November 2006

Responsibility: Manager Governance

4. Building upon strategies in its social and community plan and using the Ageing and Place Framework developed by the Local Government and Shires Associations, Council should prepare long term strategies to meet current and future needs for older people as part of its Future Mosman strategy.

Action Proposed: Agreed . Council has enunciated various strategies in its Social/Community Plan and in MOSPLAN. The current review of the Mosman Local Environmental Plan will also afford further opportunities. It is proposed that the Ageing and Place Framework will form the basis of a Community Conversation.

Timeframe: First quarter 2006.

Responsibility: Community Development Manager

RECOMMENDATIONS GOVERNANCE

5. Council should provide further training to those Councillors not yet trained in the provisions of its code of conduct. Council should also make clear to these Councillors that failure to attend training in the new code may aggravate their culpability in the event of any future finding that they have breached the provisions of the code. Council should also develop procedures to assist the operations of its conduct committee.

Action Proposed: In September 2004 Council conducted Code of Conduct training for Councillors as part of the orientation process.

Agreed that Councillors will be advised that failure to attend Code of Conduct training may aggravate their culpability in the event of any future finding that they have breached the provisions of the Code. A further training session for all Councillors is proposed for 28 March 2006.

Agreed that the Code of Conduct be amended to provide for procedures to guide the operation of the Code of Conduct Committee.

Timeframe: First quarter 2006

Responsibility: General Manager

6. Council should provide additional information in its annual report on the twelve program areas beyond the Statements of Means in order to provide additional context on the program areas reported on.

Action Proposed: Agreed. Program overviews and summaries from MOSPLAN have been included in the Annual Report for 2004/2005.

Timeframe: Actioned

Responsibility: Manager Governance

7. Council should provide all Councillors with a copy of departmental circular 04/16 on pecuniary interest returns, and should consider providing Councillors with a further Councillor briefing on this area.

Action Proposed: Agreed. Circular provided to all Councillors on 1 July 2005 as an attachment to the memorandum enclosing a copy of their previous return to assist in completion of their returns as at 30 June 2005. Training relating specifically to pecuniary interest returns is to be included in future Councillor Code of Conduct training. In addressing this matter Council resolved on Item GM/33 on 26 September 2005 as follows:

Council considers holding more in-depth training for Councillors on the Code of Conduct. Included in this training should be as follows:

- A. A focus on what constitutes a conflict of interest or a related interest.
- B. How conflicts of interests/related interests should be managed as to avoid:
 - i. An actual conflict of interest.
 - ii. The perception that a conflict of interest exists or has occurred.
- C. How Councillors appropriately pursue their own personal interests within Council having regard to their position as a Councillor and the minimum legislative Code of Conduct provisions in the Act.

Timeframe: Actioned with Code of Conduct training scheduled for first quarter 2006.

Responsibility: Director Corporate Services

8. Council should include, as part of its complaints procedures, regular reporting of complaints to senior management. Council should also review complaints procedures to ensure all complaints are so classified and should provide all relevant staff (including customer service officers) with refresher training on the operation of the system and the process for classification of complaints.

Action Proposed: Agreed. Will develop a complaint reporting system to the monthly senior staff meeting using the classification and automatic workflow systems in Datatworks. The system will report and track the investigations undertaken and the response to the complainant. Refresher training will be provided to appropriate staff.

Timeframe: February 2006

Responsibility: Director Corporate Services

9. To complement its complaints policy and demonstrate its commitment to customer service, Council should develop and adopt service standards for its key customer service activities including responding to telephone calls, emails and correspondence. Council should include an appropriate means of reporting on its performance in these areas in its annual report.

Action Proposed: Agreed. A further report to Council will revisit the decision not to adopt a customer service standard. The report will have regard to whether useful data can be efficiently captured/extracted from Dataworks and utilised meaningfully, including reporting upon in the Annual Report.

Timeframe: March 2006

Responsibility: Manager Governance

10. Council should review its internal reporting policy, to institute easier reporting arrangements, particularly for more junior staff. Council should also examine whether it would be more appropriate to provide for Councillors to make disclosures to the General Manager (except where they concern the General Manager himself).

Action Proposed: The Internal Reporting Policy will be amended to lower the reporting level to include all senior managers and the General Manager will be included in the matrix indicating to whom Councillors can make protected disclosures. Appropriate training of all managers will be arranged.

Clause 6 of the Internal Reporting Policy currently states:-

“A Councillor who wishes to make a protected disclosure which involves another Councillor may do so to the Mayor, the General Manager, or an investigating authority (i.e. the Ombudsman, ICAC or Director General of the DLG).”

It is however noted in the matrix immediately below this statement that the General Manager is not included as a nominated person. This will be amended.

Timeframe: February 2006

Responsibility: Director Corporate Services

11. Council should establish an internal audit function.

Action Proposed: Agreed that Council should have an internal audit function. The establishment of an internal audit function, as recognised in MOSPLAN and including issues such as Internal Audit Committees and reporting lines will be investigated and reported to Council. Such report shall have regard to the guidelines/best practice standards for internal audit by Councils currently being developed by the Department of Local Government expected to be released early in the new year and other guidelines prepared by relevant professional bodies.

Timeframe: Report to Council within 2 months of receipt of the Department of Local Government guidelines.

Responsibility: Director Corporate Services

12. Council should develop a comprehensive risk management plan to enable it to identify and manage all significant risk issues facing the Council in the pursuit of its objectives.

Action Proposed: Agreed. A report will be presented to Council in the new year for adoption of a comprehensive risk management policy to address all the activities of Council including processes, structures, culture and parts of the organisation.

Timeframe: First quarter 2006

Responsibility: Director Corporate Services

13. Council should include in its procurement policy guidance to staff on when it is appropriate to use the methods of disposal outlined in the policy.

Action Proposed: Council's Procurement Policy details the acceptable methods of disposal. The policy will be reviewed and clarified to provide guidance to staff on when it is appropriate to use the methods of disposal for certain types of assets.

Timeframe: February 2006

Responsibility: Manager Governance

14. Council should ensure that the matters detailed in the procurement and disposal section of this report are included as part of Council's tendering and major procurement files.

Action Proposed: Agreed and in addition it is proposed to review the Procurement Policy to require the development of an evaluation methodology and a probity plan as part of the tender process.

Timeframe: March 2006

Responsibility: Manager Governance

15. Council should ensure members of its community advisory groups receive induction training. The program should cover their roles and responsibilities and ensure that community members are aware of and abide by Council's ethical standards.

Action Proposed: Agreed. Information provided to members of advisory groups will be upgraded accordingly.

Timeframe : Advisory Group meeting cycle of February/March 2006

Responsibility: Director Community Development

RECOMMENDATIONS REGULATORY

16. Council should ensure that community services staff contributes to the development of the new LEP, and that senior staff from the community services area are involved in the oversight of the process of developing the plan.

Action Proposed: Agreed. Liaison processes have been identified to enable regular contact and feedback among affected staff. A Working Group is to be established as part of the LEP Review. It will meet fortnightly and will include the Director Community Development or nominees.

Timeframe: Composition of Working Group and terms of reference to be established prior to first meeting in February 2006.

Responsibility: Manager Planning and Transport

17. As part of its review of the LEP, Council should examine opportunities for the provision of affordable housing in the Council area.

Action Proposed: Agreed. Past investigations have indicated that opportunities may be limited. Opportunities for providing affordable housing will be considered within the context of the LEP review process, including particularly the review of the Mosman Residential Development Strategy 1997 which address a range of matters such as housing choice, diversity and affordability.

Timeframe: LEP currently under review.

Responsibility: Manager Planning and Transport

18. Council should critically examine how and when development assessment staff update the 'Authority' system, and if necessary, take action to modify work practices to ensure Authority files reflect the current status of applications.

Action Proposed: Agreed. This has occurred and application status information is updated by Administration staff to ensure consistency.

Timeframe: Actioned and ongoing

Responsibility: Manager Development Services

19. Council should evaluate the costs and benefits of establishing an Independent Hearing and Assessment Panel to assist it in the determination of more significant and contentious development applications.

Action Proposed: Agreed. It is noted that the number of applications considered by Council has reduced considerably following amendments to staff delegations.

Timeframe: By mid 2006

Responsibility: General Manager

20. Council should amend the guide on making submissions that it sends with development application notification letters. It should include information on Council's role in development assessment and clarify the information provided on rights of review under the Environmental Planning and Assessment Act 1979.

Action Proposed: Agreed

Timeframe: March 2006

Responsibility: Manager Development Services

21. Council should put its enforcement policy on its website. Council should also evaluate whether this policy is in active use in the compliance activities of the Development Services or Environmental Management areas of Council, and if not, should act to ensure that policy is utilised in all Council compliance activities.

Action Proposed: Agreed. Enforcement policy has been placed on website. Evaluation of active use by staff involved is underway.

Timeframe: Actioned

Responsibility: Manager Ranger Services

RECOMMENDATIONS – ASSET AND FINANCIAL MANAGEMENT

22. Council should develop and implement a standard procedure for issuing overdue letters and taking recovery action in respect of outstanding rates and charges. If Council does have a procedure, it should be brought to the relevant staff members' attention and be subject to management review to ensure that it is being implemented.

Action Proposed: Council currently has internal procedures in place which define what sequential action is to be taken by appropriate staff in order to collect effectively outstanding rates and charges which includes the employment of a debt recovery agency (if required). As at 30 June 2005, Councils Rates and Annual Charges Collection rate was 97.82%. A formal policy has been developed which provides a clear timeline of action to be taken by Council officers and will be reported to Council on 28 November 2005. When the Policy is adopted an annual review will be instituted and reported to Council in order to determine its effectiveness.

Timeframe: November 2005

Responsibility: Manager Finance

23. Council should develop a system to ensure that it has an empirical basis for determining what funding will be required to maintain, replace and enhance assets when needed.

Action Proposed: Council has been assessing a number of asset management systems over the last few years with the view of purchasing a system which integrates with its existing systems. It will provide information which captures condition assessments of all assets and will facilitate reporting and forecasting of appropriate budgetary requirements to enable decisions about the upkeep/replacement of Councils assets. In September 2005, Council signed a contract with its software provider, Civica, for the purchase of its AIM Assets System. This system has been designed to record the identified condition of all assets, determine what actions/costs are involved in either replacing that asset or bringing that asset to an acceptable condition and to feed this information into its annual maintenance budgets. This system will be installed within 36 Councils across Australia within the next 12 months. A Working Group has been set up with the task of implementing the system for Council. Officers from Corporate Services and Environment and Planning make up the team. Asset categories that have been identified as cornerstone to the system are buildings, footpaths, roads, retaining walls, drainage and open space.

Timeframe: Purchase contract signed September 2005. Implementation commencing December 2005 with asset package completely operational by end 2006.

Responsibility: Manager Finance, Manager Assets & Services, Manager Property & Assets.

24. Council should proceed to complete a comprehensive Asset Management Plan to ensure that it is in a position to consult its community regarding any additional funding required to maintain its infrastructure assets.

Action Proposed: As discussed above, Council has purchased an asset software program in order to make concise financial decisions as to the maintenance/upkeep of its asset infrastructure. Special Schedule 7 – Condition of Public Works within Council's Annual Financial Statements for the year ended 30 June 2005 provides financial information as to the values of Public Works Assets. In addition and more importantly it provides a condition assessment of these assets together with estimates as to what costs are required to bring to a satisfactory standard together with estimated and programmed works for these assets. At 30/6/05 it was estimated that an amount of \$5M, \$3M, \$11.5m was required to be spent on roads, footpaths and drainage assets respectively to bring them to a satisfactory standard. The AIM product will provide appropriate reporting which will enable the Council to inform the community of the importance of maintaining its infrastructure assets and the costs involved. It will clearly show a shortfall in funding and will enable the Council to provide a Infrastructure Works Funding Initiative which could form the basis of a funding proposal to the Department of Local Government.

Timeframe: Implementation commencing December 2005 with asset package completely utilised by 2006/07.

Responsibility: Manager Finance, Manager Assets & Services, Manager Property & Assets

RECOMMENDATIONS – SOCIAL & COMMUNITY

25. Council should review and update its website to provide, among other things, for on-line rates payments, a customer requests and complaints facility, and information to members of the public on how to respond to suspected regulatory non-compliance.

Action Proposed: Agreed.

- (i) With regard to on-line rates payments, in December 2004 Council surveyed 1000 users of its interactive Portal in regard to the provision of on-line rate payments. From the 127 responses, 62% indicated they may use such a feature, but overwhelmingly 83.5% indicated they would not use this function if any additional transaction charges were applied. The common comment was that the existing methods of payment (eg. via B-Pay over the internet, and by credit card) provided sufficient choice to the community. Notwithstanding this, to provide on-line payments would incur a minimum annual cost of \$18766 to implement a software solution using the current Authority E-Services component. Neighbouring Councils have indicated a less than 30% usage of on-line rates payments via this method. Council is however proceeding with provisioning a new secure inquiry portal to advise rate payers of their outstanding rates notice, to facilitate on-line payment.
- (ii) A general contact form is available for customer requests and complaints however the process is being reviewed to make the form more interactive.
- (iii) Information will be provided to enable the public to view Council's Complaints Handling Policy and the lodgement of formal complaints regarding regulatory non-compliance.
- (iv) By the end of first quarter 2006 these forms will be automatically entered into Council's document management system, Dataworks and tasked to the relevant officer.

Timeframe:

- (i) First quarter 2006
- (ii) December 2005
- (iii) First quarter 2006
- (iv) First quarter 2006

Responsibility: Manager IT Services

26. Council should ensure it carries out a further community attitudes survey within the next 18 months, and develops a strategy and action plan to respond to issues arising from the survey.

Action Proposed: Agreed. It was proposed for the current year but not funded. It will be proposed again in the 2006/07 budget estimates.

Timeframe: To be considered with budget estimates June 2006

Responsibility: Executive Officer Corporate & Human Development

27. Council should consider the benefit of a summary version of its Social and Community Plan to assist members of the community to better understand what is being proposed.

Action Proposed: Agreed. This will be done within the next six months following the appointment of the new Community Development Manager.

Timeframe: By mid 2006

Responsibility: Community Development Manager

28. Council should examine the development and implementation of a more detailed statement of responsibilities for all of its volunteers that includes key elements of Council's Code of Conduct.

Action Proposed: Agreed

Timeframe: First quarter 2006

Responsibility: Community Development Manager

RECOMMENDATIONS WORKFORCE RELATIONS

29. Council should document its various workforce strategies in a long-term workforce plan.

Action Proposed: Agreed. The first task, to compile a full policies and procedures manual for human resources, has been completed. The Future Mosman project has provided necessary insight into Council's longer-term visions and needs, and the workforce plan can now commence.

Timeframe: December 2006

Responsibility: Executive Officer, Corporate and Human Development.

30. Council should consider the adequacy of its current human resources information system (HRIS) and investigate the cost and benefit of using Authority or another system/s to capture data and report on its human resources strategies.

Action Proposed: Agreed. This is part of an ongoing IT resource issue, and will be costed in MOSPLAN 2006.

Timeframe: Investigations and costing to be completed by June 2006

Responsibility: Manager IT Services and Executive Officer, Corporate and Human Development

31. Council's reporting processes should be revised to ensure that non-compliance with Council's staff performance appraisal system is brought to senior management's attention in timely manner.

Action Proposed: Agreed. Again the full automation of this process is linked to the above IT resource issue, and as a result, the task is currently undertaken manually.

Timeframe: Dependant on IT resourcing.

Responsibility: Manager IT Services Executive Officer, Corporate and Human Development.

32. Council should review and standardise reporting arrangements to ensure that line managers are required to document and regularly report on the application of Council's OH&S system in their work area.

Action Proposed: Agreed. An OHS Audit process is currently being developed, and OHS is already part of the requirement for line managers' performance reviews. However this can be strengthened.

Timeframe: September 2006

Responsibility: Executive Officer, Corporate and Human Development.

33. Council should take steps to implement a system whereby senior management, including the general manager, regularly receive or access a report on OH&S performance. In turn, senior management should take action where key elements of the system are not being acted upon and acknowledge those managers who are achieving good outcomes.

Action Proposed: Agreed. This will be developed in conjunction with the OHS audit and performance reviews identified above.

Timeframe: September 2006

Responsibility: Executive Officer, Corporate and Human Development.

34. Council should update its Staff Orientation Manual to remove references to previous Awards that are no longer applicable. Consideration should be given to updating other references.

Actioned Proposed: Agreed

Timeframe: Already actioned

Responsibility: Executive Officer, Corporate and Human Development.

35. Council should consider seeking advice from a remuneration specialist when it is considering paying over award salaries. Alternatively, as a minimum, the reasons for any salary determination should be documented and supported by relevant evidence to justify the decision to offer the salary in question.

Action Proposed: Agreed that documentation should be provided. External advice will be considered in the light of available resources if deemed necessary.

Timeframe: March 2006

Responsibility: Executive Officer, Corporate and Human Development.

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36. Council should review and update its consultative committee's constitution.
- Actioned Proposed:** Agreed
- Timeframe:** New Constitution adopted at the Consultative Committee meeting held in November 2005.
- Responsibility:** Executive Officer, Corporate and Human Development
37. Council should conduct an internal review to determine whether its salary system complies with current Award requirements.
- Actioned Proposed:** This will be scheduled in MOSPLAN 2006
- Timeframe:** December 2006
- Responsibility:** Executive Officer, Corporate and Human Development.
38. Council should select a cross section of its positions and have them evaluated. The results of these evaluations should then be compared to actual grades of incumbents.
- Actioned Proposed :** This will be scheduled in MOSPLAN 2006.
- Timeframe:** December 2006
- Responsibility:** Executive Officer, Corporate and Human Development.
39. Council should act to grade all presently ungraded positions below senior staff level promptly.
- Action Proposed:** Agreed within the confines of available grading system, and noting the influence of the market on positions at this level.
- Timeframe:** June 2006
- Responsibility:** Executive Officer, Corporate and Human Development.
40. Council's EEO management plan and related reporting should incorporate more explicit goals and targets that specifically relate to the objects outlined in section 344 of the Local Government Act.
- Action Proposed:** Agreed. The EEO Management Plan will be thoroughly reviewed, and if time permits, will be brought to Council with Draft MOSPLAN 2006.
- Timeframe:** June 2006
- Responsibility:** Executive Officer, Corporate and Human Development.

The Directors, Managers and other key personnel were involved in the review by the Department of Local Government. All found it a worthwhile experience, appreciated the professionalism and constructive recommendations by the review officers, and were motivated by their positive feedback.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Department of Local Government Review – Promoting Better Practice

GM/45	Penalty Rates - Re-introduction
MOSPLAN REF:	02.05.00
REPORT BY:	Director Community Development, Kay Clarke and Manager Finance, Mark McDonald

SUMMARY

Update on cost and service implications in relation to penalty rates re-introduction.

OFFICER'S RECOMMENDATION

The Acting General Manager recommends:

That:

- A. All venue hire charges at the Community Centre be increased by 8% effective mid February 2006 such increase being advertised for at least 28 days with report back to Council in the February meeting cycle.
- B. Special Event Management Fees be subject to review in conjunction with a review of the Special Event Management policy in the first quarter 2006.
- C. The Library staffing be reduced by one on Sundays effective immediately.
- D. The Library and the Art Gallery & Community Centre close on Christmas and New Year's Eve 2005 and on Easter Saturday 2006.
- E. Budgetary allocations be reduced by \$15,000 in the Community Development Department as detailed in the report.
- F. The Manager Finance detail all additional costs to Council arising from the reintroduction of penalty rates between 1/10/05-31/12/05 together with the impact of recommendations within this report as part of the December 2005 Quarterly Financial Review.

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

REPORT

At the meeting of 10 October 2005 Council was advised that a variation to the Local Government Section Award has been announced and that it would have a major impact on the budget and discussion would have to be made about service delivery.

Council resolved that a report be prepared for the December meeting identifying areas where expenditure can be reduced and revenue raised to cover the costs of penalty rates.

Community Development Department

The Community Development Department is most affected as those staff have been working a spread of hours Monday to Friday across 4 weeks and have been paid the same rate whether the hours are worked doing normal office time or in the evenings or weekends. The new award affects the Community Development staff in different ways depending on how their positions are classified. In the past all Community Development staff have been treated

the same and it is unfortunate that the re-introduction of penalty rates will affect the staff differently. For example Administration staff now have a spread of hours from 6am to 6pm Monday to Friday, penalty rates of 20% apply from 6pm, with overtime rates applying weekends. Public relations and hospitality staff including the gallery staff and community services staff now have a spread of hours from Monday to Friday with a 25% loading applying on Saturdays and 50% on Sundays. Library staff have a Monday to Sunday spread of hours from 8am to 9pm with shift allowance applying after 9pm.

In order to cover the anticipated costs, a variety of measures are proposed including reduction in staffing at the Library on Sundays, increasing venue hire fees and closing both the Library and the Art Gallery & Community Centre on Christmas and New Year's Eve and Easter Saturday. These measures will contribute an estimated \$15,000 to the 2005/06 budget.

In addition only the most essential staff will be called on to attend functions, consultations, meetings etc outside normal hours. Events such as the Festival of Mosman and the like will have to be carefully controlled from the staffing viewpoint.

Budgetary allocations will have been reduced to a total of \$15,000 from the following responsibility centres:

- Aged & Disability Services Development Officer - \$2,000 (printing & stationery and equipment maintenance)
- Youth Development Officer - \$1,000 (program materials)
- Marketing & Communications Manager - \$1,000 (subsidies)
- Cultural Services Manager - \$2,000 (advertising)
- Children's Services Development Officer – \$2,000 (advertising)
- Community Volunteers Coordinator - \$ 1,000 (advertising)
- Director Community Development - \$1,000 (printing & stationery)
- Manager Library Services -\$2,500 (salaries)
- Manager Library Resources - \$2,500 (computer expenses)

Our recommendations will result in some inconvenience and associated increased costs for our customers and we have tried to keep this to a minimum. In the formulation of the 2006/07 budget we will strive to ensure minimum possible impact on residents.

It should be noted that the staff did not seek these changes and our feedback is that they are not happy about them. The previous system allowed the staff choices and it suited many to be able to take time off in lieu in order to attend to family needs. To a great extent this choice has been removed.

Environment & Planning Department

The Director Environment & Planning advises that the major impact on the Environment & Planning Department relates to the attendance of staff at out of office hours consultations, external and internal meetings including Council meetings, functions and the like. Only the most essential staff will be able to attend such activities and where possible necessary consultations will be scheduled during the prescribed spread of hours. The Environment & Planning Department's costs associated with the re-introduction of penalty rates can be absorbed by the anticipated savings in Environment & Planning administration resulting from no longer attaching correspondence to the Development Assessment agenda.

Corporate Services Department

The Director Corporate Services advises that the impact on Corporate Services will be limited and can be funded from the existing 2005/2006 salary allocations.

The two main areas concerned are Council's caretaker and contract supervisors within the Property & Assets team. It is anticipated that by good planning any additional costs will be limited.

Conclusion

It is very difficult to be certain about actual costs and these will be closely monitored in the light of experience over the coming months and the 2006/07 budget estimates will be developed accordingly.

The Manager Finance will undertake an analysis of costs associated with the penalty rate introduction in conjunction with the December 2005 Quarterly Financial Review.

All staff have been instructed to be frugal in all budgetary aspects over the coming months.

9. COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD/34 **Shorelink Library Network Committee**

MOSPLAN REF: **09.04.01**

REPORT BY: **Manager Library Resources, Jill Cuthbert**

SUMMARY

Minutes of the 116th meeting of the Shorelink Library Network Committee.

OFFICER'S RECOMMENDATION

The Manager Library Resources recommends:

That the minutes be received.

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

REPORT

The 116th meeting of the Shorelink Library Network Committee was held in the Willoughby Council Chamber on 31 August 2005. The main items on the Agenda were recruitment of a Network Administrator and presentation of the Shorelink Draft Financial Statement 2004-2005 and the Shorelink Annual Report 2004-2005.

The Annual Report reviews the Network's operations, including the continuing success of the intra-Shorelink courier service, development of the Shorelink IT Project Plan, preparation for the upgrade to the Wide Area Network and review of the Shorelink funding formula. It confirms that usage of all services provided by the Shorelink Libraries increased during the year. 2,724,274 items were lent by the five Libraries and 73% of Inter-Library Loan requests were satisfied within the Network. Public Access Internet services were again a heavily used service, demonstrated by the 46% increase in Internet inbound traffic. Library customers appreciated the facility to search the online catalogue from home, renew their loans, place holds and suggest items for purchase.

Recommendation endorsed by Director Community Development.

COUNCILLORS' ATTACHMENTS**Minute Book Attachments**

- Minutes of the 116th meeting of the Shorelink Library Network Committee

CD/35 Community Development Advisory Groups

MOSPLAN REF: 01.04.03

REPORT BY: Director Community Development, Kay Clarke

SUMMARY

Update on Advisory Groups membership numbers.

OFFICER'S RECOMMENDATION

The Director Community Development recommends:

That the report be received.

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

REPORT

Following the Council Meeting of 10 October 2005 the membership of Advisory Groups has been refreshed. The Mayor wrote to all existing members and to all community groups, clubs, schools and churches. Advertisements were placed in the Mosman Daily and editorial achieved. Flyers and posters were displayed in all civic outlets.

The membership statistics for each Advisory Group follow.

Advisory Group	Membership 2004-2005		Membership 2005-2006			
	<i>Inaugural Members August 2004</i>	<i>Regular Attendees</i>	<i>Total Members November 2005</i>	<i>Members who were previous AG members</i>	<i>Members who have moved to a different Advisory Group</i>	<i>New Members</i>
Art, Library & Cultural Development	32	20	27	22	2	3
Business & Marketing	22	9	13	9	3	1
Community Development	48	21	35	29	0	6
Environment	35	21	27	16	6	5
Heritage & Architecture	27	12	16	14	0	2
Recreation	41	16	30	20	3	7
Totals	205*	99	148**	110	14	24***

* Actual number of Members was: 130 (some Members nominated for more than one group)

- ** Actual number of Members is: 93 (some Members have nominated for more than one group)
- *** Actual number of New Members is: 14 (some new members have nominated for more than one group)

CD/36	Mosman Festival 2006
MOSPLAN REF:	10.08.06
REPORT BY:	Marketing & Communications Manager, Vicki Jackson

SUMMARY

Indicative costs for the 2006 budget.

OFFICER'S RECOMMENDATION

The Marketing & Communications Manager recommends:

That the advices be received.

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

REPORT

At the meeting of the Council on 7 November 2005 it was resolved, inter alia, that a cost estimate of the 2006 program for the Mosman Festival be available at the 28 November meeting. The 2005 Festival cost approximately \$24,000 from the Marketing & Communication Managers budget which covered the major components of the Festival. Other budget areas covered such routine activities as the Teddy Bear's Picnic, Children's Fair, Bushwalk Barbeque and Gallery exhibitions.

Income was gained through sponsorship in the order of \$17,000.

At this stage the proposed rough draft program for 2006 is estimated to cost in the vicinity of \$40,000 for a similar sized program as 2005 with the edition of a charity ball, community street parade and fair. \$30,000 is to be achieved through sponsorship.

Further details will be prepared for inclusion in the 2006/07 budget estimate considerations.

Costings are still being finalised for vertical banners in Military and Spit Roads and a further report including sponsorship options will be prepared for the February 2006 Council meeting.

Recommendation endorsed by Director Community Development.

CD/37 **Proposed Sculpture Display, Mosman Village Shops**

MOSPLAN REF: **10.05**

REPORT BY: **Manager Cultural Services, Tony Geddes**
Marketing & Communications Manager, Vicki Jackson

SUMMARY

Request by Mosman Retailers Group for Council sponsorship of a sculpture exhibition.

OFFICER'S RECOMMENDATION

The Manager Cultural Services and Marketing & Communications Manager recommend:

That:

- A. The Mosman Village Retail Group be commended for their proposal to display sculptures produced by members of the Sculptors' Society of NSW in their businesses during March 2006.
- B. The Group be advised that Council will sponsor the project for \$500 and such funds to be sourced from the 2005/06 Contingency Vote, and will assist by providing promotional support as described in the report.

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

REPORT

On 14 November Mr Norman Brunskill met with the Mayor and Deputy Mayor regarding a proposal to organise a sculpture exhibition at Mosman Village shopping precinct in March 2006. Mr Brunskill, who was representing the Mosman Village Retail Group at the meeting, was seeking Council's in principle support for the proposal as well as financial assistance. The Cultural Services Manager and Marketing & Communications Manager also attended the meeting.

In brief, the proposal involves members of the Sculptors' Society of NSW displaying their works in shops and businesses owned by members of the Mosman Village Retail Group during March 2006. The aim of the project is to enliven Mosman Village shopping precinct, attract more shoppers and visitors to the area, and create more public interest in sculpture. All works in the exhibition will be for sale and sales commissions (25%) will be used to help meet the costs associated with the project such as insurance and the production of an information / promotional brochure and map. Mr Brunskill anticipates that 50 – 60 members of the Mosman Village Retail Group will participate and make a financial contribution to the project. The Sculptors' Society of NSW has agreed to participate and liaise directly with business owners about appropriate sculpture displays for each business. The Mosman Village Business Group would be responsible for any insurance associated with the project.

Subsequent to the meeting, a letter from Mr Brunskill dated 21 November has been received by the Mayor, requesting financial support for the project of \$2,000. The total budget for the project is \$10,000. The letter and financial breakdown are attached to the business papers.

Conclusions

The idea of making art part of a shopping experience has considerable merit, especially if the artworks are treated with care and respect. In the case of 'sculpture' it can serve to raise public awareness, interest and appreciation of a medium that is often overlooked in favour of painting and drawing. In this regard, the Mosman Village Retail Group should be commended for their vision and enthusiasm, and therefore deserve Council's support. However, there are tight budgetary constraints especially in the light of the recent changes to staff penalty rates which have caused additional constraints and which are subject to a report on this agenda.

In lieu of the sponsorship level sought, Mosman Council could make a smaller contribution of \$500 and support the project by promoting it through the Library and Art Gallery and in various publications such as The Mosman Daily, 'Mosman 2088' magazine, Council's 'Over 55's' newsletter and on Council's website.

If the event is organised again in 2007 (and subject to the results in 2006), Mosman Council might take the necessary measures to play an integral role as part of the overall cultural development and enrichment of Mosman, which is critical to Mosman's Cultural Plan and is compatible with objectives in MOSPLAN in support of the business community.

Recommendation endorsed by Director Community Development.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Letter with financial breakdown dated 21 November 2005 from Mosman Village Retail Group

10. CORPORATE SERVICES DEPARTMENT REPORTS

CS/116	Investments - November 2005
MOSPLAN REF:	02.02.01
REPORT BY:	Manager Finance, Mark McDonald

SUMMARY

Investments Schedule up to and including 25 November 2005.

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That the Schedule of Investments be adopted.

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

REPORT

A Schedule of all monies invested under Section 625 of the Local Government Act up to and including 25 November 2005 will be circulated to Councillors separately, prior to the meeting.

It should be noted that the Investment Schedule has been prepared as at 25 November 2005. A finalised schedule for November 2005 will be submitted to Council together with December 2005 and January 2006 schedules in February 2006.

Recommendation endorsed by Director Corporate Services

COUNCILLORS' ATTACHMENTS**Minute Book Attachments**

- Investment Schedule for the month of November 2005.

CS/117 **Debt Recovery Policy**

MOSPLAN REF: **02.02.01**

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

SUMMARY

To formalise Council's existing debt recovery procedures into a Debt Recovery Policy

OFFICER'S RECOMMENDATION

The Manager Finance recommends:

That:

- A. Council adopt the Draft Debt Recovery Policy attached to the Report and the Policy Register be amended accordingly.
- B. The General Manager be delegated authority in accordance with Section 377 of the Local Government Act, 1993 to take legal action for the recovery of unpaid rates and annual charges and sundry debts in accordance with Council's Debt Recovery Policy and the Delegations Register be amended accordingly.

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

REPORT

RATES AND ANNUAL CHARGES

The revenue from Council's rates and annual charges accounts for approximately 60% of its total annual income.

The Department of Local Government places significant emphasis on the performance of a Council in the collection of this income source and compares Councils within its annual comparative information publication.

Council's collection rate for 2004/2005 was 97.82%. A portion of the remaining 2.18% can be attributed to debts associated with agreed payment schemes with property owners.

In order to assist ratepayers and staff it is proposed that the existing internal procedures currently utilised to recover unpaid rates be formalised into a Policy.

The formalisation of a policy will provide a transparent workflow that will benefit ratepayers and enable a consistent review by management of collection procedures.

It should be noted that Council only undertakes debt recovery action if alternate processes are unsuccessful.

Council has policies pertaining to hardship in place and arrangements to pay are welcomed as long as they are deemed reasonable in both amount and time.

A Draft Debt Recovery Policy which provides a methodical action plan in the recovery of outstanding rates and charges is attached.

ELIGIBLE PENSIONERS

The Policy includes a schedule in relation to the appropriate treatment of unpaid rates and charges regarding properties owned by eligible pensioners, in conjunction with Council's existing Rates-Pensioner Deferment Policy

SUNDRY DEBTS

Council raises approximately 5,000 invoices for a large variety of debtor types which include: property rents, commercial waste, Section 125 & 153 Lease fees, dinghy rentals, shop inspection fees, private works, public works, oval rentals, meals on wheels, government grants and miscellaneous debtors with total annual income derived of approximately \$5M

Staff currently use different strategies in the billing and recovery of such monies.

Council provides the opportunity for those businesses in financial hardship to make arrangements to pay off existing debts over an appropriate time span and value.

It is anticipated that this policy will assist staff and customers and provide a transparent process in terms of debt recovery.

DELEGATIONS

The General Manager currently has delegated authority in relation to rates and charges and sundry debts as follows:

- Authority to make arrangements with any ratepayer or debtor of Council for the payment of any charges by reasonable and satisfactory instalments.
- Authority to defer the payment of rates payable by pensioners, in accordance with Council's policy.
- Authority to determine applications for Hardship Rate Relief made under Section 577 of the Local Government Act, 1993, as amended.
- Authority to take legal action for the recovery of unpaid rates in accordance with Council's policy and for the recovery of charges, where such charges are in arrears for a period in excess of 6 months.

Recommendation endorsed by Director Corporate Services.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Draft Debt Recovery Policy

CS/118	dip Cafe - Mosman Swim Centre
MOSPLAN REF:	10.03.09
REPORT BY:	Manager Governance, Anthony Fitzpatrick

SUMMARY

Request for Council's consent to the assignment of the Lease for dip Café at Mosman Swim Centre.

OFFICER'S RECOMMENDATION

The Manager Governance recommends:

That the actions proposed in relation to the request for assignment of the lease of dip Café at Mosman Swim Centre be endorsed.

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

REPORT

Aquatic Leisure Management (ALM), the operator of the Mosman Swim Centre and dip Café located at the Mosman Swim Centre has requested Council's consent to the assignment of the Lease of the café premises on a fixed rental component basis only. ALM has indicated that the level of rent and associated expenses are making it unsustainable under its management and proposes to offer the café business for sale.

Under the temporary amendments to the contracts for the swim centre and cafe approved by Council in May 2005, a net return of \$35,000 per annum is due to Council from the operation of the swim centre and the dip Café in the two years to 30 June 2006, in lieu of the rental provisions under the Leases.

Rent payable under the Lease for the café for the year ended 30 June 2005 would otherwise have been \$43,601.67 + GST comprising a fixed rental component of \$32,727.27 + GST plus turnover component of \$10,874.40 + GST (based on sales figure of \$272,496.00 at 15% > \$200,000). The turnover rent component of the rent on the café was recognised as generous when the audit and performance review was conducted earlier in 2005.

It is proposed that Council consent to the sale of the dip Café business from ALM to an operator approved by Council. Any potential buyer will need to demonstrate substantial compliance with the operational aspects of the specification as originally tendered. As the rental arrangements will alter, Council would need to consent to the assignment of the existing Lease subject to registration of a variation relating to the rental provisions. Alternatively Council may enter into a new Lease with the new operator whilst maintaining the same terms (other than rental provisions) and termination and option periods to ensure the contracts for both the café and the swim centre remain concurrent.

Council's valuer has assessed the current market rental for the café premises to be \$40,800 + GST. This is a fixed rental component only and accounts for the deletion of a turnover rent provision from the Lease. This represents a minor reduction in income to Council from the agreed returns under the contract.

Rental under any assigned or new Lease would be proposed at \$40,800 plus GST in the first year of the lease subject to annual CPI increases and market rent review upon exercise of the option periods in 2008 and 2013.

With regard to the present financial arrangement with ALM, it is proposed to deduct the rental return received under any assigned or new Lease agreement for the cafe from the \$35,000 net return due to Council as at 30 June 2006. This will be a revenue neutral response for Council under the arrangements to 30 June 2006 and will offer the opportunity to secure a viable operator for the café business. Subject to further review, the financial arrangements with ALM for the Swim Centre will return to contract on 1 July 2006.

The Leases for both the swim centre and the café make provision for different lessees whilst ensuring the efficient and co-operative functioning of both operations. The only significant issue to having an operator of the cafe independent to that of the swim centre, is the use by the cafe of a storeroom located underneath the premises. Access to this storeroom will need to be resolved to ensure any new operator has some storage space. The General Manager is delegated authority to deal with either an assignment or granting of the Lease.

To enable ALM to list the business for sale it is proposed that it be advised that Council consents in principle to either the assignment or granting of a new Lease to an approved operator. The General Manager will determine the final approval under delegated authority.

Recommendation endorsed by Director Corporate Services

CS/119 Adshel Bus Shelters - Trial Replacement of Glass Panels with Patterned Glass**MOSPLAN REF: 11.07.01****REPORT BY: Acting General Manager, Max Glyde****SUMMARY**

To consider a request by Adshel Street Furniture to trial the replacement of patterned glass panels in 10 bus shelters throughout Mosman in an attempt to discourage vandalism and graffiti.

OFFICER'S RECOMMENDATION

The Acting General Manager recommends:

That Council trial a patterned glass in 10 of its 26 shelters and that Council nominate which pattern to trial.

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

REPORT

Adshel, in accordance with the Tender for bus shelters, have over the last two weeks replaced all the glass panels in shelters which have been damaged by graffiti. Many of these shelters have again been damaged as shown in the following photographs.



Adshel have advised that they have been successful in other areas with an etched glass panel and have asked Council to consider this in a trial. Only the rear panels would be refitted.

A sample of the two available patterns are shown in the following photographs:



The cost to supply and replace the glass panels is a responsibility of Adshel. As there are no supplies of glass of this type to suit Council's shelters in Australia they have to have the glass specifically made up. To do so requires a minimum order of 40 panels and therefore it is proposed to fit the treated panels in 10 shelters throughout Mosman and in particular those shelters which are being attacked more frequently. It is proposed that Council nominate which pattern to trial.

CS/120 Companion Animal Pound - Tender Assessment**MOSPLAN REF: 06.05****REPORT BY: Manager Ranger Services, Colin DeCosta****SUMMARY**

To accept the Tender for the Provision of Companion Animal Pound Facilities and Management.

RECOMMENDATION

The Manager Ranger Services recommends:

That:

- A. The Tender by North Shore Veterinary Services for the Provision of Companion Animal Facilities and Management for a period of 5 years commencing on 1 December 2005 and in accordance with the Tender Specification be accepted.
- B. The Common Seal of the Council be affixed to the Contract.

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

REPORT

Tenders for the provision of companion animal pound facilities were invited for a period of 5 years and closed at 4.00pm on Wednesday 16 November 2005. Advertisements were placed in The Sydney Morning Herald Local Government Tenders Section on Tuesday 18 and 25 October 2005. One conforming tender was received and an assessment of this tender was undertaken to ensure that it conforms to the Tender Specification. The selection criteria and weightings advertised in the Specification were as follows:

Weightings	Rating out of 10 North Shore Veterinary Services Pty Ltd	Total
Proximity to Mosman 40%	10	40
Price 40%	7	28
Professional Standards 10%	10	10
OHS 10%	8	8
TOTAL	35	86

The invitation to tender called for prices for the provision of services to receive, hold, care for, release and manage companion animals seized by Council's Rangers or surrendered by residents.

Two options were listed in the tender:

Option 1 - a monthly fee for provision of the services.

Option 2 - a per day per animal rate for provision of the services.

North Shore Veterinary Services Pty Ltd in Spofforth Street, Mosman have been providing companion animal services to Council for the last twenty years and the quality and performance of those services has been satisfactory in all areas. During this time Council has received no complaints regarding the quality of the services.

The tendered price of \$2,291.66 per month is less than the current rate of \$2,555.00 and therefore the budget provided for these services in the current financial year is sufficient.

Recommendation endorsed by Director Corporate Services.

11. ENVIRONMENT AND PLANNING DEPARTMENT REPORTS

EP/278 **Delegations - Development Control Unit**

MOSPLAN REF: **04.02.02**

REPORT BY: **Manager Development Services, Colin McFadzean**

SUMMARY

Delegations to the Development Control Unit for the period when Council does not meet from 13 December 2005 to 6 February 2006.

OFFICER'S RECOMMENDATION

The Manager Development Services recommends:

That the delegation of authority under section 377 of the Local Government Act, 1993, be granted to the Development Control Unit during the period 13 December 2005 to 6 February 2006 in the following terms:

- A. The Development Control Unit be constituted of the Mayor, Deputy Mayor, or, where such person is absent (as distinct from unavailable), a Councillor nominated by Council and the Acting General Manager.
- B. Councillor (*name of elected Councillor to be inserted*) be nominated at the Council to replace the Mayor or Deputy Mayor in the event that either are absent for the scheduled meeting.
- C. The Development Control Unit may, on report of the Manager Development Services or Director Environment and Planning, determine all development applications in accordance with delegations expressed at points 1-6 inclusive within this report.

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

REPORT

During the period from 13 December 2005 until 6 February 2006, Council will be in recess. This is during a period when applications for development approval continue to be received and there will be an expectation that Council continue to provide service over the break.

For the past eleven years the Development Control Unit (DCU) has been delegated authority to facilitate approvals in order that determination of applications can continue over the period. This means that the build up of development applications at the February meeting is reduced and processing times also are maintained.

Membership of the DCU in 2005 comprised the Mayor, Deputy Mayor and the General Manager. In previous years and prior to the dissolution of Committees, the Deputy Mayor's seat on the DCU was occupied by the Deputy Chair of the Development Assessment Committee. The position of an alternate member is proposed to be filled by nomination of a Councillor to cover the instance of the Mayor or Deputy Mayor being absent.

The Manager Development Services will liaise with DCU members to select a mutually convenient date and time for the meeting.

It is recommended that the delegation of the DCU remain the same as per previous years, that is delegation to determine all applications where:

1. The decision of the Unit is unanimous;
2. All members of the Unit are present at the meeting;
3. The recommendation of the Unit is generally in accordance with the recommendation of the appropriate employee of the Council making such recommendation;
4. An agenda in respect of the meeting has been distributed to all Councillors prior to the meeting which lists the address and description of the proposed developments;
5. No Councillors have given notice of interest in respect of such specific item to the Director Environment and Planning prior to the meeting, such notice including the item number and general heading as listed on the circulated agenda and the reason for the interest; and
6. When a nominee is appointed by either the Mayor or General Manager to attend such meeting, notice of the nominee being distributed to all Councillors in conjunction with the agenda prior to the meeting.

In the absence of the required delegation, the item will be placed on the February agenda of Council with a recommendation from the DCU.

Recommendation endorsed by the Director Environment & Planning.

Current situation

What was previously referred to as the LEP Template was prepared and released for public comment by the Department of Planning as the draft Standard LEP. This is the trigger for this report to Council to further consider its resolution from 21 March 2005.

The draft Standard LEP was exhibited by the Department from 20 September to 28 October 2005. The draft includes child care centres as a mandatory permissible use, with consent, in all residential zones. Draft Mosman LEP 1998 (Amendment No 22) is consistent with this, except that under the Standard LEP child care centres would also be permissible in what is now the 2(a2) Residential zone. As land in the 2(a2) Residential zone is environmentally sensitive it is considered that additional uses in that zone are inappropriate. In Council's submission to the Department on the draft Standard LEP this issue was raised as an objection to the current drafting.

Changes to Parts 3 & 4 of the Environmental Planning & Assessment Act

The draft Standard LEP is one of a number of changes to the planning system introduced by the Department of Planning as part of its Planning Reform package. Other changes with implications for this draft LEP are:

- Changes to ministerial directions under section 117 of the Environmental Planning & Assessment Act (EP & A Act);
- Changes to the preparation of Development Control Plans (DCPs)

Section 117 Directions

Section 117 Directions are directions issued by the Minister about the local environmental plan-making system under section 117 of the EP & A Act. The Environmental Planning and Assessment (Infrastructure and Other Planning Reform) Act 2005 (the Reform Act) includes amendments to Parts 3 and 4 of the EP & A Act to facilitate changes to the plan making framework and local development assessment. The Reform Act repeals all section 117 directions in force prior to 30 September 2005. A set of new directions has been introduced which carry over key policies from the old directions. The section 117 directions will complement the Standard LEP, providing the overall policy direction to a particular council or councils generally.

The effect of this change on draft Mosman LEP 1998 (Amendment No 22) is that if it is the subject of a Director General's report to the Minister (under section 69 of the EP & A Act) before 31 January 2006 the section 117 directions in force prior to 30 September 2005 apply. If not then draft LEPs have to comply with the new section 117 directions. This may result in Council being required to re-exhibit the draft plan. As the public exhibition process has been completed for draft Mosman LEP 1998 (Amendment No 22) and all that remains to be done is the preparation of a section 69 report for the Minister's approval and subsequent gazettal it is considered that this should be completed as soon as possible.

Development Control Plans

The Reform Act also includes amendments to the EP & A Act that affect development control plans (DCPs). One of the implications of the changes is that only one DCP may apply to a site. This requirement takes effect when a DCP is made on or after 30 September 2005. If this provision is not complied with then all DCPs that apply to the same land will be made invalid.

As part of the LEP Review that is currently underway at Mosman, all our DCPs will also be reviewed. The method that will be adopted to ensure that only one DCP applies to a site has yet to be determined. Options include:

- Amalgamation of all DCPs with separate chapters on development controls that were contained in separate DCPs; or
- Have separate DCPs that duplicate all relevant development controls for a site.

It is considered premature to make a decision on what will be a significant consideration Council's LEP/DCP review at this stage in the Review process. It is recommended that a separate DCP for childcare centres not be proceeded with at this stage but be considered as part of the Review of all plans in Mosman which is currently underway.

Recommendation endorsed by Director Environment & Planning.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Mosman Local Environmental Plan 1998 (Amendment No 22)

Circulations

- Report to Council 21 March 2005 on finalisation of Mosman Local Environmental Plan 1998 (Amendment No 22) childcare centres

Report by Heritage Advisor

Applications for funding under Council's Local Heritage Assistance Fund resulted in a total of twelve (12) applications. Ten (10) applications were for works on individual Heritage Items. One (1) application was for work within a Heritage Conservation Area. One (1) application was for work on a property which is neither a Heritage Item nor within a Heritage Conservation Area and therefore is ineligible for funding. Works range from repair to an original slate roof to replacement of front fences in keeping with the heritage streetscape.

The total amount of funding made available by Council under the Local Heritage Assistance Fund is \$20,000. It is proposed that a total of approximately \$20,000 be allocated to the approved projects.

Three projects have been identified as being of low priority for funding. These projects have been given a lower priority as they all received funding under the 2004/2005 Local Heritage Assistance Fund. The amount offered to these projects will be a proportion of funds remaining after all other funding offers have been made.

The Local Heritage Assistance Fund seeks to encourage appropriate conservation works within the built environment of Mosman, and to promote projects that have a high visibility in the streetscape. All applicants are required to support their applications with appropriate forms and quotations from registered tradespersons.

COUNCILLORS' ATTACHMENTS

Circulations

- Summary of Applications received under the Local Heritage Assessment Fund Applications 2005/2006
- Guidelines for Local Heritage Assistance Fund 2005/2006.
- Application form for Local Heritage Assistance Fund 2005/2006.

EP/282	Policy for Pruning of Trees on Public Land
MOSPLAN REF:	05.05.03
REPORT BY:	Tree Management Officer, Elizabeth Hannon and Manager Assets and Services, Scott Turner

SUMMARY

Review of policy in regards to pruning of trees on public land to restore or increase views from private residences.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That:

- A. Council give notice of its intention to amend its current policy on pruning of trees on public land to improve views from private residences as outlined in the report by advertising it in the Mosman Daily for 28 days and inviting public submissions.
- B. Council give notice of its intention to increase the application fee for applications to prune trees on public land to improve views from \$62 to \$75 by advertising it in the Mosman Daily for 28 days and inviting public submissions.
- C. As an interim measure until Council has received and considered submissions, the current policy be amended to allow pruning of a maximum of 3 trees under a single application.
- D. Further that Council will not consider any application to prune the same trees, or trees located immediately adjacent to trees pruned as part of a previous application until a minimum of 12 months has elapsed from the date of approval of the pruning of the trees the subject of the earlier application.
- E. Relevant internal and external documentation and public information be updated to reflect these changes.

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

REPORT

On Thursday 17 November 2005 Council approved Contractors were in the process of pruning trees on Council land in front of 31 Pearl Bay Avenue. They were acting upon an approval issued by Council staff, in accordance with their delegations, to prune seven trees in the area. Details concerning the application and subsequent actions were conveyed to Councillors by way of memo from the Director Environment and Planning dated 18 November 2005. As a result of this incident, the Mayor has requested a review of the policy.

It is Council's policy that the Urban Forest is conserved, replenished and enhanced, using best management and Ecologically Sustainable Development (ESD) principles, while seeking to meet the needs and desires of property owners, residents and other visitors to Mosman. Part of this policy includes an acknowledgement that views form an important part

of the amenity of many private properties in Mosman. Council has therefore adopted a policy and issued delegations to staff to allow pruning of trees on public land to appropriate standards by a Council approved contractor and at the applicant's expense to restore views from private property. One of the key considerations in adopting this policy was to discourage residents from taking matters into their own hands and participating in uncontrolled and unsupervised vandalism of vegetation on public land to restore views to their properties.

Nature prunes by storms, insects, changes in environmental conditions and shading out of lower and internal branches, yet it is understood that the desire for improvement of views from residences is also a high priority within Mosman and this can only be achieved by mechanical means. One of the objectives of Council's Urban Forest Policy states:

'The management and development of the Mosman Urban Forest seeks to achieve a balance between the competing needs of the environment, budget limitations, utilities and infrastructure, legal obligations, the property rights of owners, and the desires of local residents to protect the investment they have made in their property.'

At present, applications received for pruning of trees on Council controlled land to improve views from private property are assessed under a TPO application for public land. Where approval is granted, the work must be undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373) and can generally be allowable for up to 10% of the canopy of the tree. The 10% figure is an industry accepted practice that healthy trees can accommodate without adversely impacting on their health. Council does not permit removal of trees from public land to improve views from private property unless there is a health issue with the tree that would require Council to remove it in any case. In these circumstances, the policy requiring notification to surrounding residents and the approval of the Mayor would apply.

Following discussions with the Mayor there are essentially two issues that are not addressed under the current policy. These are the number of trees which might be permitted to be pruned in any one application, and this raises a further issue of the period which must elapse before Council would consider a further application to prune the same trees, or, a separate application to prune additional trees located adjacent to those subject of the original application.

There are a number of factors which need to be considered in looking at these issues. The first factor is that trees continue to grow until they reach maturity. Whilst an application to prune a tree may be approved at a given time, the tree will continue to grow and possibly interfere with views resulting in subsequent applications to prune the same tree.

The second factor is that in some parts of Mosman the desired view may not be directly in front of the residence seeking to obtain the view. Due to the orientation, shape and subdivision pattern of some parcels of land in Mosman the view could be across the frontage of adjoining residences. This may result in applications (at different times) to prune different parts of the same trees from several residents. Depending on when the first application was received and assessed, subsequent applications would have to be refused until the specified period had elapsed.

The third factor is a similar issue. Due to the orientation, shape and subdivision pattern of some parcels of land in Mosman the view could be directly in front of each residence. This may lead to a series of applications from adjoining residents to prune different trees in front of their own properties. Depending on which application was received first, subsequent applications would be refused until the specified period had elapsed as the trees subject of the application directly adjoining trees pruned as part of an earlier application.

It is proposed that by restricting of the number of trees to be assessed under a TPO application to prune trees on public land to a maximum of three per application will assist in maintaining the balance between the resident's wishes for views from private property and the preservation of Mosman's trees within public land. In addition, a timeframe of 12 months is considered appropriate until further view prune applications for the same trees are considered, or applications for trees that immediately adjoin trees the subject of an earlier application are considered.

If Council is of a mind to approve these changes to the policy, they should be advertised for public comment and submissions received before final consideration by Council. They could be adopted as an interim measure whilst being advertised for public comment.

In addition, these changes will add to the administration and processing time for such applications. A review of the pricing for these applications is therefore in order and an increase in the application fee from \$62 to \$75 is considered appropriate. This proposed increase should be advertised at the same time as the proposed policy changes.

The Mayor has raised further issues for consideration by way of e-mail to the Director Environment and planning on Tuesday 22 November 2005. In addition, Councillor Traill has raised a number of issues by way of question Without Notice at the Council meeting on Monday 21 November 2005. It has not been possible to address these issues before finalising this report for distribution to Councillors on Wednesday 23 November 2005. A separate memo will be circulated to Councillors with late correspondence on Friday 25 November 2005 addressing these issues.

Recommendation endorsed by Director Environment and Planning.

EP/283 **18 Pretoria Avenue Outcome of Court Proceedings for Breach of the Tree Preservation Order**

MOSPLAN REF: **05.05.01**

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

SUMMARY

Report on the outcome of legal proceedings in relation to a breach of the Tree Preservation Order on public land at 18 Pretoria Avenue on 22 June 2004.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That the report be received and noted.

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

REPORT

Councillors may recall there had been unauthorised works undertaken to trees and vegetation at 18 Pretoria Avenue in June 2004. The unauthorised works involved the pruning and removal of trees on both private and public land. The property owner apparently requested advice from a professional tree contractor in regard to the proposed works and whether they were required to make an application to Council for approval. The Contractor went ahead and did the works without making any application to Council.

Upon receiving legal advice from Councils solicitors, Pike Pike and Fenwick, Council proceeded with legal action against the contractor, A Better Cut Tree Services, in the North Sydney Local Court, specifically for the unauthorised works on public land.

The matter was heard on Wednesday 16 November 2005 in the North Sydney Local Court. Although Council is yet to receive written advice of the outcome of the action, the magistrate found the defendant had committed the offence. Although, in this instance, individually the trees may not be considered significant, collectively they provided considerable amenity to the surrounding residents. The Court handed down a penalty of \$5500 dollars plus legal costs for the offence.

In regard to the tree pruning and removals within the private property, Council did not progress with action as the advice from Council's solicitors was that the chances of success were not as good as for the work undertaken on Council property.

EP/284 **Street Tree Master Plan**

MOSPLAN REF: **05.05.02**

REPORT BY: **Landscape Architect, Ben Richards**

SUMMARY

A review of the Street Tree Master Plan has been undertaken. It was considered appropriate to ensure that the species selection in the current plan mirrors the preferred vision of Mosman. The layout of the pages has also been amended to make it more user friendly and clearer in its delivery of information.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That the revised Street Tree Master Plan as outlined in the report and displayed in the Councillors' Lounge be adopted.

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

REPORT

Council has undertaken extensive street tree planting in the last two years and has a plan in place to continue this planting over the next four years. As a result of this focus on street tree planting, and in consultation with Council's Tree Management Officer, staff became aware that further amendments were required to maintain consistency in planting and maximise the visual amenity through species selection. Council has also endorsed some changes to tree species in some specific streets as a result of an earlier report on proposed plantings at "gateway" locations to the Balmoral area. These have now been incorporated into the document.

The majority of the changes that have been made are to ensure that an existing visual amenity in individual streets will be maintained and that the context of surrounding areas is enhanced by the selection of appropriate species.

In assessing the context of a particular street private gardens and back ground vegetation, in bush reserves for example as well as existing street trees were considered. The other factor in assessing whether a change was required was scale and whether or not the species specified in the original Master Plan would provide adequate screening considering the width of the road.

The following is a summary of the proposed changes to the Street Tree Master Plan. The following changes are substitutions with more appropriate species already on the Street Tree Master Plan. These changes have been undertaken to better reflect the existing conditions in the streets that are the subject of an amendment.

(E) Denotes Even side of the road

(O) Denotes Odd side of the road

STREET NAME	ORIGINAL SPECIES	PROPOSED SPECIES	REASON FOR CHANGE
ALMORA ST (LOWER)	Not in original plan	Jacaranda mimosaeifolia	
ALMORA ST (UPPER)	Not in original plan	Jacaranda mimosaeifolia	
AMIENS AV	Cupaniopsis anacardioides (E), Ulmus parvifolia (O)	Lophostemon confertus (both sides)	Changes retain the existing theme.
ARCHER ST	Jacaranda mimosaeifolia (E)	Lagerstroemia indica (E)	Change is more in context with area.
AVENUE RD (Military Rd to Rangers Rd)	Harpulia pendula	Ginkgo biloba	Ginkgo sp will link via Archer St to Noble St.
AWABA ST (Cowles Rd to Spit Rd)	Tristaniopsis laurina (E)	Backhousia citriodora (E)	Species better suited to available space.
BALMORAL AV	Lagerstroemia indica (both sides)	Callistemon 'Kings Park Special' (both sides)	Native species more appropriate for conditions.
BAPAUME RD	Ulmus parvifolia	Platanus orientalis	Ulmus sp should be kept for commercial area only as a signature species
BEAUTY POINT RD	Acmena smithii 'Minor' (both sides)	Banksia integrifolia (both sides)	Proximity to Harbour makes native species more desirable. Melaleuca sp to large for area.
BELMONT RD	Cupaniopsis anacardioides (both sides)	Tristaniopsis laurina (E), Lophostemon confertus (O)	Changes retain the existing theme.
BOND ST	Buckinghamia celsissima (E)	Syzygium luehmannii (E)	Species better suited for available space.
BUENA VISTA AV	Backhousia citriodora (O)	Elaeocarpus reticulates (O)	Change is more in context with area considering proximity of bushland.
BULLECOURT AV (North)	Acmena smithii 'Minor' (both sides)	Elaeocarpus reticulates (both sides)	Change is more in context with area.
BULLECOURT AV (South)	Acmena smithii 'Minor' (both sides)	Jacaranda mimosaeifolia (E)	Insufficient room on the odd side
BURRAN AV	Elaeocarpus reticulates (both sides)	No planting, Insufficient room	
BURTON ST	Acmena smithii 'Minor' (E)	Elaeocarpus reticulates (E)	Improve consistency of planting
CALYPSO AV	Callistemon 'Kings Park Special' (E), Cupaniopsis anacardioides (O)	Jacaranda mimosaeifolia (E), Lophostemon confertus (O)	Changes retain the existing theme.
CARDINAL ST (Military Rd to Earl St)	Syzygium luehmannii (O)	Backhousia citriodora (O)	Consistency of species.
CARDINAL ST (School to Military Rd – New Addition)		School Side - Jacaranda mimosaeifolia, Church Side - Tristaniopsis laurina	Scale the street and soften built elements more successfully.
CARDINAL ST (School to Prince St – New Addition)		Platanus orientalis (E), Tristaniopsis laurina (O)	Changes retain the existing theme.
CARRINGTON AV	Elaeocarpus reticulates (E), Backhousia citriodora (O)	Jacaranda mimosaeifolia (both sides)	Changes retain the existing theme.
CENTRAL AV (Pindari Ave to Bay St)	Acmena smithii 'Minor' (both sides)	Elaeocarpus reticulates (both sides)	Better height to width ratio of crown.
CENTRAL AV (Spit Rd to Pindari Ave)	Acmena smithii 'Minor' (both sides)	Elaeocarpus reticulates (both sides)	Better height to width ratio of crown and to maintain consistency in the planting.
CLIFFORD ST (Spit Rd to Moruben St)	Acer buergerunum (both sides)	Tristaniopsis laurina (both sides)	Changes retain the existing theme.
COUNTESS ST (Ourimbah Rd to Earl St)	Syzygium luehmannii (E), Cupaniopsis anacardioides(O)	Banksia serrata (E), Eucalyptus scoparia (O)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
COUNTESS ST (Wyong Rd Ourimbah Rd)	Syzygium luehmannii (E), Cupaniopsis anacardioides(O)	Banksia serrata (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
CROSS ST	Acmena smithii 'Minor' (E), Buckinghamia celsissima (O)	Lophostemon confertus (both sides)	Changes retain the existing theme.
CYPRIAN ST	Lagerstroemia indica (O)	Angophora costata (O)	Changes retain the existing theme.

STREET NAME	ORIGINAL SPECIES	PROPOSED SPECIES	REASON FOR CHANGE
DALTON RD	Acmena smithii 'Minor' (E), Elaeocarpus reticulates (O)	Magnolia soulangiana (both sides)	Changes retain the existing theme.
DELECTA RD	Lagerstroemia indica (E), Acmena smithii 'Minor' (O)	Deleted from plan, no room for planting.	
EDWARDS BAY RD	Acmena smithii 'Minor' (both sides)	Callistemon 'Kings Park Special' (both sides)	Established Callistemon planting existing
ELFRIDA ST	Buckinghamia celsissima (E), Tristaniopsis laurina (O)	Jacaranda mimosaeifolia (both sides)	Changes retain the existing theme with Jacaranda sp being better suited to the width of the nature strip.
ERITH ST	Cupaniopsis anacardioides (E), Buckinghamia celsissima (O)	Jacaranda mimosaeifolia (E), Lophostemon confertus (O)	Changes retain the existing theme.
ESTHER RD	Acmena smithii 'Minor' (E), Lagerstroemia indica (O)	Jacaranda mimosaeifolia (both sides)	Changes retain the existing theme
GLADSTONE AV	Acmena smithii 'Minor' (E)	Jacaranda mimosaeifolia (E)	Jacaranda sp will provide a better scale to the street.
HARBOUR ST	Elaeocarpus reticulates (E)	Tristaniopsis laurina (E)	Changes retain the existing theme.
HOPETOUN AV	Lagerstroemia indica (E)	Jacaranda mimosaeifolia (E)	Changes retain the existing theme.
KARDINIA RD	Acmena smithii 'Minor' (E)	Elaeocarpus reticulates (E)	Better height to width ratio of crown.
KESTON AV	Cupaniopsis anacardioides (E), Acer buergerunum (O)	Jacaranda mimosaeifolia (both sides)	Changes retain the existing theme
KILLARNEY ST (Lower level)	Acer buergerunum (E), Buckinghamia celsissima (O)	Banksia serrata (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
KILLARNEY ST (Lower level)	Acer buergerunum (E)	Banksia serrata (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
KIORA AV	Elaeocarpus reticulates (both sides)	Banksia serrata (E), Lagerstroemia indica (O)	Changes retain the existing theme of both public and private plantings.
KOOOWONG AV	Acmena smithii 'Minor' (both sides)	Deleted from plan, no room for planting	
LAVONI ST	Elaeocarpus reticulates (E),)	Lagerstroemia indica (E),	Change is more in context with area.
LENNOX ST	Acmena smithii 'Minor' (E), Harpullia pendula (O)	Harpullia pendula (E), Liverstonia australis (O)	Changes retain the existing theme
MEDUSA ST	Elaeocarpus reticulates (both sides)	Buckinghamia celsissima (both sides)	Revised species provides a better scale for the street.
MELROSE ST	Syzygium luehmannii (both sides)	Jacaranda mimosaeifolia (E), Lagerstroemia indica (O)	Change is more in context with area.
MILNER ST	Cupaniopsis anacardioides (E), Acer buergerunum (O)	Lophostemon confertus (both sides)	Lophostemon sp to be used to provide a visual link between Raglan St and prince Albert St.
MILTON AV	Elaeocarpus reticulates (E), Acer buergerunum (O)	Jacaranda mimosaeifolia (both sides)	Change is more in context with area.
MOSMAN ST (Upper Avenue Rd to Raglan St)	Cupaniopsis anacardioides (E), Backhousia citriodora (O)	Jacaranda mimosaeifolia (E), Lagerstroemia indica (O)	Change is more in context with area.
MUSTON ST (Raglan St to Melaleuca Rd)	Tristaniopsis laurina (E)	Backhousia citriodora (E)	Change is more in context with area.
MUSTON ST (Middle Head Rd to Raglan St)	Tristaniopsis laurina (E)	Backhousia citriodora (E)	Change is more in context with area.
NOBLE ST	Acmena smithii 'Minor' (O)	Lagerstroemia indica (O)	Change is more in context with area.
PARRIWI RD	Elaeocarpus reticulates (both sides)	Banksia serrata (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
PEARL BAY AV	Elaeocarpus reticulates (both sides)	Jacaranda mimosaeifolia (both sides)	Change is more in context with area.
PINDARI AV	Cupaniopsis anacardioides (O)	Lophostemon confertus (O)	Changes retain the existing theme
PRINCE ALBERT ST (Middle Head Rd to Queen St)	Cupaniopsis anacardioides (both sides)	Lophostemon confertus (both sides)	Changes retain the existing theme
PRINCE ALBERT ST (Queen St to	Cupaniopsis anacardioides (E), Buckinghamia	Banksia serrata (E), Tristaniopsis laurina (O)	Change is more in context with area, but better suited to the

STREET NAME	ORIGINAL SPECIES	PROPOSED SPECIES	REASON FOR CHANGE
Thompson St)	celsissima (O)		space constraints.
PRINCE ALBERT ST (Thompson St to Whiting Beach Rd)	Acmena smithii 'Minor' (both sides)	Jacaranda mimosaeifolia (E), Lagerstroemia indica (O)	Changes retain the existing theme
PRINCE ST (Military Rd to Macpherson St)	Cupaniopsis anacardioides (both sides)	Jacaranda mimosaeifolia (E), Lagerstroemia indica (O)	Change is more in context with area.
QUEEN ST (Bradley's Head Rd to Prince Albert St)	Calodendrum capense (E)	Lophostemon confertus (E)	Changes retain the existing theme
QUEEN ST (Prince Albert St to Raglan St)	Calodendrum capense (both sides)	Lophostemon confertus (E), Tristaniopsis laurina (O)	Changes retain the existing theme
RAGLAN ST (Military Rd to Mosman St)	Cupaniopsis anacardioides (both sides)	Lophostemon confertus (both sides)	Changes retain the existing theme
RAGLAN ST (Mosman St to Musgrave St)	Cupaniopsis anacardioides (both sides)	Lophostemon confertus (both sides)	Changes retain the existing theme
RAGLAN ST (Musgrave St to Curraghbeena Park)	Callistemon 'Kings Park Special' (E), Cupaniopsis anacardioides (O)	Cupaniopsis anacardioides (E), Lophostemon confertus (O)	Changes retain the existing theme
REDAN ST (Raglan St to Upper Almora Ave)	Elaeocarpus reticulates (E), Lagerstroemia indica (O)	Elaeocarpus reticulates (both sides)	Change is more in context with area.
SABINA ST	Elaeocarpus reticulates (E), Backhousia citriodora (O)	Sapium serbiferum (both sides)	Change is more in context with area.
STANTON RD (Spit Rd to Moruben)	Buckinghamia celsissima (both sides)	Banksia integrifolia (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
THE GROVE	Lagerstroemia indica (both sides)	Callistemon 'Kings Park Special' (both sides)	Change is more in context with area.
THOMPSON ST (Bradley's Head Rd to Burrawong Ave)	Elaeocarpus reticulates (both sides)	Banksia serrata (both sides)	Change is more in context with area and Banksia sp provide for a more interesting aesthetic.
THOMPSON ST (Bradley's Head Rd to Prince Albert St)	Elaeocarpus reticulates (both sides)	Lophostemon confertus (E), Callistemon 'Kings Park Special' (O)	Changes retain the existing theme.
UNION ST	Tristaniopsis laurina (E), Lagerstroemia indica (O)	Lophostemon confertus (E), Tristaniopsis laurina (O)	Changes retain the existing theme.
UPPER SPIT RD	Acmena smithii 'Minor'	Angophora costata (E)	Change is more in context with area.
VISTA ST	Callistemon 'Kings Park Special' (E)	Cupaniopsis anacardioides (E)	Change is more in context with area.
WAITOVU ST	Syzygium luehmannii (both sides)	Lagerstroemia indica (E), Jacaranda mimosaeifolia (O)	Change is more in context with area.
WOLGER RD (Wolger St to Archer St)	Platanus orientalis (E)	Lagerstroemia indica (E)	Changes retain the existing theme.
WUDGONG ST	Backhousia citriodora (E), Acmena smithii (O)	Eucalyptus botryoides (E), Lagerstroemia indica (O)	Change is more in context with area.
WUNDA RD	Tristaniopsis laurina (E), Elaeocarpus reticulates (O)	Ginkgo biloba (E), Jacaranda mimosaeifolia (O)	Changes retain the existing theme.

The following list is therefore the revised species list of trees to be planted as part of the Street Tree Master Plan.

Botanical Name

Common Name

Acmena smithii 'Minor'
Angophora costata
Backhousia citriodora
Buckinghamia celsissima
Banksia integrifolia
Banksia serrata
Callistemon 'Kings Park Special'

Small Leafed Lilly Pilly
 Smooth-barked Apple
 Lemon Scented Myrtle
 Ivory Curl Tree
 Banksia
 Old Man Banksia
 Bottlebrush

<i>Callistemon salignus</i>	Willow Bottlebrush
<i>Calodendrum capense</i>	Cape Chestnut
<i>Cupaniopsis anacardioides</i>	Tuckeroo
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Eucalyptus sideroxylon</i>	Grey Ironbark
<i>Ginkgo biloba</i>	Maidenhair Tree
<i>Harpulia pendula</i>	Tulipwood
<i>Jacaranda mimosaeifolia</i>	Jacaranda
<i>Lagerstroemia indica</i>	Crepe Myrtle
<i>Lophostemon confertus</i>	Brush Box
<i>Magnolia grandiflora</i>	Magnolia
<i>Magnolia soulangiana</i>	Magnolia
<i>Melia azedarach</i>	White Cedar
<i>Melaleuca quinquinervia</i>	Broad-leafed Paperbark
<i>Platanus orientalis</i>	London Plane
<i>Sapium serbiferum</i>	Chinese Tallow Tree
<i>Syzygium luehmannii</i>	Cherry Satinash
<i>Tristanopsis laurina</i>	Water Gum
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Waterhousia floribunda</i>	Weeping Lilly Pilly

It was considered appropriate to amend the format of the Street Tree Master Plan so it would be possible to include more information that would better describe the design intent of the document. The extra information that has been included is:

- existing planting theme
- estimated views to water, bushland and city skylines
- colour tree fact sheets as attachments to the rear of the plan

It is expected that this extra information included within the actual report will make decisions on specific species clearer. By taking the context of both private and public spaces into consideration the street will present a more consistent theme, which will of course be a better result in the long term.

The inclusion of the fact sheets was seen as needed both for the provision of extra information on specific trees for those using the master plan, but also as an attachment to letters sent to residents informing them of up coming street tree plantings. It is hoped that by providing this extra information and photos that any concerns held by residents about street trees maybe allayed. The fact sheets are still in development and a sample of one has been included as an attachment to Councillors' business papers.

With the above amendments to species selection and page format in place Council officers will be able to more readily implement the Street Tree Master Plan. Officers will be able to more effectively implement, manage and administer annual planting contracts and respond to customer requests and inquiries. These simple but essential tasks will assist greatly in achieving the primary vision of Council's Street Tree Master Plan.

Staff have also developed additional Street Tree Planting and Maintenance Guidelines to supplement information already included in the current Street Tree Master Plan. These guidelines are included under the section 'Street Tree Location' and outline in further detail the intent of planting and factors to be considered in determining planting locations. The guidelines note that in urban situations planting locations are sometimes not ideal. However with consideration of potential negative impacts of planting, and measures put in place to reduce these possible effects, the community can enjoy the many benefits street trees provide.

Copies of the revised Street Tree Master Plan is on display in the Councillors' Lounge. As the document is quite large it was considered to be more appropriate to display the document in this manner as apposed to creating multiple copies.

COUNCILLORS' ATTACHMENTS

Circulations

- Sample Fact Sheet

EP/285 **25 Mosman Street Application to Remove Trees From Public Land**

MOSPLAN REF: **05.05.01**

REPORT BY: **Tree Management Officer, Elizabeth Hannon**

SUMMARY

An application to remove 5 Cypress (*Cupressus spp*) from the nature strip alongside 25 Mosman Street has been lodged. Two objections have been received to the proposed removal.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends that:

The report be received and noted.

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

REPORT

An application for removal of 5 Cypress trees on public land, to improve solar access to the property 25 Mosman Street, was lodged on 28 July 2005 by the owner of Unit 7/25 Mosman Street, Mosman. Council's consulting arborist identified the *Cupressus spp* on 11 August 2005 as large and significant, yet not entirely appropriate and could be considered for removal with suitable replanting.

A further assessment was done by the Tree Management Officer, Elizabeth Hannon. It was assessed that this species is generally used as a windbreak and in this particular instance is a close, tall and dense planting which does not allow a strong penetration of sunlight to occur to certain parts of the adjoining property. There were also Robinias identified on site as being dead and dangerous due to thorns on shoots from the base.

Letters were sent out to the Body Corporate of the building and surrounding residents notifying them of the application for removal and inviting submissions. Removal stickers were placed on the *Cupressus* and Robinias on 2 November 2005. Two letters were received by Council objecting to the proposed removal from the residents of Unit 1 and Unit 5 of 25 Mosman Street.

It has not been possible to finalise this report prior to circulating the agenda to Councillors on Wednesday 23 November 2005. A further report detailing the nature of the objections received and Council staff responses will be circulated to Councillors on Friday 25 November 2005.

EP/286 **Playground Improvement Program - Clifton Gardens and Reginald Street**

MOSPLAN REF: **10.02**

REPORT BY: **Landscape Architect, Ben Richards**

SUMMARY

Results of Community Consultation with residents regarding proposed playground upgrades at Clifton Gardens and Reginald Street parks.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That:

- A. The report be received and noted.
- B. The concept design for Reginald Street park as circulated to Councillors be endorsed and placed on public exhibition.
- C. The location of the new playground at Clifton Gardens be confirmed as the current location as outlined in the Clifton Gardens Plan of Management.
- D. The concept design for Clifton Gardens playground be progressed and when complete placed on public exhibition following approval from the Mayor and Ward Councillors.
- E. The outcomes of the public exhibition processes for each playground be reported back to Council before the designs are finalised and tenders called for construction.

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

REPORT

As part of Council's Playground Improvement Program the playgrounds at Clifton Gardens and Reginald Street are being upgraded this financial year.

As always when undertaking the upgrade of a playground Council invites the community to be involved in the design process by asking the type of equipment and facilities they expect within the playgrounds. As in past years this was done via a questionnaire posted to residents in the vicinity of the subject parks and residents that have expressed an interest in previous playground upgrade projects. A copy of the questionnaire was also placed on Council's web page in a format that allowed it to be downloaded and printed.

The questionnaire was posted to 553 residents and we received 29 returns for Clifton Gardens and 49 returns for Reginald Street. The data received was then analysed and the results are included as attachments to Councillors' business papers.

An extra question was included in the Clifton Gardens questionnaire as a result of a Question Without Notice from Councillor Brown on 6 June 2005 regarding whether the placement of the playground, as outlined in the Clifton Gardens Management Framework, was appropriate

considering its distance from the car park. The response to this was conclusive with 92% of respondents satisfied with the current location as outlined in the management framework.

The other over riding messages from the returns included:

- keep the colours of the equipment muted;
- respect the naturalness of the area, especially Clifton Gardens;
- consider equipment for older children, especially at Clifton Gardens;
- provide seating for carers.

Council may recall that a plan for Reginald Street playground was prepared last year and rejected by the residents as the proposal included a bike track. The feedback from the community this year was that they wanted traditional playground equipment and for the park to be fenced. A new concept plan for Reginald Street has been developed and is attached to Councillors' business papers. The new plan does not include a bike track, but does include:

- a four bay swing;
- two single rockers;
- a double rocker;
- a circular slide and
- fencing to both road frontages with pram gates

The concept plan for Clifton Gardens is still being developed, but the overall theme will be Fairground as stipulated in the Clifton Gardens Management Framework. As the site is essentially flat and has an accessible car park it is proposed the playground be developed with elements that cater for and encourage the inclusion of children with mobility difficulties. To this end a special swing that can safely accommodate children in wheelchairs, called the Liberty Swing, was researched and, funding permitting, will be included. It is anticipated that all equipment will be considered for its ability to include children with mobility issues while still being challenging to all users.

Careful consideration will be given to colours and materials used in both parks to ensure that the parks natural context is not compromised and that they remain an attractive destination for all users. A shade structure for Clifton Gardens will also be included as the design process evolves. At Reginald Street, there are already a number of good shade trees present and some additional planting is proposed.

It is proposed to put the Reginald Street concept plan on public exhibition immediately, and further develop the Clifton Gardens plan with a view too placing it on exhibition during January. In this regard it is anticipated that the concept will be complete before Christmas, and that the Mayor and Ward Councillors be consulted on the final design before it is placed on exhibition.

This will allow a report back to Council at either the February or March 2006 meeting cycle, and construction of the playgrounds will be substantially complete by the end of this financial year.

COUNCILLORS' ATTACHMENTS

Circulations

- Results of Public Consultation Clifton Gardens and Reginald Street Playgrounds
- Concept Plan for Reginald Street Playground
- Proposed Equipment for Reginald Street Playground Upgrade

higher level of use. This is noted in the policy through allowing greater use of those facilities for junior and sub-junior training.

Balmoral Oval has been the most highly used oval over the past 5 years. This level of use has had an obvious impact on the oval condition towards the end of the winter season. This level of use and the condition of the playing surface is expected. This strategy has also contributed to the high quality of playing surfaces at Allan Border and Rawson Ovals enjoyed by Mosman's premier Soccer, Rugby and Cricket teams as well as other user groups and informal users. The new policy recommends this strategy continue though the use of Rawson and Allan Border Ovals for junior and sub-junior training, and should have some increased benefit to Balmoral Oval.

Availability of ovals for pre-season training is also an issue raised by user groups. Within Council's policy there is a maintenance strategy related to annual oval closures at the changeover of seasons. These closure periods are necessary to undertake annual maintenance and restoration works. These works are undertaken at the most appropriate time of year to deliver the best results and in turn have a positive impact on the quality of the playing surface for all users throughout the year. These closure periods have been a major factor in providing the high quality surfaces at Rawson and Allan Border Ovals and the successful annual restoration/re-turfing of the very highly used Balmoral Oval. The revised policy makes an effort to address this issue through enabling the booking of open space recreation areas such as Spit West, Reid Park, Clifton Gardens and Rosherville Reserve for pre season fitness and skills training and some sub-junior fixtures. It should be noted that these facilities are not ovals and the turf surface is not maintained as a 'playing surface'. User groups are responsible for inspecting the facility to ensure it will meet their requirements.

The amount and quality of lighting is an issue which has also been raised. Council is responsible for the lighting at Balmoral oval, Allan Border, and Rawson Ovals and will continue to maintain and upgrade these assets considering issues such as available resources, possible impacts on surrounding residents and Council's planning and development controls. Middle Head and Georges Heights Ovals are located on SHFT land. As such proposals to undertake capital works on these facilities (such as installation of lighting) need to be forwarded to SHFT. Improvements to Georges Heights and Middle Head Ovals are subject to the development of Plans of Management for these facilities by The Sydney Harbour Federation Trust (SHFT). The improvement of these facilities, in particular Georges Heights Oval, would benefit a wide range of user groups and provide much needed relief for Councils well used lit ovals. Council will continue to work to provide input and recommendations to the SHFT. It is recommended that user groups also take an active role with the SHFT in support of the development of these facilities.

A copy of the revised policy is attached to Councillors business papers.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Policy for Use and Maintenance of Sporting Fields - November 2005.

Circulations

- Submission - Use and maintenance of Sporting fields - Mosman Cricket
- Submission - Sporting fields use and maintenance review - Junior Rugby
- Submission - Mosman Soccer Club - Policy review

- Submission - Policy for use and maintenance of Sporting Fields - Mosman Rugby Club
- Submission - Policy for Use and Maintenance of Sporting Fields Middle Head Oval - Sacred Heart Sports Club

It is noted that the original plans lodged showed the retaining wall north of the proposed carport is at a constant distance of 5 meters from the property boundary. However from the site inspection and the revised plans by Leigh Bachmann the location of the retaining wall is angled back to a distance of 3.6 meters from the property boundary. It is understood that the reason for this was due to a Council stormwater pipe that could not be relocated.

With regard to the entrance of the driveway, this was measured at 3.05 meters wide. From AS2890.1 2004, the B99th percentile vehicle is 1.94 meters wide. As measured on site, additional wood logs on the face of the retaining wall would result in a reduction of aisle width of a further 25cm to 2.8m and is not recommended. It is noted that when nearing this section of the driveway a sharp turn is necessary to access Congewoi Road from the driveway. For this reason it is not recommended to decrease the aisle width further.

Based on turning circles from AS2890.1 2004, the original proposal is satisfactory for both B99th and B5th percentile vehicles. However based on the as built structure, difficulty will be experienced when reversing out of the proposed (approved) carport. As previously mentioned the aisle width north of the carport reduces from 6 m to 3.6 m resulting in the possibility of four manoeuvres being required to exit the property. However as this turning area is only serving one property and is not directly fronting a road it is deemed satisfactory. Although the aisle width is reduced, with familiarity gained over time by the drivers of vehicles using the driveway, it is considered that this will not pose a great deal of inconvenience.

It is therefore recommended that Council accept the proposed change from wooden logs to a rendered concrete wall. It is also recommended to require the restoration of Council's verge to the satisfaction of the Manager of Assets and Services as currently it is in a state of disrepair. Additionally, planting will be required that matches the existing planting in front of 28 and 30 Congewoi Road. These matters will be dealt with under condition 22 of the approval for Works on Council Property which states:

22. All construction, restoration and landscape work shall be completed within 6 month of the date of commencement of work. Failure to comply with this condition may result in Council taking over the works and deducting its costs from the Security Deposit.

The proposed change should be notified to adjoining residents and subject to no objections being received, could be delegated to the General Manager to approve. If objections were received, the matter would be reported back to Council for determination in the new year.

EP/290**Street Lighting****MOSPLAN REF:****11.03.04****REPORT BY:****Manager Assets and Services, Scott Turner**

SUMMARY

Report on the Street Lighting Improvement Program's application to the NSW Energy Savings Fund for a grant to accelerate the deployment of energy efficient lighting technologies for all participating councils.

OFFICER'S RECOMMENDATION

The Manager Assets and Services recommends:

That the report be received and noted and the requested letters of support be forwarded under signature of the Mayor.

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

REPORT

Council has been kept informed of the activities of the Street Lighting Improvement Program (SLIP), of which it is a member, throughout the year. In particular there has been a considerable amount of activity centred around the Independent Pricing and Regulatory Tribunal's (IPART) consideration of proposed price increases for Street Lighting Infrastructure by Energy Australia.

One of the key issues in those discussions was the obsolete and inefficient technology that Energy Australia continues to support in some of its business practices. Some concessions were gained during the process, in particular the very old Twin 20 fluorescent luminaires will no longer be used, and Energy Australia has given an undertaking resulting from the IPART pricing decision to remove all the old fluorescent lighting on its network in an accelerated program over the next 7 years.

However, the concern is that Energy Australia is planning to widely deploy the M80 as its standard luminaire to replace the Twin 20. Whilst the M80 is an improvement over the Twin 20 in terms of illumination and maintenance requirements, it uses high amounts of energy and therefore contributes significantly to greenhouse gas emissions. Concerns also exist about the disposal of M80 lights that have reached the end of their life as they contain Mercury. There are other more energy efficient alternatives available such as the T5 which is currently being trialled in some parts of West Ward in Mosman and other parts of Sydney. Energy Australia, whilst being supportive of trials of this technology, has not given a commitment to fully assess and, if appropriate, implement this technology on a wide scale basis in their operations.

Therefore, if Energy Australia roll out M80's as the standard luminaire to replace the old Twin 20's, Councils will be stuck with this technology for a considerable time. This will lead to increased greenhouse gas emissions compared to current levels for street lighting and increased energy usage which of course means increased costs.

As such the SLIP has been discussing these issues with Energy Australia and received an undertaking that the use of M80 luminaires will be re-examined. The SLIP has also applied to the NSW Energy Savings Fund seeking a \$4.2m grant for a street lighting project that would greatly accelerate the deployment of energy efficient lighting technologies for all participating councils. The SLIP has requested that all Councils write to both the Minister for Utilities and the Managing Director of Energy Australia about these issues.

Recommendation endorsed by Director Environment and Planning.

EP/291

Whitebait Fishing Licenses and Little Penguin Population

MOSPLAN REF:

05.04

REPORT BY:

Senior Environment Officer, Lyndall Pickering

SUMMARY

Response to Question without Notice on whitebait fishing at Chinamans Beach.

OFFICER'S RECOMMENDATION

The Manager Environment and Services recommends:

That Council forward correspondence to the Little Penguin Recovery Plan Coordinator at the Department of Environment and Conservation requesting that further research take place on the impact of whitebait fishing on Little Penguins, and that it liaise with NSW Fisheries if and as necessary.

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

REPORT

At the Council meeting held on 10 October 2005, Cr Elsegood asked the following question without notice:

"Following on from the excellent report on Chinaman's Beach could Council once again approach Waterways about eliminating the fishing licences for the whitebait catch? Fairy penguins have recently been relocated to Manly to increase the colony and close fishing grounds would ensure their future viability."

Since the beginning of 2003, NSW National Parks and Wildlife Service, which are now part of the Department of Environment and Conservation (DEC) has bolstered the breeding colony of Little, or Fairy, Penguins (*Eudyptula minor*) at Manly with chicks from overcrowded colonies in Pittwater, and chicks bred in captivity at Taronga Zoo.

This is in accordance with the Recovery Plan which it has developed for the colony, as it has been listed as a threatened population under the NSW Threatened Species Conservation Act. Information on Little Penguins in this report has been gained from the Recovery Plan. The implementation of the Recovery Plan is primarily undertaken by DEC and Manly Council.

The Recovery Plan states that the main threats to the population are predation by dogs, cats and foxes, loss of suitable habitat and disturbance at nest sites. Therefore, managing these impacts is the priority for those implementing the Recovery Plan.

Due to the complexities of ecosystem relationships, it is difficult to quantify what impact specific fishing take has on species such as the Little Penguin.

It is known that abundance of food is related to the survival of Little Penguin chicks, especially the smaller of the chicks if there are two in a clutch. Penguins may forage up to 20km from their nests looking for food, so the abundance of food in this range may affect survival rates. Information gained from the Little Penguins in Port Phillip Bay, indicate that

when prey species are low in abundance, the foraging range of Little Penguins increases and breeding success decreases

There is little detail about the feeding ecology of Little Penguins, as they are difficult to observe, and the majority of dietary information is based on stomach content analysis.

Little Penguins appear to be opportunistic feeders, and their diet consists mainly of small schooling fish, like anchovies (*Engraulis australis*), pilchards (*Sardinops neopilchardus*), squid (Order *Tuethida*), and to a lesser extent, krill (*Euphausids*). Preliminary studies conducted by Taronga Zoo on Lion Island indicate that species such as blue sprat (*Spratelloides delicatulus*), common hardyhead (*Atherinomorus ogilby*, and small mouthed hardyhead (*Atherinomorus* sp.), may be the primary prey species of this population. Penguins were also found to feed on southern herring (*Herklotsichthys castelnaui* Valenciennes), bullseye (*Priacanthus* spp.), and to a lesser degree cephalopods. Penguins in captivity at Taronga Zoo generally eat about a third of their body weight (approx. 300g) per day.

However, as the species commonly taken as whitebait do not appear to overlap with the species so far identified as penguin food, it is not known what impact commercial whitebait fishing is having on the viability of the Penguin population. In the Recovery Plan, NSW Fisheries, which is now part of the NSW Department of Primary Industries, is shown as having a responsibility to monitor fish stocks in Sydney Harbour, but no funding is allocated to this task.

Issuing commercial fishing licences is the responsibility of NSW Fisheries.

In Australia whitebait refers to the juvenile stage of several predominantly galaxias species during their return to freshwater from the marine phase of their lifecycle. Species referred to as whitebait in Australia include Common galaxias (*G. maculatus*), Climbing galaxias (*G. brevipinnis*), Spotted galaxias (*G. truttaceus*), Tasmanian whitebait (*Lovettia sealii*), Tasmanian mudfish (*Neochanna cleaveri*), and Tasmanian smelt (*Retropinna tasmanica*).

According to information obtained from NSW Fisheries, it has issued seven permits to fish for whitebait in Pittwater, Port Jackson and ocean beaches. The permits are subsets of other commercial fishing licences, and have been issued since 1994. The permit allows fishing with a smaller mesh net, and most product is supplied into the Sydney Fish Market for human consumption.

NSW Fisheries, has not yet given Council information on the quantity of whitebait collected in 2004/05. Information is obtained from catch returns that must be filled in by licensed fishermen. This information will be reported to Council when available.

Given the uncertainties evident in calculating the impact of whitebait fishing on the population of Little Penguins in Middle Harbour, it is recommended that Council refer concerns to the Little Penguin recovery co-ordinator at DEC, for additional investigation. If warranted, DEC, as co-ordinator of the Recovery Plan, can approach NSW Fisheries for revocation of the relevant whitebait fishing licenses.

EP/292	Walk Against Warming
MOSPLAN REF:	05.02
REPORT BY:	Senior Environment Officer, Lyndall Pickering

SUMMARY

The Nature Conservation Council has requested Council support and publicise its Walk Against Warming to be held on 3 December 2005.

OFFICER'S RECOMMENDATION

The Manager Environment and Services recommends:

That Council support the Nature Conservation Council's Walk Against Warming through poster displays, publicity through Council's environmental email list Mosgreen, and information on Council's website.

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

REPORT

The Nature Conservation Council is one of the peak environmental bodies in NSW, and represents over 120 environment and conservation groups in NSW, including Mosman's Friends of Bradley Bushland. On Saturday 3 December 2005 it is holding a Walk Against Warming rally, to raise awareness of the impacts of global warming, and to call for ratification of the Kyoto Protocol by the Australian government, which has so far not signed this agreement.

The Nature Conservation Council has requested that Council assist in publicising the event, through displaying posters and banners, sending media releases and writing letters to the Prime Minister, federal opposition leader, Deputy Prime Minister, Federal Minister for the Environment, and Shadow Minister for the Environment.

The Walk Against Warming has been organised to coincide with a meeting of countries who are party to the Kyoto Protocol, in Montreal, Canada. The Kyoto Protocol is an international agreement designed to ensure reductions in greenhouse gas emissions by countries which are signatories to the agreement. Under the Kyoto Protocol Australia would be able to increase its greenhouse gas emissions to 108% of 1990 levels, in recognition of its role as a key energy exporter. Most other developed countries have agreed to cuts of about 8 percent of 1990 levels. However, the Australian Climate Group, convened in late 2003 by World Wildlife Fund Australia and the Insurance Australia Group (IAG) in response to the increasing need for action on climate change in Australia, argues that Australia's political leaders must take immediate action to reduce emissions by 60% by 2050.

Reducing emissions of greenhouse gas emissions was identified as the top priority for Council in its recently adopted Environmental Management Plan (2005-2008), because of the long term, widespread and severe environmental impacts associated with anthropogenic climate change. Through its membership of Cities for Climate Protection, Council has already a target of reducing greenhouse gas emissions from Council operations by 20% of 1998 levels by 2010.

Therefore, Council's policy objectives and goals are in concurrence with those of the Walk Against Warming event, and it is considered appropriate that Council assist in publicising the event.

As there is limited time until the event, Council can support the Walk Against Warming by publicising the event through its environmental email list Mosgreen, putting poster displays around Council, and publishing information on Council's website.

COUNCILLORS' ATTACHMENTS

Circulations

- Request for support with International Day of Action on Climate Change

12. QUESTIONS WITHOUT NOTICE

Questions Without Notice to be submitted by Councillors for consideration.

13. CORRESPONDENCE

COR/37 **Correspondence: Australia Post**

MOSPLAN REF: **01.04.04**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

In response to correspondence from a resident regarding former localities within the Mosman local government area the General Manager wrote to Australia Post on 5 October requesting clarification in the following terms:

During the 1990s debate raged in Mosman with residents, the Council and the Geographical Names Board of NSW in relation to the defining of suburbs such as Balmoral, Clifton Gardens and Spit Junction.

A notice in February 1997 appeared in the Government Gazette advising the assigning of 'Mosman' as the only suburb in the Mosman local government area. Notwithstanding the decision of the Board, it was Council's view that residents should be able to continue to use the above locality names if they so desire and it was the Council's understanding that so long as the above postcode was used mail would be delivered.

It has recently been brought to my attention that Australia Post has removed the above locality names from its most recent postcode listing, and I have recently received correspondence from a resident indicating that he had heard that Australia Post may refuse to deliver mail to addresses such as Clifton Gardens and Balmoral, even if the correct post code is used.

Such action could lead to confusion by residents who have always used the above locality names and even though the Geographical Names Board has determined that Mosman is the only suburb within the local government area I would hope that common sense would prevail.

The following response has now been received from Australia Post:

The Managing Director has asked me to reply to your letter of 5 October 2005 concerning mail delivery arrangements to former localities within the Mosman local government area. I apologise for the delay in replying to you on this matter.

Australia Post supports correct address use and, as such, our policy is to only include localities that have been officially gazetted, or contain an official Australia Post facility, in our postcode database. Consistent with this policy, we have removed the former locality names Balmoral, Beauty Point, Clifton Gardens, Georges Heights and The Spit from the database. We have retained Spit Junction 2088 because we have a retail outlet located there.

While we would like to encourage people to use the correct, current suburb name of Mosman wherever possible, removal of old suburb names from the database has not had any adverse impact on mail deliveries in the areas concerned. Our automated letter sorting machines still recognise the old suburb names (ie they are kept as "synonyms" for Mosman in the system) and we will continue to deliver mail to addresses using the old suburb names.

However, correspondents that continue to use the old suburb names must take special care to ensure that other details of the address (eg house number, street name, State and postcode) are correct. While Beauty Point is no longer officially recognised in the Mosman local government area, there are two other Beauty Points in Australia – one in New South Wales 2546 and one in Tasmania 7270. Therefore, mail for Beauty Point NSW 2088 must clearly indicate the correct State and postcode.

If customers in the Mosman local government area experience any problems with mail deliveries they should call our Customer Contact Centre on 13 13 18 so that the matter can be promptly investigated.

COR/39 **Correspondence - Minister for Utilities**

MOSPLAN REF: **07.06.07**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

The Parliamentary Secretary for Utilities writes to the Mayor:

I refer to your letter to the Hon Carl Scully MP, Minister for Utilities, regarding cost sharing for the lowering of Sirius Cove Road, Mosman to allow new emergency service vehicles to pass under Sydney Water's sewer aqueduct. The Minister has asked me to reply on his behalf.

As previously advised to Mosman Council, Sydney Water is prepared to assist by carrying out minor adjustment to its hydrants and valves affected by the proposed realignment of the road. While Sydney Water is sympathetic to the need for road works, this is a matter for Council to resolve.

Thank you for bringing this matter to my attention.

COR/40 **Correspondence - Cabonne Council**

MOSPLAN REF: **02.02.01**

RECOMMENDATION

That the correspondence be received.

CORRESPONDENCE

The Mayor of Cabonne Council writes to the Mayor:

You would have no doubt heard in the State and National Media about the extreme floods that devastated the Cabonne area last week.

Sections of the villages of Molong and Eugowra were decimated by floods on Monday, 7th November 2005. Millions of dollars of damage was caused to over forty business houses, thirty residential homes and eight caravans in the Caravan Park in Molong. Cabonne Council was immediately declared a Natural Disaster area by the Minister for State Emergency Services Tony Kelly.

A week has passed and today the Chemist Shop and the Butcher have just re-opened for business in Molong. Because of the extensive damage some businesses will be unable to open until the end of the year and at least one business will never re-open due to the financial hardship of three years of drought and now this disastrous flood. One other Business premises will have to be completely demolished.

Molong will not even have a Retail Supermarket operational until the end of the year and Council has taken the unusual step of opening a Community Supermarket to provide food for our residents.

Many people are upset, financially ruined; do not know what the future holds and they need help. Government Agencies are assisting those affected, but what is needed urgently is cash assistance to help them get back on their feet in the short term and provide a much needed lift in morale and spirits.

Cabonne Council has today launched a Public Appeal with a \$25,000 cash donation. The Appeal target of \$1 million.

As a fellow Mayor, I am seeking your personal support and I would request your Council because of this extreme situation, consider a one-off donation to the Appeal. All monies will go to the genuinely effected financially disadvantaged persons, as determined by an Independent Panel which I will personally Chair. Cheques should be made payable to Cabonne Mayor's Flood Appeal, PO Box 17, Molong 2866.

Thank you in advance for any assistance your Council may care to provide. Please feel free to telephone my Personal Assistant Beverley Atkinson on 63923208 or me personally on 63645484 if you require any further information or would like to assist in any other way with the Appeal.

5. That the Conference send a strong message to the NSW Government that regional bodies need to be integrated into the planning process via their catchment management plans and the principles of the catchment plans be reflected in the local planning instruments.
6. That the principles of place-based planning, such as the Eurobodalla Urban Settlement Strategy, be promoted and supported as best management practice planning and that the current LEP template be considerably revised to reflect these principles.
7. The Coastal Conference calls on the NSW Government to resolve the conflict between the Rural Fire Service bushfire protection zone management and native vegetation management and the desire of the community to protect environment values, as a matter of urgency.
8. That the Estuary Management Plans and Floodplain Management Plans be embedded in planning instruments.

The ninth resolution concerned effective and well-resourced monitoring of national resources but in the on-going discussion about more specific wording (“where is all this going?”), the final wording did not seem quite clear.

I should point out that the Resolutions were put together before the meeting and shown on the screen. However, there seemed no way for any alterations/additions to be added to the screen version, so the final version to be provided on the website may look slightly different from what is presented here.

These resolutions, passed for the most part unanimously (with a few dissenters on the odd item – usually because they thought the resolution would be ignored by the authorities and, therefore, a waste of time), are to be presented to the relevant government authorities for action.

The Conference was most interesting and provided valuable information, comment and ideas on coastal matters. The writer wishes to record her appreciation to Councillors Harvey and Jenkins for their support throughout, and their pleasant company.

Next year’s Conference will be held in Coffs Harbour.