



Agenda

Ordinary Meeting

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

Monday 15 August 2005

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

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

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

Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter
Macdonald

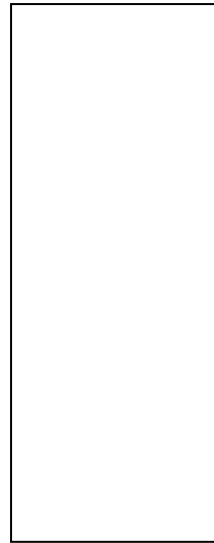
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Deputy Mayor
Clr Richard
Morrison



Clr Jean Hay AM

Clr Adele Heasman

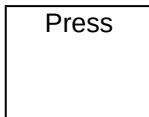
Clr Dr Judy Lambert

Clr Simon Cant

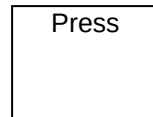
Clr David Murphy

Clr Pat Daley

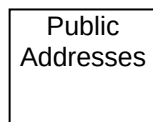
Press



Press



Public
Addresses



Public Gallery

Chairperson: The Mayor, Dr Peter Macdonald
Deputy Chairperson: Deputy Mayor Clr Richard Morrison

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

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

TO: Ordinary Meeting - 15 August 2005
REPORT: Mayoral Minute No. 5
SUBJECT: Development Application Process - Review
FILE NO:

Introduction:

The preparation and submission of a Development Application is often the one and only contact residents and ratepayers have with their Council. Unfortunately it is all too often a stressful experience dominated by confusion and concern.

It is the subject of much frustration at both the process undertaken and the length of time for a determination to be issued. I understand that an effective assessment process needs to take time, however I believe the process could be improved.

All Councillors would receive many complaints and there is a reasonable perception that Council can and should do better.

A Workshop was held on the 26th April this year, attended by Council staff and most Councillors, and there was an expectation from that meeting that things would improve. However, I don't believe that is the case.

The workload placed on Council's planning staff is considerably large and they face a number of difficulties in terms of the demand on their time, energy and resources. I hope that the strategy which I am proposing will only streamline the entire process and make their jobs easier.

Background:

Since the General Manager has taken office there have been changes introduced and the backlog of DA's has been reduced. The quality of decisions is hard to measure but there certainly appears to be a lack of "customer focus".

Some of the comments I have received are listed below but are neither comprehensive nor necessarily entirely accurate:

- At Pre DA meetings, the status of any remarks remains unclear
- At DA lodgement there are issues related to the checklist, the complexity and relevance of the forms, the DA number and the idea of an "acknowledgement number".
- Lack of opportunity to discuss/determine changes during the process, related to "no personal service". The lack of dialogue. Applicants told "not to call"
- Doubts about the "gatekeeper" system and the lack of access to the case manager
- Web site unhelpful, often not updated and of limited "added value"
- Lack of access to information such as where the applicant is in the queue and anticipated processing time.
- Lack of transparency and secrecy can lead to "adverse perceptions"
- Some lack of clarity and consistency of decision making amongst staff
- Issue of exempt development
- Need for mediation process with objectors and applicants at DAU stage similar to the IHAP at Warringah.
- No public document describing the DAU process and the rights of applicants and objectors

Mayoral Minute No. 5 (Cont'd)**RECOMMENDATION**

That Council engage an independent consultant to work with a "Councillor Working Group" to review the process. This Group will call for submissions from residents, applicants, Precinct Committees, architects or any interested parties and hold hearings if need be. It will examine the processing undertaken by other Councils. It will make recommendations to the General Manager.

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute No. 5 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Notice of Motion No. 26
SUBJECT: Actively Supporting And Promoting Fairtrade
FILE NO:

Councillor Aird will move:

That in response to the urgent global need to alleviate world poverty, Manly Council aims to be recognised as a Council that actively supports and promotes the concept of fair-trade. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and sustainable development (refer to the attached information sheet)).

This matter should be referred to the Manly Sustainability Strategy Working Group to explore opportunities.

Every day 30,000 children are dying as a result of extreme poverty. The gap between the worlds rich and poor has never been wider.

Nelson Mandela expresses it well: " Massive poverty and obscene inequality are such terrible scourges of our times, that they have to rank alongside slavery and apartheid as social evils. Poverty is not natural. It is man made and it can be overcome and eradicated by the actions of human beings...While poverty persists, there is no true freedom. Sometimes it falls upon a generation to be great. You can be that great generation. Make poverty history in 2005."

ATTACHMENTS

AT-1 Fair-trade Attachment 1 page(s)

OM150805NM_1

***** End of Notice of Motion No. 26 *****

Notice of Motion Report No. 26

Actively Supporting And Promoting Fairtrade

Fairtrade Attachment

One cup makes a world of difference.

Buying Fairtrade coffee is an everyday way to make a difference to poverty around the world. At current world prices, buying Fairtrade coffee doubles the income of poor coffee farmers and all it costs you is just a few extra cents per cup.

What is Fairtrade?

Fairtrade is about giving poor farmers and workers in developing countries a fair go by:

- paying farmers and workers a fair price for their work
- helping farmers gain the skills and knowledge they need to develop their businesses in the global economy
- providing a certification and labelling system to ensure Fairtrade standards are met and the benefits get back to farmers.

Fairtrade is about fairness – not charity – and it offers Australians an opportunity to make a real difference in people's lives.

Photo: Anne Bungay/Oxfam CMA



Photo: Martin Wier/Oxfam CMA

How you can help?

What you can do for Fairtrade.

- buy Fairtrade coffee
- get your workplace to use Fairtrade coffee
- tell your family and friends about Fairtrade coffee
- ask your local coffee supplier, supermarket and café to sell Fairtrade coffee.

By buying Fairtrade you will be:

- a socially aware and responsible consumer
- giving poor farmers in developing countries a reasonable return on their labour
- enabling farmers to afford schooling and health care for their children

How do I know which coffee is Fairtrade?

Fairtrade coffee bears the Fairtrade logo.

The logo ensures the coffee has been traded by certified Fairtrade importers and roasters. The Fairtrade Certification and Labelling system is an independently audited system that assures consumers that coffee farmers have received a fair deal. Look for the logo when making your purchase.



Why Fairtrade is important.

Over the last ten years the price paid to farmers for their coffee beans has fallen to a 100 year low.

This means that the world's 25 million coffee farmers and their families have had their incomes drastically reduced. The impact is devastating – family nutrition is suffering, they cannot afford to send their children to school or access vital health care. Yet just a simple change in your coffee habits can help change this.

Fairtrade ensures that farmers receive a fair return for their labour. It enables them to afford life's basics – food, shelter, health care and education.

Other benefits of Fairtrade.

Buying Fairtrade coffee not only helps in the short term, but it enables coffee farmers to look forward to a better future. You'll be helping them:

- use improved environmental methods for growing coffee
- have access to low cost credit and technical assistance
- establish democratic associations or co-operatives to undertake local community development projects with the proceeds of Fairtrade. This results in local health services, credit schemes and improvements to local schools.



Photo: Anne Bungay/Oxfam CMA

TO: Ordinary Meeting - 15 August 2005
REPORT: Notice of Motion No. 27
SUBJECT: Security & Safety on Manly Commuter Ferry Services
FILE NO:

Councillor Norek will move:

1. That Manly Council formally contact the relevant departments of the State and Federal Governments, requesting inclusion of the Manly Ferry commuter service into their planning for the anti-terrorism agenda.
2. That the relevant departments of the State and Federal Government communicate their assurance to Manly Council that the safety of the Manly Ferry service has already been included in their anti-terrorism agenda and planning, if this planning has occurred.
3. This communication is sought from State and Federal governments in a manner that will not compromise the necessary area's of security, but will confirm and offer reassurance to the Manly Ferries commuters that the safety of the commuters and the service is an important issue, and is recognised at the level as the safety of Sydney Railway commuters, by our governments.

ATTACHMENTS

There are no attachments for this report.

OM150805NM_2

***** End of Notice of Motion No. 27 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Notice of Motion No. 28
SUBJECT: Action Against Poverty
FILE NO:

Councillor Aird will move:

- Council express its support for the aims and objectives of "Action Against Poverty" as outlined in the Project Overview as attached
- Council assist the AAP project "in kind" wherever possible within Council's existing resources when formally requested by an appointed AAP representative

ATTACHMENTS

AT-1 Action Against Poverty 1 page(s)

OM150805NM_3

***** End of Notice of Motion No. 28 *****

Notice of Motion Report No. 28

Action Against Poverty

Action Against Poverty



PROJECT OVERVIEW

Action Against Poverty is a Manly community response to an urgent global need to alleviate world poverty, a 2005 project run by volunteers and supported by council, community and church leaders. It is a Manly community initiative building a long-term partnership between developed and developing world communities, helping people of a specific community to help themselves.

Some 2.5 billion people worldwide live in moderate or extreme poverty, trapped, unable to reach the first rung of the development ladder. We cannot offer them all a 'hand up' out of poverty, but we can offer it to one person, one family, and even one community if we unite together in Manly. By focusing our actions we can help transform a community through investing in self-sustainable development practices, long-term.

Action against Poverty will focus the inherent compassion and generosity in the Manly regional community towards one developing world community, through recognized development agencies, where a significant and measurable impact can be made, helping local people to lift themselves out of poverty, thereby creating a chain of transformation.

For this 2005 project Manly will partner with Manado in North Sulawesi, East Indonesia.

There are three key objectives within the 2005 project lifecycle:

1. Raise awareness of world poverty in Manly
We will promote community awareness and education on global poverty while lobbying the developed world governments of the UN to meet their pledge to alleviate 50% of extreme world poverty by 2015, as agreed in the Millennium Development Goals. We will be supporting the Australian *Make Poverty History* campaign of 'Trade Justice, Drop the Debt, More & Better Aid', while running the global 'whiteband days' on July 1st, Sept 10th & Dec 10th, in Manly. We also aim to help educate the community through speaking engagements, school projects and personal relationship advocacy.
2. Alleviate poverty in a targeted community
We will provide a 'face to the poor', enabling people in Manly to provide hope, opportunity and relationship to one family or one child in an Indonesian community through MED Funding and Child Sponsorship. This will be delivered by recognised local NGO's working in self-sustainable development practices and education. Capital development projects such as an orphanage, fishing boats, vending carts and alternative agriculture will also be funded, enabling local people to earn an income.
3. Build community and social capital around a common purpose
We aim to inspire the release of latent energy and creativity in individuals by focusing them on an external goal, greater than themselves, encouraging them 'to do what they love to do' for the benefit of others. Whether it be through creative arts, communication skills, business influence or jam making, there is a place for everyone to help to raise awareness, sponsors and funds. The project will be a catalyst that allows people to build relationships across different sectors of our Manly community as we unite together.

Action Against Poverty is now in its official pre-launch phase, offering opportunities for volunteers to either become involved in its organisation or to start creating and planning their own fundraising and awareness events and activities.

The project will be launched publicly in early September and will be live for the 3 months of September, October & November 2005. During this period many varied events and activities will be staged throughout the Manly region, raising awareness, funds and sponsors towards helping families in Manado.

For further information or to discuss the project please contact Jim Goddard on either his email jjim@actionagainstopoverty.org.au or by mobile on 0423 256770

TO: Ordinary Meeting - 15 August 2005

REPORT: Item For Brief Mention No. 7

SUBJECT: Item For Brief Mention

FILE NO:

1. Minutes Of Meetings:

1. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 21 JULY 2005
2. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 21 JULY 2005
3. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 18 JULY 2005
4. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 13 JULY 2005
5. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 6 JULY 2005
6. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 14 JULY 2005
7. MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 14 JULY 2005.
8. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 20 JULY 2005

RECOMMENDATION

1. That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1 to 8**, as listed above, be **adopted**.

ATTACHMENTS

There are no attachments for this report.

OM150805IBM_1

***** End of Item For Brief Mention No. 7 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: General Manager's Office Report No. 19
SUBJECT: Manly After Midnight Working Party
FILE NO:

SUMMARY

This report is prepared in pursuant of a resolution of Council of the 16 May 2005 and it recommends that Policy recommendations by the Manly After Midnight Working Party be adopted for public comment.

REPORT

Council at its meeting on 16 May 2005 deferred General Managers Report 13 and resolved in the following terms;

1. That Council note the Manly After Midnight (MAM) Working Party recommendations;
2. That Council seek and fund an independent survey of the residents of the Manly Local Government Area to determine support or otherwise for the proposition of 12 midnight to 2am closing regime for liquor establishments in Manly;
3. That prior to the recommendation being placed on further exhibition that the Working Party be reconvened to allow this group to have a final examination of the Report;
4. That Council place the report of the MAM on exhibition for further comment, for a 1 month period and that a **further report** be returned to the Ordinary Meeting in July after this exhibition period.

Community Survey.

Council organized an independent survey of the resident by the Taverner Research Company. The results were as follows;

Manly After Midnight Validation Survey

Background:

An independent research company recently undertook social research for the Manly After Midnight project. The company's brief from Council was to conduct research as directed in part 2 of the resolution of council 266/05 at the Ordinary Meeting 16 May 2005 which stated: "That Council seek and fund an independent survey of the residents of the Manly Local Government Area to determine support or otherwise for the proposition of 12 midnight to 2am closing regime for liquor establishments in Manly;"

Methodology:

A random sample of Manly residents were surveyed n=1053. This sample exceeded the maximum confidence limit required for a statistically valid survey of the Manly local government area residential population. The survey was conducted via telephone from 27 June to 4 July 2005 inclusive with an approximately even distribution of surveys conducted across the days. Respondents were excluded if they were not resident of the Manly LGA and if they were under the age of 18.

General Manager's Office Report No. 19 (Cont'd)

Respondents were asked the following question:

“At what time do you feel licensed premises should cease trading in Manly?”

The respondent's first response to the question was recorded verbatim and then coded into categories.

Result:

Preferred time to cease trading	Number	Percentage
Before Midnight	79	7.50%
Midnight	268	25.43%
Between midnight and 2am	341	32.35%
Between 2am and 3 am	179	16.98%
After 3am	146	13.85%
Don't know / really cannot say	41	3.89%
TOTAL	1054	100.00%

The above results are consistent with the results of the earlier surveys.

Exhibition of Report

The draft report with attachments was placed on exhibition at Council Chambers and Council Library from 13 June 2005 until 15 July 2005. It was also placed on Council's website from the 10 June 2005.

Since that time Council has received some seven submissions from individuals and Precinct Forums which are attached at **Attachment 2**.

As with the surveys, opinions as to how to manage late night activities varied. The submissions made the following comments:

- Supported the conclusions of the MAM Report.
- Supported the midnight shut out and the 2.00am closure.
- Oppose the midnight shut out and 2.00am closure.
- Proposed hours would lead to binge drinking.
- Anti social behavior has reduced and current system working well.
- Questioned who had been surveyed.
- If proposed hours proceed Manly will die.
- If problems continue Council should take action against hotels.
- Current arrangements cause anti social behaviour – examples given.
- The longer hotels stay open the more alcohol consumed.
- Longer drinking hours erodes Manly appeal.
- Closing hours should be staggered.
- Increase usage of clubs as an alternative.
- Make beaches quiet at night.

Council has also received a copy of the notes from the public meeting on at Ivanhoe Park on 18 June 2005. Copies of these are attached as **Attachment 3**.

Re 3: Meeting of Manly After Midnight Committee

In accordance with Council Resolution of 16 May 2005, a further meeting of the Manly After Midnight Working Party was held on 27 July 05. Attached is a copy of the minutes of that meeting

General Manager's Office Report No. 19 (Cont'd)

at **Attachment 4**. It will be noted that changes were made to the text in the report however these did not lead to substantial changes to the recommendations.

The revised recommendation of the Working Party is attached at **Attachment 1** - the changes made to the original recommendations are shown in bold.

RECOMMENDATION

That Council;

1. Adopt for the purpose of public exhibition the Recommended Draft policy set out in Part (a) of attachment to this report.
2. Refer the draft Management Plan (which incorporates a draft DCP) as set out in Part (b) of the attachment to this report, to the LEP/DCP Working Party.

ATTACHMENTS

AT-1	Attachment 1 - Revised Recommendations of the Working Party	7 page(s)
AT-2	Attachment 2 - Public Submissions	13 page(s)
AT-3	Attachment 3 - Minutes of Public Meeting	2 page(s)
AT-4	Attachment 4 - MAM Working Party Minutes	5 page(s)

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***** End of General Manager's Office Report No. 19 *****

Appendix 1 – Draft DCP

COMPOSITE RECOMMENDATIONS

a. Recommended Draft Policy:

Objective:

Activities in the Manly CBD after midnight be regulated to ensure public amenity, safety, enjoyment and convenience.

Strategies:

- (i) Closing times of new licensed premises be staggered and be no later than 2.00am daily and that access to licensed premises not be permitted to new patrons **after 12.30am.**
- (ii) Negotiations commence with the proprietors of existing licensed premises to bring their **licensing hours in line with the times set out in recommendation (i) above and that their closing times be staggered.**
- (iii) All licensed liquor premises shall be a signatory to the Manly Liquor Accord and the annual application for a Place of Public Entertainment License shall include a report which provides evidence of compliance with the Accord.
- (iv) That a noise audit of all late night activity in the **Study Area** be conducted
- (v) Those negotiations continue with Sydney buses and the Taxi Council with a view to improving late-night services to the Corso area.
- (vi) That there **be multiple taxi ranks late at night consistent with the recommendations of the Late Night Transport Working Group and that there be security at all taxi ranks and that these arrangements be marketed.**
- (vii) Council investigate enhancing CCTV coverage
- (viii) Continuation of the enhanced lighting particularly along the beachfront towards North Steyne.
- (ix) That Council and the Safety Committee investigate additional security staff be engaged to patrol public places in the **Study Area.**
- (x) **That Council and the Liquor Accord organize better marketing of the security provided at the carparks.**

ATTACHMENT 1

General Manager's Office Report No. 19

Manly After Midnight Working Party

Attachment 1 - Revised Recommendations of the Working Party

- (xi) That Council investigates the reintroduction the cleaning of the Corso from 2.00 am which might include hosing down the pavement.
- (xii) That Council investigates the opportunities for placing additional bins in the Corso area and emptying more regularly
- (xiii) That Council investigate the means by which greater diversity of family friendly entertainment facilities can be encouraged in the Manly CBD area.
- (xiv) That Council reviews the limits of the AFZ and that it be more effectively policed.
- (xv) That Council makes representations to State Government seeking increases in the penalties for drinking within the Alcohol Free Zones.
- (xvi) That the Business Zones DCP be amended to make it a requirement for approval of Take Away or Fast Food Outlets that they close no later than 1.00am **and that that be enforced.**
- (xvii) **That there be improved signage at the beaches and parks to assist in controlling late night behaviour.**

b. Recommended Draft Management Plan:

The recommendations relating the draft Management Plan are separated into two components. One to deal with the long term planning of the Entertainment Precinct the other relates to the preparation of a Development Control Plan to regulate the development and use of individual sites through the development approval process.

- (i) That Council prepare a masterplan for improving the appearance and amenity of The Corso so that it provides a family friendly public space. The masterplan should provide for the integration of the development of private sites with the surrounding public spaces to enhance the overall amenity of the Precinct.
- (ii) That the Business Zones Development Control Plan be amended by
 - a. Identifying the area shown on appendix 7 to the report as an Entertainment Precinct.
 - b. Identifying hotels, licensed premises and fast food outlets as being "Late Night Venues" and being subject to the DCP
 - c. Include controls setout in the Draft DCP in Appendix 11 to this report

General Manager's Office Report No. 19

Manly After Midnight Working Party

Attachment 1 - Revised Recommendations of the Working Party

- d. Including controls relating to the design of licensed premises covering matters such as the relationship to public spaces, noise minimization.
- e. That any application for the approval of a premises the subject of this DCP is to be accompanied by a Social Impact Statement
- f. Include a provision which limits the number of patron spaces available in Late Night Venues in the Manly Entertainment Precinct.
- g. including those matters relevant to the design and operation of licensed venues from the "Alcohol & Licensed Premises: Best Practice in Policing" manual especially those relating to Physical Environment of Licensed Premises - see tables 3.1 & 3.2

c. General Recommendations:

- (i) That each of the measures recommended in this report be costed and
- (ii) That **financial** contribution for those measures that relate to the operations of the late night venues be sought from those establishments.
- (iii) That Council acknowledge the work of MDECC, the Safety Committee and the Liquor Accord in attempting to address the problems associated with liquor & drug abuse in the Manly Area through education and ongoing consultation with all parties
- (iv) That Council notes the content of the Dissenting Report by Ms J Morgan dated 21 February 2005 in Appendix 12 of this report.

Draft Development Control Plan – Late Night Venues

Purpose:

This development control plan is to regulate the activities and design of late night venues in the Manly CBD.

Definition:

Late-night venues includes but is not limited to hotels, clubs, nightclubs, restaurants and premises which have a liquor license, fast food outlets and take away food shops that propose to trade after 10 p.m..

Area to which DCP applies:

The principal area to which this DCP applies is the Entertainment Precinct shown on the map at appendix one.

General Manager's Office Report No. 19

Manly After Midnight Working Party

Attachment 1 - Revised Recommendations of the Working Party

Objectives:

The objectives of this DCP are;

- To promote the CBD of Manly as a safe place for all the community late at night;
- to minimize disturbances to the public late in the evening;
- to have the Entertainment Precinct recognized as a place where people can be safely entertained and socialize without disturbing the peace of the community;
- to achieve an image for Manly as a place of excellence in terms of safety and security while enabling the enjoyment of recreational pursuits;
- to provide for all members of the community to use and enjoy the highly valued natural amenity qualities of the Manly CBD has a place for leisure and entertainment,
- to regulate late night venues to achieve the other objectives of this DCP.

Controls

Intensity of development.

In order to provide diversity it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct.

Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues shall not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.

Hours of operating:

- Hotels-5 a.m. to 2.00am, with a 12.30 a.m. restricted entry policy.
- Nightclubs 5.am to 2.00am
- Restaurants to 1.00am.
- Food outlets to 1.00am

Noise Control:

Applications shall be accompanied by evidence that the following requirements will be met:

The La10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.

General Manager's Office Report No. 19

Manly After Midnight Working Party

Attachment 1 - Revised Recommendations of the Working Party

The La 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m..

(For the purposes of condition, the La10 can be taken as the average maximum deflection of the noise emission from the licensed premises).

Security:

The proprietor of a Late Night Venue shall enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas

Access to Public spaces:

Frontages to public spaces shall be design to minimize conflict between customers within the establishments and public using the public spaces.

Balconies & Roof Top Areas:

Balconies and outside roof top areas shall be closed to patrons from 10pm until 8am.

Social Impact:

All applications for late night venues must be accompanied by a Social Impact Statement. The SIS is to demonstrate that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families.

Liquor Accord:

Proprietors of the licensed premises shall be a financial member of the Manly Liquor Accord and conform to the obligations of that Accord in minimizing anti social behaviour and adverse effects of excessive alcohol consumption

Design.

Applications shall demonstrate how the design and operation of licensed venue has taken into account the "Alcohol & Licensed Premises: Best Practice in Policing" manual especially those relating to Physical Environment of Licensed Premises - see tables 3.1 & 3.2

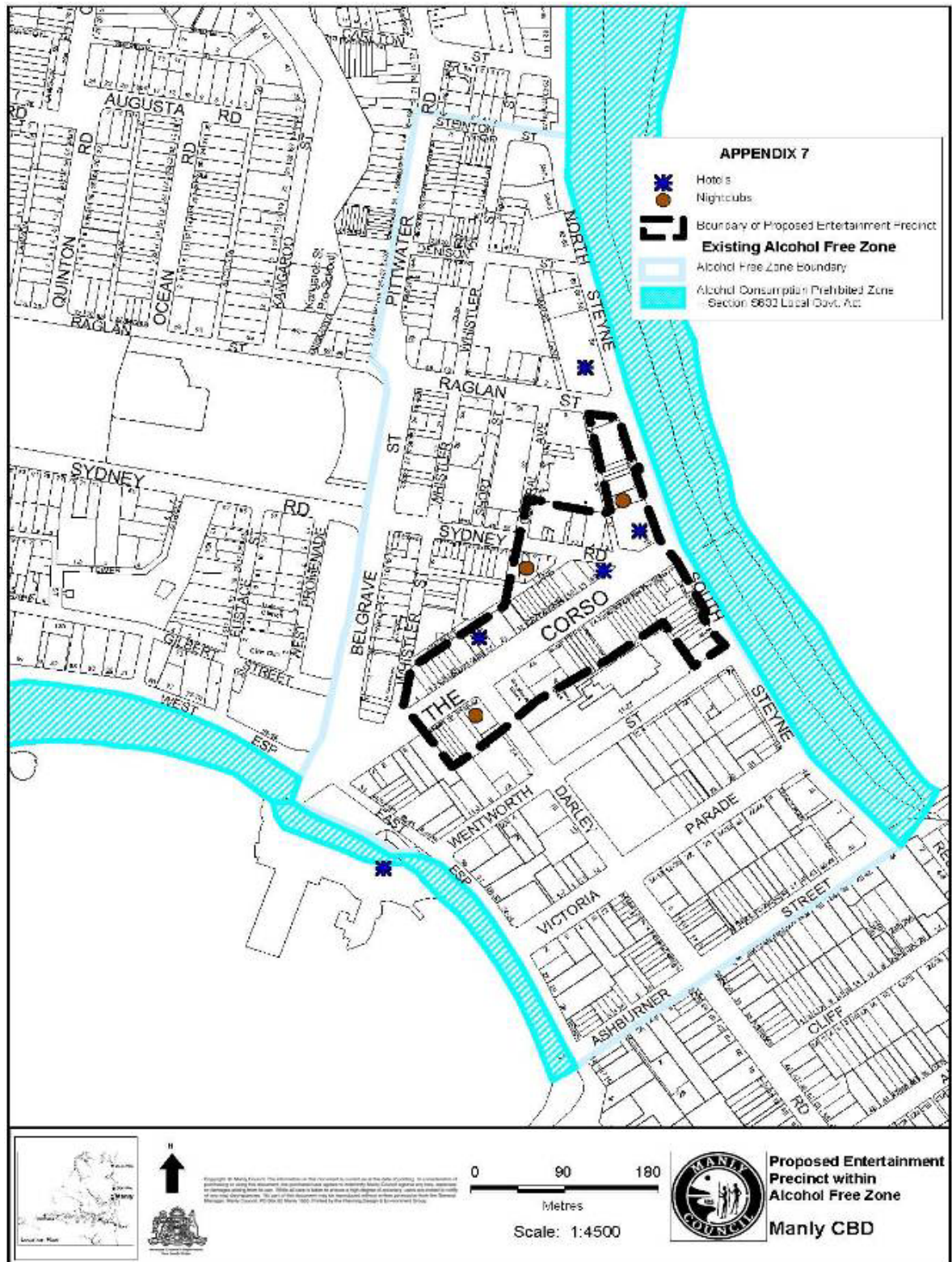
ATTACHMENT 1

General Manager's Office Report No. 19

Manly After Midnight Working Party

Attachment 1 - Revised Recommendations of the Working Party

Appendix 1 – Draft DCP



General Manager's Office Report No. 19
Manly After Midnight Working Party
Attachment 2 - Public Submissions

ATTACHMENT 2 Page 1 of 1
PUBLIC SUBMISSIONS 1.

Lindsay Emery

From: Malcolm Humphreys [malcopam@bigpond.net.au]
Sent: Saturday, 2 July 2005 4:32 PM
To: records
Subject: Manly after midnight working party

Attention of General Manager

My wife and I live in Manly at north Steyne and were interested in the conclusions of the Manly after midnight working party.

We strongly support the conclusions the main conclusions particularly the proposal for a shut out after midnight and a closure at 2 AM.

I would like these views directed to the council as we have been canvassed in support for a rejection of them by the Manly Chamber of Commerce.

Malcolm Humphreys
17/84 North Steyne
Manly

4/07/2005

General Manager's Office Report No. 19
Manly After Midnight Working Party
Attachment 2 - Public Submissions

Lindsay Emery

From: Meg Quinlisk [megq@primus.com.au]
Sent: Friday, 10 June 2005 9:16 PM
To: records
Subject: Manly After Midnight Report Submission

To the General Manager:

We have been Manly residents for the past 4.5 years. We strongly oppose the recommendation contained in the Manly After Midnight report that licensed premises should cease trading at 2am, and have a lockout from 12 midnight. In our opinion, this pattern of closure would only lead to dangerous binge drinking at closing time. We have seen a marked reduction in 'anti-social behaviour' since the current regulations came into place, and we believe the current system is working satisfactorily.

Meg Quinlisk and Sean Price
8 Ashburner St, Manly 2095

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②

Eric Armstrong

From: Lindsay Emery on behalf of records
Sent: Tuesday, 14 June 2005 2:44 PM
To: Eric Armstrong
Subject: FW: manly night life

-----Original Message-----

From: Ehren Ryan [mailto:burton159@hotmail.com]
Sent: Tuesday, 14 June 2005 9:17 AM
To: records
Subject: manly night life

Dear Manly Council

I have been reading all the articles on the proposed plan to close manly at 2am and to shut people out by 12am. Have you really asked any of the youth about there opinion? Have you asked any of the hospitality workers what they think as they would only finish around that time? I am a 20 year old chef who works 50 hours plus a week and the only time to have a good time is a saturday night because manly is still open when) finish. Most hospitality people i know are against this terrible plan as we think it is being dealt with old people who dont go out anymore or have never gone out in there lives. If this plan was to go through manly would die. Everyone would stay home and have house parties there would be more gate crashers as nobody has a place to go out. Most of the drinkers who go to manly dont get there till 12am or 1am as it would be a much more expensive night if we went earlier and sorry i dont get paid that much as a chef.

If you need a situation do deal with other than closing the places at 12am, get tough on the premissis. Fine them for serving drunk people, get the secruity to kick them out have you missed the simple outline of the RSA? Closing manly at 12am becasue that is really what you are doing, is going to destroy manlys pubs, its nightlife, and you are going to make the upcoming 18 yr olds move away from manly as there would be nothing to do.

Ehren Ryan
Dee Why

ps. it would be nice if someone had some comments for from manly coucil that they would share with me

)

General Manager's Office Report No. 19
 Manly After Midnight Working Party
 Attachment 2 - Public Submissions

25 Darley Rd (4)
 (Cor Ashburner St)

MANLY

2nd July, 2005

Attention: Peter MacDonald
 and all Manly Councillors

I would like to express my FULL SUPPORT for a
 midnight hotel lockout with a 2.00am closing time.

This may at least attempt to address the problem
 of intoxicated young people roaming the streets until the
 often 'late' hours of the morning (4.00am last Saturday night/
 Sunday morning)

Their screaming, yahoing, fighting, throwing bottles and
 cans into the street and our front garden, having
 emotional 'relationship break-ups' on our front fence, foul
 language, pushing over street signposts, riding shopping
 trolleys down the Darley Rd hill and pushing over
 garbage & recycling wheeler bins on weeknights is
 intolerable.

Youths have come through our gate, setting off
 the security light to 'hose down' their drunken mates
 who have been 'sick'.

On another occasion, my husband checked out a
 disturbance in our 90 year old neighbour's front yard.
 A drunken man in his late 20's was under her
 bedroom window, attempting to cut off a piece of hose
 to make his 'bang' (This hose cutting is a frequent
 problem in our neighbourhood).

When my husband asked him to leave, he insisted
 on completing his task then slid the knife back up
 his arm. He complained that he had just been thrown
 out of a hotel for being intoxicated and having a
 knife strapped to his arm.

Now, to at least try to alleviate the noise aspect
 of the problem, we have just contracted to have made
 and installed, 4 double-glazed windows at the front of
 our house at a cost close to \$10,000

Hopefully this will assist us to maybe get a better
 night's sleep.

* improve their profits but represent the rest of

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It would be preferable if youths didn't define 'an entertaining evening' as...how many drinks they can consume! Having a meal, watching a sporting match on a hotel's big screen, listening to music, having a game of pool with mates or just enjoying 'audible' conversation with friends or new acquaintances whilst having a social drink, should be encouraged, rather than bingeing till one becomes sick, obnoxious or aggressive.

The longer the hotel hours are, the more they drink before they eventually disperse into the streets and the residents of Manly are left to suffer the noise, vandalism and violence fuelled by this excessive alcohol consumption.

I appeal to all Manly Councillors to listen not only to the hotel owners, who will always want to improve their profits but represent the rest of Manly by instigating as a compromise, this policy for midnight shut out, 2.00am closing

Yours sincerely

J. Reilly

(Mrs) Joanne Reilly

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5/42-44 Victoria Parade
Manly Sydney
NSW 2095
Tel: - 02 9976 2219

13 July 2005

The General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Dear Sir,

Regarding the trading hours at the local hotels:

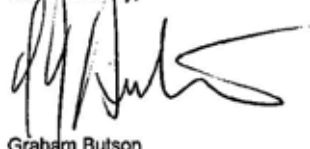
I note that a survey of residents was taken to determine their attitude to trading hours. I was not one of the residents asked and want to record my request that trading hours be limited to Midnight or shortly thereafter.

Currently the longer drinking hours seriously erodes the appeal of Manly as a tourist destination. With the longer drinking hours our reputation is that of sleaze.

Can I also draw your attention to the noise and destruction caused by these temporary visitors? They park in Victoria Parade after midnight, often in a drunken aggressive state, disturb the peace and destroy property for example by breaking the safety lights in out property. They return in the early hours of the morning and continue their anti social behavior.

I request that the council limit the drinking hours of all hotels in Manly to cease at Midnight as soon as possible.

Yours faithfully,



Graham Butson

General Manager's Office Report No. 19
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Adriana Vukovic

From: twobobwatch@mail.com

Sent: Thursday, 28 July 2005 2:04 PM

To: records; Peter Macdonald; Barbara Aird; Simon Cant; Pat Daley; Jo Evans; Jean Hay; Adele Heasman; Judy Lambert; David Murphy; Richard Morrison; Jo Evans

i think there is arguments for

1. stilted closing hours in manly. when all the venues close at once it is a recipe for intoxicated mass unrest on the corso.
2. providing the sensibility and culture of food where alcohol is available at the times it is available at all venues
3. making use of available underutilised resources - the bowling, civic, rugby clubs - instead of building more macmonocultural pubs in manly
4. proclaiming that the beach HAS to be quiet at night, who wants noise on the beach at night? spoils night walks.

thanks for your reply

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Sign-up for Ads Free at Mail.com
<http://www.mail.com/?sr=signup>

29/07/2005

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Attachment 2 - Public Submissions

Peter & Jeanne Barr
 41 Alexander Street
 Manly NSW 2095
 Tel: 9977 1804
Barmarine@pip.com.au

orig to Mayor

⑦

M.A.M.?

3 Jun 2005

Mayor, Peter McDonald
 Manly Council

Dear Peter,

I've been away extensively this year, and will continue to be, hence delay with this. Re circled section of Chamber release. Underage drinking remains endemic in Manly, the instances noted in letter to David Egan of course only the tip of the iceberg.

I'm actually writing to ask that aspects of the plans for Pittwater Rd rejuvenation scheme as put forward by the OB precinct Dec 1998 be progressed ASAP. Working out of Darwin for 18 months now I am continually amazed at how little alcoholic related vandalism and violence occurs in their CBD and immediate town as compared to Manly. The amounts of alcohol consumed and crowd numbers are comparable except in peak tourist season where Darwin is greater. Two suggestions for this:

- Darwin does not have the run down aspects of it's CBD that Manly does. This encourages anti social behavior
- Under age drinking, much of which probably occurs out of drinking establishments

I started the Pittwater Rd improvements initiative to help remedy the dilapidated state of our main road. Ocean Beach promenade development has been a great contributor to a positive environment on the beachfront. We need a similar longer term vision for all Ocean Beach and CBD. Budget for this can now be expedited with the parking fees revenue, and where applicable environment levy surplus. Surplus that the community members have been asking for more immediate use since the levy fee inception.

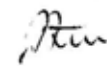
Would leave the question of trading hours and restrictions to our elected reps and their expert advisors. Interestingly Darwin CBD alcohol trading hours are not restricted. Whatever the outcome it is fairly irrelevant if the basic laws in the drinking equation are not maintained.

Would request the following proposals be investigated:

- 1) Bring forward the Pittwater Rd improvements Plan with additional levy & resident, user parking tax & fines funding
- 2) Widen the current committee's terms of reference to include like improvements to primary OBP streets, i.e. Whistler.

Good luck with your ongoing efforts to enhance Manly as a family based community.

Yours truly


 Peter Barr

Copy: Mark Norek, Local Councillor
 Chair, Ocean Beach Precinct Committee

General Manager's Office Report No. 19
 Manly After Midnight Working Party
 Attachment 2 - Public Submissions



Chamber Chronicle

MANLY - SAFE, FRIENDLY AND FUN BY DAY OR NIGHT

Manly Chamber of Commerce has expressed extreme disappointment at recent media comments by Manly Mayor Dr Peter MacDonald, and some other like minded councillors, who have been falsely claiming that Manly is both an unsafe place to visit after dark and that the suburb has an alleged "alcohol problem" due to the popularity of late night venues.

The statements which stemmed from last weeks Council Meeting are misleading and untrue.

According to Manly Local Area Police Superintendent, Commander Ron Mason, "Manly is the safest place I has ever worked, and in regard to local crime statistics, assault is the lowest it has been for 5 years, malicious damage is the lowest it has been for 6 years and both stealing and break and enter is the lowest it has been for 10 years."

Manly Chamber of Commerce, has representation on the local Liquor Accord and Manly After Midnight Working Party, and asserts that alcohol related anti-social behaviour in the area after dark is at an all time low, and binge drinkers do not flock to Manly. However the Mayor and some councillors are still perpetuating these myths to create a perception of fear in the community which could unfairly damage trade to many local businesses.

One of the suggestions, by some of the members of the Working Party, that was put to Council last week was to restrict the trading times of any new venues to 2am with a midnight lockdown.

This is seen by a majority of working party members and the local business community as a short sighted solution as it would just encourage revellers to drink in public places and encourage more house parties in residential areas into the early hours of the morning, which would be far more disruptive to neighbours and local residents and extremely difficult to police.

It is important to point out that a 2am lockdown already introduced by the Manly Liquor accord nearly 3 years ago has proven to be a resounding success in dramatically reducing anti-social behaviour in the town centre.

"Manly's publicans and liquor licensees are good corporate citizens, promoting the responsible service of alcohol, stamping out underage drinking and encouraging patrons to respect their neighbours when leaving venues to minimise any noise disturbance.

"As such they should not be disadvantaged by these short sighted and mischievous comments from the Mayor and his council, who are hell bent on generating a scare mongering campaign amongst the community to back their push to try and shut Manly down at midnight, and in so doing, bring the hospitality industry and many related businesses within Manly to a standstill..

The Manly Liquor Accord which is made up of a all late trading licensees, representatives from Manly Council, Manly Drug Education Centre, Manly Police and local community representatives have in recent times acted decisively to provide better transport and late night security solutions for patrons leaving their venues.

The priority of the Accord and the Local Police is the efficient and safe dispersal of patrons out of the Manly CBD late at night, to prevent anti-social behaviour, violence and drink-driving. This strategy has proved to be successful in had been drinking at the Steyne Hotel. They had false ID which I understand is common in a world renowned tourism practise. The following nights her friend was able to gain access to the Steyne, Brighton and Aqua lounge bar, all without ID.

On the Sun 29th May at 3:00pm a group of our daughter's school friends, majority underage, celebrated a school lunch at the round bar in the Steyne Hotel. No ID required.

Given Manly's CBD legacy of late night civic disruption, particularly violence due to alcohol, surely this makes a mockery of the promotion of the responsible service of alcohol and related laws.

Yours truly

Peter Barr

Mayor, Peter McDonald; Manly Council

General Manager's Office Report No. 19
Manly After Midnight Working Party
Attachment 2 - Public Submissions

Peter & Jeanne Barr
41 Alexander Street
Manly NSW 2095
Tel: 9977 1804

2 Jun 05

David Egan
Complaints Enforcements
Dept Gaming & Racing
323 Castlereagh St
Sydney NSW 2000
Tel: 99950852

Dear David,

On the 24th Dec 04 our daughter and a girlfriend, both 17, visiting from overseas were in Manly CBD at about 10:30PM. The friend realized drinking age was 18 here and decided to see if she could get entry to a pub (drinking age 21 in her country). She was able to drink at the Brighton Hotel for several hours, this was without ID.

Our daughter subsequently waiting for her, met with several school friends (underage) that had been drinking at the Steyne Hotel. They had false ID which I understand is common practise. The following nights her friend was able to gain access to the Steyne, Brighton and Aqua lounge bar, all without ID.

On the Sun 29th May at 3:00pm a group of our daughter's school friends, majority underage, celebrated a school lunch at the round bar in the Steyne Hotel. No ID required.

Given Manly's CBD legacy of late night civic disruption, particularly violence due to alcohol, surely this makes a mockery of the promotion of the responsible service of alcohol and related laws.

Yours truly

Peter Barr

Mayor, Peter McDonald; Manly Council

IVANHOE PARK
PRECINCT COMMUNITY FORUM

**Minutes of the Meeting
held on 5 July 2005**

3. **The Precinct full supports all the draft recommendations** of the Manly After Midnight Report as circulated and as it appears on the Manly Council website and asks ALL Manly Councillors to do the same. The Precinct further reminds all Councillors that they are voted in by the Residents of Manly, not the Pubs.

ROLE: Melinda Aitkenhead

ADDITIONAL PEOPLE: Eric Armstrong

ACTION: Refer to above item

COMMENTS: No further response required

IVANHOE PARK
PRECINCT COMMUNITY FORUM

**Minutes of the Meeting
held on 5 July 2005**

4. **The Precinct asks** that Council involve the whole community in urgently finalising a comprehensive plan to guide future development, balancing the reasonable expectations of both residents and visitors.

ROLE: Jennie Minifie

ADDITIONAL PEOPLE: Dave Stray, HT Wong, Jim Hunter

ACTION: Refer to above item

COMMENTS: No further response required

ATTACHMENT 2

General Manager's Office Report No. 19 Manly After Midnight Working Party Attachment 2 - Public Submissions

Minutes of the Little Manly Precinct Community Forum Meeting held on 11th May 2005

LITTLE MANLY PRECINCT COMMUNITY FORUM

Minutes of the Meeting held on 8th June 2005 at the Manly Yacht Club

	(c) Manly After Midnight As mentioned in the newsletter, the issue of additional pubs and expansion of existing premises in the CBD is very much alive. A reply from the Land & Environment Court in respect of the new pub on South Steyne has been received advising that it has been approved. At a recent meeting with other affected precincts, it was decided that Council did not seem to understand the strength of public opposition to the drinking problem and while not wishing to be "kill joys" agreed that direct community action should be recommended to their precincts for councillors to get the message. It was noted that many Councillors lived remotely from the trouble areas. Accordingly a Public Meeting on Saturday 18th June at Kangaroo St Youth Centre at 4.00 pm has been called. A general discussion resulted in the meeting calling for: 1/ Support of the general recommendations of the MAM working group aimed at severely reducing the alcohol related incidences of disorderly conduct in the CBD and surrounding areas. 2/ Stopping the creation of any more pubs (or their equivalents) or the expansion of existing pub premises without detailed community consultation and agreement, 3/ Urgent amendment to the LEP and DCP to totally discourage further hotel development (a deficiency clearly identified in the Land & Environment Court's judgement on the proposed pub at 36-38 South Steyne), and 4/ Introduction of the highest levels of sustained, aggressive policing of the CBD and surrounding areas. There was disagreement on whether or not the pub lockout time should be changed to midnight with a 2 am close. However the need for improved public transport in the early hours was unanimous. Pubs to pay? It was resolved that the secretary would write to all councillors seeking their position in respect of community concerns on the above.	
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ROLE: Eric Armstrong

ADDITIONAL PEOPLE:

ACTION: Note above item

COMMENTS: For your information, no further action required.

General Manager's Office Report No. 19
 Manly After Midnight Working Party
 Attachment 3 - Minutes of Public Meeting

ATTACHMENT 3 .

COMMUNITY MEETING - "MANLY AFTER MIDNIGHT" (MaM) REPORT
SATURDAY 18 JUNE 2005, 4-6PM, KANGAROO ST YOUTH CENTRE

1. ATTENDANCE – 81, including Councillors Aird, Evans, Heasman, Lambert, Murphy, Pedersen. Chair Denise Keen (Member of Safety & MaM Committees)
2. APOLOGIES – 15, including State MP David Barr, Mayor Macdonald, Councillors Hay & Norek & Senior Constable Narelle Pitt.

3. RESOLUTIONS VOTED ON – ALL CARRIED

1. Manly Council should accept all the draft resolutions (as circulated) of the "Manly After Midnight" Report.

All in favour, except for 5 Councillors (abstain vested interest), 1 other abstain & 3 against.

2. Council should involve the whole community in urgently finalising a comprehensive plan to guide future development, balancing the reasonable expectations of both residents and visitors.

All in favour, except for 5 Councillors (abstain vested interest), 1 other abstain & 1 against.

3. There is inadequate policing of both RSA (Responsible Service of Alcohol) and AFZs (Alcohol Free Zones). Meeting requests immediate action from Manly Police.

All in favour, except for 1 abstain.

4. Meeting believes that 12 midnight "lock out" / 2am latest close regime is critical and Manly Council should work towards implementation as a priority.

All in favour, except for 2 abstain & 8 against.

Note: This resolution was introduced just before meeting closed and not debated. Some who voted "against" would have voted "for" had the resolution indicated staggered closing hours not later than 2am.

Multiple Choice Question

A multiple-choice question was offered to attendees to complete before leaving and the 54 completed show the following answers.

If it were possible to re-negotiate the Manly Liquor Accord, what would reflect your views (tick your choice of "restricted entry" and closing times):

Day	"Restricted entry time"					Latest Closing time					
	Before Midnight	Midnight	1am	2am	None	Midnight or before	2am	3am	4am	5am	No set time
Sunday	18	32		4		26	25		2		1
Weekdays	14	38		2		25	28				1
Friday & Saturday	9	38	1	6		16	33	1	2		2

NOTE:

The current Liquor Accord provides for 2am "Restricted entry time" and no set time for closing every day – so if you think this should continue, you would answer 2am / No set time above for each day.

The Manly after Midnight recommendations for new pubs is midnight "Restricted entry time" and staggered closing times not later than 2am every day, with a recommendation that negotiations commence with existing premises to bring their hours to a similar basis. So, if you agree with that, your answer would be Midnight / 2am for each day.

General Manager's Office Report No. 19
Manly After Midnight Working Party
Attachment 3 - Minutes of Public Meeting

- (82 Page 29) "With respect to the present application, the LEP permits hotels in this area. Furthermore its objectives and strategies are designed to encourage and cater for tourism, including the recreational needs of residents and visitor."
 - A scary footnote from Chief Judge of L&E Court - **"I note that apart from being permissible in the Business Zone, tourist facilities including hotels are also permitted with consent in the Residential Zone."**
- b) **Tim Fiddes – Member of Safety Committee, Chair Corso Precinct**
- Why we live here – life-style, Manly beaches etc.
 - Residential area continues to grow, eg current Coles' development 49 units & 44 Wentworth St
 - L&E court chief judge findings
 - Need for informed debate & planning
 - Need to integrate with updated tourism plan.
- Responding to issues in debate
- There are many CBD buildings with CCTV – should organize co-operative action.
- c) **Police – Senior Constable Narelle Pitt** – unable to attend
- d) **Sean Mosely – Chair, Manly Youth Council**
- MYC started 1968 – 70 members, not just 16-21, older members also. Organize many social events, make considerable input to Manly social issues, eg
- Discussion forums
 - Active role in many issues – eg "restricted entry policy", safety walks, MaM, Pumpkin bus
 - Members of many community Committees etc
- Manly is the hub of entertainment for young (& older) people on Northern Beaches. Weekdays (especially Thursday) have been busier in last 6 months since Mona Vale Hotel started shutting at midnight.
- Specific comments and inputs to MaM from MYC have included:
- Do not agree ban on new pubs – existing venues often over-crowded.
 - Do not agree "12 midnight restricted entry / 2am close" should apply across the board – will move issues to streets, parks etc.
 - Need for adequate noise complaint procedures and police enforcement.
 - Transport big issue – education on what / when available, taxi changes maybe.
 - Pumpkin bus service great – still need more transport
 - Stronger emphasis / enforcement of RSA
 - Designated Driver incentives in all pubs & clubs
 - Take away emphasis from drinking – used to be video arcade, laser game? etc – Council responsibility to encourage more non-drink-only options.
- Responding to issues in debate
- Should be after midnight CBD parking to reduce side street disturbance
 - Absolutely wrong to identify noise / vandalism as a "young people" issue – many people in 30s & 40s are late night, excessive drinkers.
 - Pumpkin bus not funded by ratepayers – by State Government.



Minutes
Manly After Midnight Working Party
Meeting No 8: 27th July 2005

ITEM 1 Attendance:

Clr. Peter Macdonald, Mayor (Chairperson), Ms J Morgan, Ms D Keen, Dr C Edmonds, (Community Reps), Snr. Constable N Pitt, Manly Police; Mr. Sean Mosely, Safety Cttee. Mr B Smith, Manly Chamber of Commerce, Mr. D Johnson, Manly Liquor Accord Mr. L Savage (Observer) Mr Eric Armstrong - Secretary to Working Party

Apologies:

There were no apologies. The Mayor welcomed members and distributed a letter from MDECC advising of the resignation of MDECC and its representative Kerri Lawrence (MDECC Manager) from the Working Party

ITEM 2 Confirmations of Minutes

The minutes of the meeting 16 March 2005 were adopted. Moved and Seconded by Dr C Edmonds & Mr. Sean Mosely.

ITEM 3 Business arising from Minutes

There were no matters arising from the minutes.

ITEM 4 - Business of Meeting

(i).Council Decision of 16th May 2005

The Mayor explained the actions taken in response to the Councils resolution. The draft report had been placed on display at the Council Chambers and at the Library. It was also available on Councils website. It was anticipated that a report would be submitted to the Council meeting of 15th August and this would include an analysis of any submissions received.

General Manager's Office Report No. 19
Manly After Midnight Working Party
Attachment 4 - MAM Working Party Minutes

(ii) Survey Results

The Mayor drew attention to the results of the survey requested by Council (which had been distributed to members earlier) and noted that they were consistent with earlier surveys. Discussion took place as to who was surveyed and the nature of the questions asked. The Mayor indicated that the survey had asked the one question requested by Council and was in the form of the earlier question to ensure that the results either validated or otherwise the earlier surveys.

(iii) Review of Draft Report and Recommendations

The Mayor invited members to indicate whether they wish to confine discussion to the recommendations in the Report or whether there were matters in the Report which they wished to raise. Several members expressed the view that some parts of the Report needed correction and that they wished to review the report from the start. As a result the following matters were discussed:

- (i) Page 7 – Study Area.
It was agreed that the definition of the Study area should include 'the harbour beachfront areas'.
- (ii) Page 8 - Changes to Alcohol Free Zones.
It was agreed to alter the statement regarding the limits of the AFZ to read that it extended to the boundaries of the reserves and beaches. A footnote is to be added as to where the various responsibilities and regulation start and finish i.e. Fines vary in the AFZ the fine is \$20 on the beaches the fine is \$110 under the LGA.
- (iii) Page 9 – Restricted Entry Policy
It was agreed to change the comment relating to the restricted entry policy that it should state "All have agreed under the voluntary Liquor Accord to restrict entry to their premises at 2.00am" and delete the reference to an agreed closing time. It was noted that there is no written agreement to this arrangement.
- (iv) Page 9 - Trading of Take Away Food Shops.
In light of the fact that some take away food shops trade beyond their approved hours, that the reference to trading time closing at 3.00am should be altered to 5.00am.
- (v) After noting the patron numbers quoted on page 9 of the report a request was made for accurate figures to be provided relating to the capacity of the pubs, nightclubs and restaurants.

- (vi) Page 12 Areas affected by Antisocial Behavior.
The reference to where anti social behaviour occurs should read "The Corso and surrounding parks and streets"
- (vii) Page 12 alter the word 'hang out' to "socialize"
- (viii) Page 13 alter the word 'only' to 'just'
- (ix) Page 14 recommendation (i) exclude from the AFZ review the beachfront areas as these are covered by different legislation to the AFZs.
- (x) Page 14 – recommendation (vi) add 'that the closing times of Take Away Food Shops be enforced'.

ATTACHMENT 4

General Manager's Office Report No. 19 Manly After Midnight Working Party Attachment 4 - MAM Working Party Minutes

- (xi) Page 16 Add into sentence relating to noise mitigation the "other than in the case of offensive noise to rely on enforcement by the police."
- (xii) Page 17 Add another recommendation relating to Transport
 - (iii) Council and The Liquor Accord to organize better marketing of the security provided at the car parks.
- (xiii) Page 20 – effectiveness of the Liquor Accord
This statement should be altered to read "There were some doubts raised that the Accord is as effective as it might be given that it is a voluntary agreement.
- (xiv) Page 20 Add an additional recommendation relating to safety & security – '(iv) that signage on the beaches and parks be improved to assist in controlling late night behaviour'
- (xv) Page 22 – Substitute 'Study Area' for CBD

The Working Party then considered the Recommendations in the Draft Policy at Page 23.

The following recommendations were agreed unanimously (v), (viii), (xi), (xii), and (xiv).

In regard to the others the following amendments and voting occurred:

- Re (i) The recommendation was amended to change the "no entry time" to 12.30 am to cater for those arriving on the last ferry. Voting 4 for and 4 against with the Mayor using his casting vote to pass the amended recommendation.
- Re (ii) The recommendation was amended to read "Negotiations commence with the proprietors of existing licensed premises to bring their licensed hours in line with the times set out in Recommendation (i) above and that the hours be staggered. Voting 4 for & 4 against with the Mayor using his casting vote to pass the amended recommendation.
- Re (iii) Voting 4 for & 4 against with the Mayor using his casting vote to pass the recommendation.
- Re (iv) It was agreed that the audit should cover the Study Area rather than the CBD. The amended recommendation was adopted and past unanimously.

- Re (vi) The recommendation be altered to "That there be multiple taxi ranks late at night consistent with the recommendations of the Late Night Transport Working Group and that there be security at all taxi ranks and that these arrangements be marketed" Voting unanimous.
- Re (vii) Voting 6 for two against. Passed
- Re (ix) The following was added at the start of the recommendation so that it reads "that Council and the Safety Committee investigate the engagement of additional security staff to patrol public places in the Study area. Voting agreed unanimous.
- Re (x) Agreed unanimous.
- Re (xiii) Voting 7 for and 1 against. Passed

The Working Party then considered the draft Management Plan. (page 24)

ATTACHMENT 4

General Manager's Office Report No. 19 Manly After Midnight Working Party Attachment 4 - MAM Working Party Minutes

Re: Recommendation (i). The voting was 6 for and two against - passed.

Re: Recommendation (ii)

An amendment was moved by June Morgan and by reference to the minutes of 16 March 2005 that the DCP include an additional provision - 'to prohibit licensed hotels, night clubs and wine bars in residential areas. The motion was lost two for and 3 against with 3 abstaining.

The Mayor indicated that Council had taken up this proposal and it was before the Working Party reviewing Council's LEP and DCPs

The Recommendations (a) to (h) in (ii) were passed 6 voting in favour with 2 against.

The Working Party then considered the General Recommendations (Page 25)

Re (i) Voting 7 for one abstaining. Passed

Re (ii) Amended to make it a "financial" contribution. Voting 4 for - 3 against with one abstaining. Passed.

Re (iii) Passed unanimous.

Re (iv) Passed unanimous.

Re (v) Voting 3 for 5 against. Recommendation deleted.

ITEM 5: Other Business

There was no other business.

ITEM 6

The Mayor thanked the members for their contributions and stated his expectation that the report would be resubmitted to Council on 15 August and that members of the Working Party and the public could address Council on that evening.

Meeting closed at 8.00 pm.

Clr. Peter Macdonald
MAYOR

TO: Ordinary Meeting - 15 August 2005
REPORT: General Manager's Office Report No. 21
SUBJECT: Smith Street Stormwater Drainage
FILE NO:

SUMMARY

Council at its meeting held 7 March 2005 requested "a report back to Council on an evaluation of ways to improve the longstanding stormwater drainage in Smith Street (South) including the escarpment impacts from Kangaroo Street and Kangaroo Lane with a view to commencing works before the end of the current year".

REPORT

The General Manager and Engineering staff undertook an investigation and evaluation of the existing stormwater catchment areas, drainage and infrastructure systems, the localised flooding episodes and street trees in Smith Street between Carlton and Pine Streets, in March and April 2005.

They determined that the Southern block of Smith Street:

- Has an exceedingly flat gradient making any drainage away from the street challenging and contributing to the pooling of water for extended periods following rainfall;
- Has existing street trees with large root buttresses which had raised and re-aligned the kerb and guttering preventing the flow of stormwater along the kerb into Pine Street and causing the pooling of water;
- Receives large volumes of stormwater from the upper catchment above Kangaroo Rock via existing pipes and runoff;
- Receives water running into the Street from both Carlton and Pine Streets due to its gradient; and that
- The existing drainage network was inadequate to cope with both the stormwater from the upper catchment and the water in accumulating on the street.

It was also determined that Pine Street's existing drainage network would be adequate to cope with any additional stormwater directed from Smith Street, that the large stormwater pipes under the street were not in the water table nor affected by high tide at North Steyne.

A new drainage system was designed to both drain water away from the length of the block of Smith Street and to take the stormwater entering Smith Street from the upper catchment by pipes, by connecting new drainage pipes, kerb inlets and pits to the existing stormwater pipe infrastructure under Pine Street.

The proposed project involved:

- Trimming of existing tree canopies and roots to permit realignment and kerb and gutters for length of street;
- Laying new 600mm diameter concrete drainage pipes under centre of roadway for majority of length of street, splitting into separate 300mm concrete pipes lines at the southern end of the street;
- Construction of new kerb inlet pits along street at critical points joining to centre pipe;
- Installation of new flow devices installed in existing stormwater pipes and pits in upper catchment to slow stormwater flow and permit retention of water within pipes;
- Resurfacing of road surface with asphalt
- Re-construction of new concrete and existing sandstone kerb and gutters.

General Manager's Office Report No. 21 (Cont'd)

Consultation was undertaken with residents of this block of Smith Street commencing in April 2005. A number of meetings were held between a representative group of the residents, the General Manager and the Senior Infrastructure Engineer over the succeeding months. A number of on site meetings were held with residents to discuss and gain feedback on the drainage and tree trimming proposals. A survey of all residents was also conducted on the proposals.

Agreement was gained from the residents and works commenced in the first week of July 2005 starting with the tree trimming and followed by engineering works in the week commencing 11 July 2005.

To date the construction works are still underway. The design and layout has changed slightly during construction due to the location of numerous underground services and the new drainage system has now been extended up to Carlton Street.

It is anticipated that all works will be finalised by October 2005 and that the new drainage system will prevent future instances of localised flooding for all residents in Smith Street.

RECOMMENDATION

That the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM150805GMO_3

***** End of General Manager's Office Report No. 21 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: General Manager's Office Report No. 22
SUBJECT: Honorary Rangers
FILE NO:

SUMMARY

This report aims to address Notice of Motion by Councillor Pedersen at the Ordinary Meeting of 21st June 2004 that called for a report on Honorary Rangers to address the following;

- what honorary ranger systems have been successful in other Councils;
- the responsibilities given to Honorary rangers;
- training possibilities for Honorary Rangers
- to address any issue relating to liability.

A Report on the role of Honorary Rangers was forwarded to Council on 20th September 2004 from that meeting, Council resolved that a further report was required.

Further reports were forwarded for consideration on 21st June 2005 and deferred to 25th July 2005 with a further deferral to 15th August 2005.

REPORT

A Notice of Motion was presented to Council at the Ordinary meeting of 21st June 2004, Council resolved as follows:

That the General Manager prepare a report to Council on the following matters;

- What honorary ranger systems have been successful in other Councils;
- the responsibilities given to Honorary rangers;
- training possibilities for Honorary Rangers;
- to address any issue relating to liability;

At the Ordinary meeting of 20th September 2004 a report advised Council of the operation of the current system of Honorary Rangers in Manly. Council resolved as follows:

- To reconfirm the current policies and practices as they are meeting the needs of the community
- To invite the Clontarf precinct to nominate 2 additional Honorary Rangers for the Sandy Bay Road Reserve.

Further, Council resolved at the Ordinary Meeting of 21st February 2005 (in part):

- (i) That Council fully cooperate with the DEC proposal to create "Penguin Wardens" and that this proposal be addressed in the forthcoming General Manager's report on Honorary Rangers.

Council Meeting	Issue	Response to date
Ordinary meeting of 21 st June 2004	Other Council's Honorary ranger programs	Email was sent to all NSW Councils in March 2005 – <i>Only 3 responses received advising that those Councils did not have these positions.</i>
	Responsibilities	▪ <i>Maribyrnong City CI – Vic. has a very clear volunteer key statement in their Management Plan which could draw from for guidelines for Honorary rangers as volunteers in Manly.</i>

General Manager's Office Report No. 22 (Cont'd)

	Training Insurance	Responsibilities identified: <i>Council's policy register under H30. (attached)</i> <i>Last training session held November 2003.</i> <i>Honorary Rangers are covered by Council's public liability whilst performing their duties as per policy H30.</i>
Ordinary meeting 20 th September 2004	Reconfirm current policy Seek nominations from Clontarf precinct for Sandy Bay	<i>Noted – confirmation of the current policy and practices Clontarf precinct minutes do not reveal any discussion on the matter of Honorary Rangers.</i>
Ordinary Meeting 21 st February 2005	Create "Penguin Wardens"	<i>This matter is on hold awaiting DEC resources being available to Manly for training of Penguin wardens.</i>

In April and May 2005, Council asked all Precincts to advertise the vacancy for Honorary Rangers in their newsletters; providing the opportunity for residents to apply for these positions and to represent the Precinct. The responses received are as follows:

- Little Manly - nominated Phil Zilman and Gary Stewart at their May 2005 meeting.
- Balgowlah Heights – nominated Vic Hazir at the June 2005 meeting
- Fairy Bower received one nomination at the June 2005 meeting; subsequently, this person has had to withdraw his nomination
- Fairlight and Seaforth mentioned the availability of positions in their May 2005 newsletters without any nominations being received
- Clontarf, North Harbour and Ocean Beach, Balgowlah, Ivanhoe Park, Seaforth North and The Corso; from a review of the available agendas and minutes; either did not publish the availability of the positions because there was not a meeting held or the position of Chairperson was vacant during those months

Current situation:

Council's policy Honorary Rangers H30: outlines the role and responsibilities of Honorary Ranger. They are to perform by "keeping an eye out" for anti social behaviour and, if necessary, reporting the incident to Council or the Police. Honorary Rangers are appointed under Section 24 of the Local Government Act 1993 and have the role of advising the public of requirements and restrictions applicable to activities in Reserve areas, and of reporting details of breaches to Council and/or the Police, for further action.

Council's Honorary Rangers may call for the removal of any person, who by disorderly or insulting conduct in, or in the immediate neighbourhood of, any public reserve or places of public recreation, or amusement, causes annoyance or inconvenience to the persons then present or going to or coming from the same.

The Ranger's authority does **not**, of course, extend to issuing fines or themselves undertaking forceful action, except in as much as their everyday rights of a citizen apply. All Honorary Rangers will be supplied with an authorised Identification Badge to be carried and presented when acting in Honorary Ranger capacity.

In the past, Council has appointed persons for a 2 year term, the last term concluded in September 2004. Since that time, calls for nominations occurred in April and May 2005, with three people nominating for a position.

Conclusion:

Several volunteer programs now exist in Manly with the potential for these people to be brought under an umbrella of Community environmental volunteerism/scouts/rangers.

Council has recently invited recruits as "Eco Scouts" through the MEC to report stormwater pollution, dumping of lawn clippings, leaves or other rubbish in the drains, washing of cars on the

General Manager's Office Report No. 22 (Cont'd)

road, washing of paint brushes in drains, and erosion and sediment pollution from building sites, similar to the role undertaken by Honorary Rangers.

To consolidate the goodwill spirit of volunteerism and the energy of the interested members of the community into a meaningful and resourced program; the following actions are recommended.

A training program which would be held twice annually, with quarterly sessions to review and raise current and important issues, as well, to provide feedback and encouragement on the work performed. These sessions would be conducted by the Manager Ranger Services and Community Educators of the MEC, for people appointed in the above roles and responsibilities.

This program would educate these volunteers as ambassadors for the Manly area and include but not be limited to:

- Being clearly recognizable by having a presence eg. wearing a Manly Council Volunteer cap and authorisation
- Work in engaging the community and its visitors by providing information and guidance to the various sights, walkways and the delights of Manly
- Drawing attention to the importance of our environment and the management of the resources available for the enjoyment of the public
- Advising them of the regulations and controls governing Council's reserves and public spaces
- Assisting Council in advising of nuisance, breaches in relation to water/building sites, dogs behaviour, littering, broken/ or damaged infrastructure, reporting antisocial behaviour and safety issues in the local area
- Tree removal, pollution of drains and waterways, dumped rubbish
- Marine and fisheries observation of activities at Cabbage Tree Bay and marine reserves
- Council's Public Liability insurance cover be explained for persons carrying out their duties

Regular communication with the volunteers to educate them in the key issues and to provide feedback on their activities are central to the satisfaction gained in a volunteer capacity and to the confidence of Council, that the volunteers are guided in their roles with the community.

These Volunteer Honorary Rangers, Eco Scouts and Penguin Wardens (*once trained*) will be recognised, trained and assisted by Council, developed and fostered by staff through regular communication channels. They will also perform a reporting function to the Precincts and to Council.

RECOMMENDATION

- That Council call for nominations from Precincts and applications from residents of Manly in the Manly News column and through Council's website by outlining the opportunity to become part of the Environmental community program and its responsibilities.
- That a training program and handbook of key contacts and information which includes the issues relevant to Honorary Rangers role and to the similar role of Eco Scout, be developed by Manager of Ranger services and the MEC community educators
- That the persons approved for the program be authorised under Section 24 of Local Government Act for a 2 year term
- Council issue appointed persons with an identifiable cap and authorisation card to raise awareness in the community
- That a quarterly feedback and review session is held one afternoon on a weekend with the volunteers by the Manager Ranger services and MEC community educator
- That a report on the activities of the program is provided to the Council's quarterly review by the Manager Ranger Services and MEC community educator

ATTACHMENTS

There are no attachments for this report.

OM150805GMO_5.doc

***** End of General Manager's Office Report No. 22 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: General Manager's Office Report No. 23
SUBJECT: Discouraging Car Dependency and Reducing Greenhouse Emissions
FILE NO:

SUMMARY

Council, at its Ordinary Meeting of 21 February, made several resolutions with regards to discouraging car dependency and reducing greenhouse gas emissions. This report addresses these matters.

REPORT

At the Ordinary Council meeting held 21 February 2005 Council resolved inter alia:-

1. *That Council call upon staff to prepare a report which reviews the Resident Parking Permit scheme, including the number of permits issued and their charges, based on the Australian Greenhouse Office star rating and to undertake the necessary community consultation.*
2. *That Council lobby the State Government to determine registration costs for cars on a more meaningful scale related to Australian Greenhouse Office ratings rather than weight which applies at the moment.*
3. *That Council review its staff salary packages to discourage the use of "high impact" cars and look at the possibility of offering packages that encourage the use of public transport or the use of "low impact" vehicles.*
4. *That Council lobby the Federal Government to remove the unfair tariff arrangements which favour some vehicles over others. There should be one standard tariff for all vehicles.*

The points of the above resolution have been investigated and actioned as follows:

Resident Parking Permit Scheme

Council currently has five (5) residential permit parking areas in operation around the Manly CBD in Ocean Beach, Tower Hill, The Isthmus, Fairy Bower and Little Manly. In September 2003 Council resolved to change from a vehicle specific residential permit sticker to the current system of up to three (3) non-vehicle specific permits per eligible property.

The main objective of the introduction of the resident parking schemes was to give priority to residents to parking in their streets. A positive flow on effect of the parking restrictions in the resident parking scheme areas is the reduction of the number of on street parking spaces to non-permit holders, the discouragement of non-residents from commuting to Manly by private car and the encouragement of the use of public transport.

In order for Council to introduce a new resident parking permit scheme which operates according to the Australian Greenhouse Office 'Star Rating' for vehicle emissions and the 'Green Vehicle Guide', Council would need to resolve to return to vehicle specific or registration based resident parking permit stickers, the fee for which could correspond to the star rating based on the fuel consumption and the impact of the vehicle on the environment, i.e. the more fuel efficient the car the cheaper the price of the parking permit.

An analysis of Council's permit parking scheme shows that in four of the five permit parking areas properties have acquired an average of less than one permit each, which is far short of the

General Manager's Office Report No. 23 (Cont'd)

entitlement. The lower number of permits acquired may be due to the limited amount of on-street parking in these areas, their proximity to public transport in the Manly CBD and the requirement for the provision of on-site parking in new developments.

A survey reviewing the current resident parking permit scheme in Ocean Beach was reported to Council in October 2004 and advised Council that the scheme was operating in a fashion intended for its introduction and that the business owners and residents of the area were finding parking and traffic to be an improvement compared to before the schemes introduction. Council did not make any changes to the scheme at that time and has subsequently resolved to implement two new permit parking scheme areas with the same parameters.

Council sought feedback from all the Precincts as to their comments on the above resolution in April and again in May 2005. Two (2) replies were received from Little Manly and Seaforth Precincts as follows:

"Whilst sympathetic to the need for such action the meeting recognised a corresponding need for an increase in the effectiveness and coverage of local public transport and the provision of effective park-and-ride facilities for commuters and visitors if it were to have any chance of success"; and

"The Precinct believes that any process to regulate the size and fuel efficiency of vehicles should be undertaken at the point of registration and should not be a function of Council".

Lobbying of the State and Federal Governments

Council has written to both the State and Federal Governments, advising of Council's resolutions regarding the consideration of environmental impacts with the determination of vehicle registrations and tariff arrangements.

The Minister The Hon Michael Costa MLC, under his Minister for Roads portfolio, has been advised that Council strongly encourages the State Government to pursue initiatives whereby owners of vehicles with a positive rating from the Australian Greenhouse Office (AGO) are rewarded through vehicle registration costs determined by a vehicle's impact on the environment, as assessed by the Australian Greenhouse Office. This would go some way towards discouraging the community to purchase a car that is less polluting, as well as would tax a vehicle appropriately for the impact that it is placing on the environment, in terms of air pollution, greenhouse gases, and water quality, and also human health.

The Federal Government's intention with regards to tariff arrangements is to make the Customs duty tariffs equal (i.e. the same as the general tariff rate) on passenger motor vehicles, light commercial and 4WD vehicles by the year 2010.

The Hon. Mal Brough, M.P., as the Federal Minister for Revenue and Assistant Treasurer, along with The Hon. Christopher Ellison, in his capacity as the Minister for Justice and Customs, have been advised that Council strongly encourages the Federal Government to accelerate this initiative to encourage the purchasing of more sustainable /less impacting vehicles, instead of those vehicles that have a significant impact on the environment and human health.

Both the Australian Greenhouse Office and the International Council of Local Environmental Initiatives (ICLEI – responsible for the Cities for Climate Protection campaign of which Council is a member) have been sent copies of the correspondence.

General Manager's Office Report No. 23 (Cont'd)**Fleet Policy**

In relation to salary contractual arrangements, there are already incentives in place for lower impact vehicle in the fleet management arrangements. And management has also agreed to incentivise public and pool transport options for staff particularly where key staff/labour force are involved. These options will be introduced to staff via the workplace Consultative Committee as part of Council's long staff retention strategy.

RECOMMENDATION

1. That the report be received and noted.
2. Further, that Council pursue other levels of Government to pursue the issue of incentives for less environmentally impacting vehicles through the tariff system and registration system on a national and state basis rather than at the local level. This is a National ("Global") issue which requires a national strategy.

ATTACHMENTS

There are no attachments for this report.

OM150805GMO_6.doc

***** End of General Manager's Office Report No. 23 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: General Manager's Office Report No. 24
SUBJECT: Telecommunications Facilities - Mobile Phone Infrastructure
FILE NO:

SUMMARY

The Manly community is concerned about the proliferation of telecommunications infrastructure as referred to Precincts for Community consultation.

"Low Impact Facilities" (as defined by the Telecommunications Act 1997) do not require Development Application consent. At the Planning and Strategy Committee Meeting on 8th August, 2005 Council resolved to proceed with the introduction of a Development Control Plan Amendment to attempt to provide some controls.

The Balgowlah Heights Precinct Community Forum and a Public Meeting held in July 2005 has called on Council to respond to a number of proposals and Motions.

REPORT

A Precinct Community forum was held at the Balgowlah Bowling Club on 12th July, 2005 to consider items including two referrals from Telecommunications agents to install telecommunication facilities on the land and in the premises of the Balgowlah Heights Bowling Club.

At both the public meeting and at the Balgowlah Heights Precinct meeting; several Motions were past and approved by the residents. The following motions (précis) reflect the motions passed by attendees at both meetings.

- **Motion 1 (Precis)**
That the Meeting strongly opposes the installation of any Telecommunications Infrastructure at the Balgowlah Bowling Club.
- **Motion 2 (Precis)**
We request that Manly Council support the community in objecting to the installation of any facilities at the Balgowlah Bowling Club.
- **Motion 3 (Precis)**
The meeting seeks Council's agreement to appoint a designated Council officer to provide information and update the community in relation to any proposed installations in the Local Government area.
- **Motion 4 (Precis)**
That the Council be asked to investigate the possibility of amendments to Manly Council's Local Environment Plan or Development Control Plan to set minimum standards for community consultation in relation to mobile tower installations.
- **Motion 5 (Precis)**
That Council place an advertisement in the Manly Daily informing the community regarding the political representatives who can be contacted about telecommunications infrastructure in the Local Government area.
- **Motion 6 (Precis)**
We call on the State Government to ban installation of 3G and 5G Telecommunications within 300 metres of any pre-school grounds or healthcare facility.

General Manager's Office Report No. 24 (Cont'd)

- **Motion 7 (Precis)**
Council and the community request a review of the Federal Legislation regarding Telecommunication installations.
- **Motion 8 (Precis)**
Council and the Community call on the Federal Government to review Schedule 3 of the Telecommunications Act 1997, which exempts Telecommunication Companies from Local Planning Laws.

In response to the numerous motions above, Council has responded to the Balgowlah Heights Precinct and others associated with the organising of the Public Forum in the following terms:-

1. Council will continue to strenuously oppose the installation of telecommunications infrastructure at any of its premises or on land owned or managed by Manly Council.
2. The Manager Corporate Governance has been appointed by Council as a person for all communications matters regarding telecommunication facilities in the Manly Local Government area.
3. In relation to the Motion where actions were directed at other levels of Government, such as State and Federal, the community was advised that Council would continue to represent the community generally in accordance with point 1 above, i.e. Council will continue to strenuously oppose, etc., however, Council will add its weight in terms of making representations as requested by the various Motions outlined above.

RECOMMENDATION

1. That Council receive and note the report.
2. That Council endorse the actions taken by staff in responding to the community concerns.
3. That an advertisement is placed in the Manly Daily to advise the community of the political representatives who can be contacted about telecommunications infrastructure in the Local Government area.
4. That Council advise the agents who have referred matters to Council on behalf of Telecommunication companies that Council supports its communities objectives as contained in the resolutions of the July 2005 from Balgowlah Heights Precinct Community Forum and Balgowlah public meeting.

ATTACHMENTS

There are no attachments for this report.

OM150805GMO_7

***** End of General Manager's Office Report No. 24 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Corporate Services Division Report No. 18
SUBJECT: Report on Council Investment as at 31 July, 2005
FILE NO:

SUMMARY

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

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

REPORT

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

Limit of overdraft arranged with bank	\$400,000.00 Dr
Bank Balance as at 31 July, 2005	\$150,262.53 Cr

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

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

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

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
11/10/01	02/08/05	WBC	1391	6.32	1,005,003.08	15,799.99(1)
15/07/02	15/07/07	HSBC	1826	6.34	1,000,000.00	15,858.24(2)
15/08/02	15/07/07	HSBC	1795	6.34	2,008,481.93	31,716.49(2)
30/07/02	12/12/06	Bendigo Bank	1596	7.67	510,200.00	9,587.49(3)
14/10/02	12/12/06	Bendigo Bank	1520	7.67	504,476.45	9,587.49(3)
08/08/02	08/08/07	Bank of Qld	1826	6.97	1,000,000.00	17,424.99(4)
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00(5)
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00(6)
02/04/04	02/04/09	Adelaide Bank	1826	6.59	500,000.00	8,237.49(7)
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.71	700,000.00	11,742.49(8)
15/12/04	15/12/09	ACCU	1826	6.87	1,000,000.00	17,174.99(9)
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38(10)
11/07/05	11/10/05	Aust Central C/U	92	5.95	1,000,000.00	14,997.26
11/07/05	11/10/05	IMB	92	5.80	1,250,000.00	18,273.97
11/07/05	11/10/05	Bank West	92	5.70	2,000,000.00	28,734.24
26/07/05	26/10/05	Aust Central C/U	92	5.91	1,000,000.00	14,896.44
		IMB	@CALL	5.45	1,600,000.00	
		CBA	@CALL	5.45	<u>1,120,115.74</u>	
					18,923.364.36	

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

Corporate Services Division Report No. 18 (Cont'd)

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

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

Investment Performance	Council	Benchmark*	90 day BBSW**
Returns - July 2005 [%pa]:	6.20	5.90	5.65

* benchmark is 90day BBSW plus 0.25%pa

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

Certification – Responsible Accounting Officer

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

RECOMMENDATION

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

ATTACHMENTS

There are no attachments for this report.

OM150805CSD_1

***** End of Corporate Services Division Report No. 18 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Corporate Services Division Report No. 19
SUBJECT: Local Government Association of New South Wales - 2005 Annual Conference Proposed Motions
FILE NO:

SUMMARY

1. At the Land Use Management Committee Meeting of Council held on 1 August 2005, Council considered a report on the Local Government Association of New South Wales Annual Conference to be held from 22 to 26 October 2005 in Mudgee and the submission of Motions to this Conference.
2. This report details the proposed Motion to be submitted, on behalf of Council, to the Local Government Association of New South Wales Annual Conference.

REPORT

Background:

At the Land Use Management Meeting of Council held on 1 August 2005, Council considered a report on the Local Government Association of New South Wales (LGSA) Annual Conference 2005. It was resolved inter alia:

- "3. That Council note that Motions to be submitted to the Conference must be received by the Local Government Association of New South Wales by **5pm Friday 19 August 2005**.*
- 4. That Councillors wishing to submit Motions to the Conference submit the details in writing to the General Manager by **5pm Wednesday 3 August 2005**.*
- 5. That a further report be presented to the Ordinary Meeting of Council to be held on 15 August 2005, outlining the proposed Motions to be submitted to the Local Government Association of New South Wales."*

The following proposed motion has been submitted for presentation to and inclusion in the Business Paper for the 2005 Conference:

Submitted by Cllrs Judy Lambert & Barbara Aird

Subject: Reinstatement of Energy Smart programs

Motion text:

The LGA calls on the NSW Government to reinstate the Energy Smart Business Program and the Energy Smart Business Leaders Program, or as a bare minimum to reinstate the technical support services offered through those programs as part of the newly introduced Best Practice Efficiency Initiative, to provide important technical support needed to enhance the capacity of Local Governments to participate effectively in the reduction of greenhouse gas emissions.

Note from Council:

The NSW Government's Energy Smart Business and Energy Smart Business Leaders programs, run by the former Sustainable Energy Development Authority and more recently by the Department of Energy, Utilities and Services, resulted in program participants collectively reducing greenhouse

Corporate Services Division Report No. 19 (Cont'd)

gas emissions by an estimated 560,000 tonnes of CO2 equivalent and savings over \$32 million per annum.

Numerous Local Governments participated in the program which brought benefits of technical/professional advice resulting in substantial greenhouse gas emissions abatement, and at the same time, savings to participating Councils.

In June 2005 Manly Council, as a participating Council which achieved energy savings estimated to be worth around \$30,000 per annum through the program, was advised that "the Department will no longer be offering the Energy Smart Business Program".

The Energy Smart Business Program and the follow-on Leaders Program have been replaced with

- An Energy Savings Fund open to large private sector users, government and the residential sector
- Energy Savings Action Plans for large energy users, and
- A Best Practice Efficiency Initiative.

The consequences of these changes are

- a) that Local Governments whose current subscriptions to the Energy Smart Business Programs had not yet expired do not gain the full benefit of those existing subscriptions, and
- b) that the invaluable technical advice available through the program to assist Councils in identifying and assessing energy saving changes is no longer available.

At a time when the Australian Greenhouse Office is undertaking major studies into inadequate Local Government participation in greenhouse gas emissions abatement, removal of this important technical support by State Government is incomprehensible.

RECOMMENDATION

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper.

1. Reinstatement of Energy Smart programs

ATTACHMENTS

There are no attachments for this report.

OM150805CSD_2.doc

***** End of Corporate Services Division Report No. 19 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Corporate Planning and Strategy Division Report No. 45
SUBJECT: Tree Policy - Establishment of Significant Tree Register
FILE NO:

SUMMARY

- This item was deferred from the Corporate Planning and Strategy Committee Meeting of 18th July, 2005 to obtain legal opinion on the issue of the increased legal liability exposure, resulting from introduction of the Significant Tree Register.
- The preservation of significant trees in Manly is important.
- Council is requested to endorse a Significant Tree Policy.
- The Policy will in turn result in the creation and maintenance of a Significant Tree Register.
- The Legal Advice is circulated as a "Confidential" **attachment**.

REPORT

A Draft Council Policy (as circulated to Councillors on 18th July, 2005) is **tabled** for adoption by Council.

Adoption of the Policy will result in establishment of a Significant Tree Register.

It is proposed to engage with the community (and Precincts in particular) to establish the Significant Tree Register.

Identifying "significant" trees will afford greater protection and maintenance attention on their preservation.

The Policy is submitted for Council endorsement.

RECOMMENDATION

1. That Council endorse the Significant Tree Policy in order to facilitate the preparation and maintenance of a Significant Tree Register in Manly (for both private and public lands).
2. That the Council's Legal Counsel examine the Policy and practices arising from the Policy implementation to ensure that exposure to legal liability is minimised consistent with the intent of the Policy.

ATTACHMENTS

AT-1 Confidential Legal Advice - Significant Tree Register - *CONFIDENTIAL* 2 page(s)
ATTACHMENT - for the information of Councillors

OM150805CPSD_1

***** End of Corporate Planning and Strategy Division Report No. 45 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Human Services and Facilities Unit Report No. 7
SUBJECT: Tender For The Supply of Meals To The Manly Meals on Wheels Service - Tender 05/14
FILE NO:

SUMMARY

Tenders have been received for the supply of meals for the Manly Meals on Wheels Service. It is recommended that the tender from Master Catering Services Pty Limited be accepted.

REPORT

Under the previous food services contract the Manly Meals on Wheels Service had meals provided to them by Master Catering Services Pty Ltd which were appointed after a tender process in August 2002. The original tender period expired in 2004. Meals have continued to be provided by Master Catering on a week to week basis while the new tender process has been underway.

The Tender for the supply of meals to the Meals on Wheels Service was advertised on the 21 June and 28 June 2005 and closed on the 11th July 2005.

The following three (3) companies tendered for this Service:

- Master Catering Services Pty Ltd
- ARV Food Services (Anglican Retirement Villages)
- BCS Catering (Baptist Community Services)

Of the three tenders submitted, all were conforming. An analysis of the conforming tenders is provided in a **Confidential Attachment** to this report. A detailed assessment of the tenders was undertaken by Manly Meals on Wheels Food Services Coordinator, the Branch Manager Community Services and the Branch Manager Facilities.

The length of the contract is for a period of (3) three years with an option for renewal for (1) one year subject to satisfactory service and amendments as decided by Council. After this, a further (1) one year option to renew is negotiable and subject to ongoing satisfactory performance as determined by Council. This being a total of five years (3+1+1=5) all of which are subject to satisfactory performance as determined by Council.

Four main objective evaluation criteria (weightings) were used to assess the tenders, being tender price, quality assurance, experience, and Occupational Health & Safety/Industrial Relations record/procedures. It was therefore determined that the lowest tender price with the most relevant experience and demonstrated quality assurance procedures would be the successful tenderer.

The analysis shows that the tender by Master Catering Services Pty Limited to be in the best quality and price overall and the recommendation to Council is that it be accepted.

Human Services and Facilities Unit Report No. 7 (Cont'd)**RECOMMENDATION**

1. That the Tender from Master Catering Services Pty Limited for the supply of meals to the Meals on Wheels Service for \$167,950 excluding GST be accepted by Council, the length of the contract being for a period of (3) three years with an option for renewal for (1) one year subject to satisfactory service and amendments as decided by Council. After which a further (1) one year option to renew is negotiable and subject to ongoing satisfactory performance as determined by Council. This being a total of five years (3+1+1=5) all of which are subject to satisfactory performance as determined by Council.
2. That the unsuccessful tenderers be advised accordingly.
3. That the "confidential attachment" relating to the tender analysis be treated as confidential because it relates to a matter specified in Section 10A(2)(d) of the NSW Local Government Act 1993.

ATTACHMENTS

AT-1 Confidential Tender 05/14 - Manly Meals on Wheels - *CONFIDENTIAL* 1 page(s)
ATTACHMENT - for the information of Councillors

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***** End of Human Services and Facilities Unit Report No. 7 *****

TO: Ordinary Meeting - 15 August 2005
REPORT: Human Services and Facilities Unit Report No. 8
SUBJECT: Fitness Trainers Agreement - Manly LGA
FILE NO:

SUMMARY

Following a period of consultation via Council's Precincts and public exhibition of proposed conditions, this report outlines arrangements to regulate the conduct of fitness training classes on Council controlled land within the Manly Local Government Area.

REPORT

This report is proposing that Council takes a balanced and 'common sense' approach to regulating the activity of conducting fitness training classes on publicly controlled areas within the Manly Local Government Area.

The arrangements proposed are designed to enable fitness training to be conducted legitimately, whilst ensuring the conditions imposed preserve residential amenity.

From a risk management perspective the approach proposed ensures that fitness trainers operating in the Manly Local Government Area hold the appropriate qualifications and insurances as recommended by the key fitness training industry body in NSW i.e. Fitness NSW.

Appropriate controls and mechanisms will also be put in place to protect the environment through specifying maximum class size numbers and limiting the areas available to conduct the activity. A trial of the new scheme is proposed for 6 months after which time it would be reviewed.

Previous Report to Council

Council considered a report on this matter at its Planning and Strategy Meeting dated 14th June where it resolved

- "1. That there be a deferral of the fitness trainer's agreement for two months to allow consultation with the Precinct Committees, public exhibition and that the item be brought back to Council for final consideration.
2. That "not for profit" organisations be exempt from paying a licence fee..
3. That there be a sliding scale fee applicable which is to be determined by the size of the groups and to include an administrative component as follows:
 - \$300 per quarter - (6-10 persons)
 - \$150 per quarter - (3-5 persons)
 - \$75 per quarter (2 or less persons)
4. That group sizes be restricted to a maximum of ten (10).
5. That LM Graham Reserve and the western end of Lagoon Park to be included in the list of approved areas."

Public Consultation

A copy of the proposed agreement and conditions was sent to all Community Precincts for their comment. Details were placed on Public Exhibition within the Manly Library and the Customer Service Centre.

Human Services and Facilities Unit Report No. 8 (Cont'd)

No comments have been received from any of the Precincts or members of the public.

Discussions with Fitness NSW

Fitness NSW is the peak body for the fitness industry in NSW and is recognised by the NSW and Federal Governments. Fitness NSW administers the national fitness professional registration program on behalf of Fitness Australia. Fitness Australia is the representative body for the fitness industry in Australia, responsible for establishing standards within the industry and ensuring its long term viability. It is the organisation through which government and other industries communicate with the fitness industry. Fitness NSW provides public liability and professional indemnity insurance cover for all registered fitness professionals within NSW.

Fitness NSW was consulted when drawing up the new proposed arrangements to come into force. Following meeting with Council staff and written correspondence they have indicated in writing their support of the arrangements proposed. They are willing to assist Manly Council in managing the appropriate use of public space and to ensure the safety and enjoyment of participants via the Fitness Australia Professional Registration and Insurance Program.

Other Consultation

In seeking to establish relevant guidelines and conditions, input was also sought from various Council departments including, Corporate Planning and Strategy, Council's Lawyer, Administration, Regulatory Services, Beach Services, Events and Tourism and Customer Service.

The Personal Fitness Trainer Agreement and associated conditions proposed to be imposed by Council was also tabled at the Manly Visitor and Community Board meeting, 9 June 2005 for comment. The Board resolved to support Council's introduction of the agreement for the 6 month trial period.

Following the receipt of feedback from the relevant stakeholders, an agreement has been prepared which details the guidelines and conditions specifically for registered fitness trainers with Fitness NSW to operate the commercial activity of fitness classes in selected open public spaces in the Manly LGA.

The Proposed Personal Fitness Trainer Agreement

The proposed agreement (see Appendix A) incorporates the changes recommended by Council at its meeting dated 14th June 2005. Some of the other key points of the agreement are as follows:

- Classes are restricted to a program of walking, jogging and exercise (not involving heavy equipment) on Council's nominated reserves/beaches on a seven day a week basis, from 6.00am – 7.30pm.
 - Fitness trainers must have valid documentation detailing their registration and accreditation with Fitness NSW as well as valid public liability insurance cover within the Fitness Australia Fitness Professional Policy
 - Fitness Trainers must be qualified instructors with First Aid Certification and accreditation with Fitness NSW. They must follow OHS requirements.
 - Up to a maximum of 10 people are permitted to participate in fitness classes at any one time in any approved area, for a maximum of 2 hours continuous training.
 - Approved areas to conduct Fitness Programs are:
 - ❖ South Steyne beach (Manly Surf Club to Wentworth Street)
 - ❖ North Steyne beach (Raglan Street to south of North Steyne Surf Club)
 - ❖ Queenscliff beach (North of North Steyne Surf Club to Queenscliff Surf Club)
- Note: No training can take place on the ocean beach between Wentworth Street and Raglan Street

Human Services and Facilities Unit Report No. 8 (Cont'd)

- ❖ Manly Lagoon Reserve
 - ❖ Keirle Park
 - ❖ Manly West Park
 - ❖ Tania Park
 - ❖ Clontarf Reserve
 - ❖ Seaforth Oval
 - ❖ LG Graham Reserve and the western end of Lagoon Park (only)
- No boot camp style training is permitted.
 - Activity must cause minimum disruption and interference with the general public rights of access and enjoyment of these areas and not interfere with approved bookings e.g. weddings, designated volley ball area etc.

Six Month Pilot Scheme

This report is proposing the new arrangements to apply as outlined above and in the appendix are trialed for a six month period from 1st October, 2005 with a review after this time. The review will be conducted by staff that will look at feedback received by members of the public on the issue (a log will be kept by the reserve bookings officer), discussions with Fitness NSW on behalf of their members and any issues identified by Council departments across the organisation. This review will report to the General Manager for his attention and action as appropriate.

RECOMMENDATION

1. That Council endorses the issuing of an agreement to allow commercial and non profit fitness training / class organisations, which are registered with Fitness NSW, to operate fitness classes in the Manly Local Government Area, subject to the conditions and guidelines outlined in Appendix A of this report.
2. That the new agreements to administer fitness training activities in the Manly Local Government Area be trialed for six month period effective from 1st October 2005 and be reviewed thereafter by the General Manager.

ATTACHMENTS

AT-1 Appendix A Fitness Trainers 5 page(s)

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***** End of Human Services and Facilities Unit Report No. 8 *****

APPENDIX A

Personal Fitness Trainer Agreement

THIS AGREEMENT is made on the Date (1) between the **COUNCIL** (2) and the **FITNESS TRAINER** (3) named below whereby in consideration of the sum mentioned (4):

A. **AGREEMENT TO HIRE: THE COUNCIL** agrees to permit the **FITNESS TRAINER** to use, on a non-exclusive basis, the Land (5) for the Purpose (6) and for the Period (7) all described below, viz:

1. Date:
2. **MANLY COUNCIL** (ABN 43 662 868 065) of Council Chambers 1 Belgrave Street Manly 2095. Authorised Representative:
.....
3. **FITNESS TRAINER:**
 - a) Name:
.....
.....
 - b) Address:.....
.....
.....
 - c) Tel: Fax:
Email:
4. Fee exemptions: Not for profit organisations are exempt from paying a licence fee.
5. Fees: There is a sliding scale fee which is determined by the size of the group and includes an administrative component:

\$300 per quarter including GST – (6-10 persons)
\$150 per quarter including GST – (3-5 persons)
\$75 per quarter including GST (2 or less persons)
- for each Fitness Trainer registered business per three month period or part thereof. All fees are non refundable and payable in advance in the manner and form directed by Council.
6. Land:
.....
.....
7. Purpose: To conduct, on Council's nominated parks/reserves and beaches, the business of Fitness Classes subject to the terms and conditions of this Agreement.

ATTACHMENT 1

Human Services and Facilities Unit Report No. 8 Fitness Trainers Agreement - Manly LGA Appendix A Fitness Trainers

8. Period: A term of commencing on and terminating on

THE PARTIES AGREE AS FOLLOWS:

1. All bookings, subject to availability, are to be conducted through the Community Facilities department of Council and can only be made three weeks in advance. A booking is only approved once the appropriate fee has been paid and conditions and guidelines agreed to by signature.
2. The rights conferred by this Agreement are for a trial period commencing is 1st October 2005 and terminating on 1st April 2006. A review for an extension of this arrangement is expected to take place in April 2006 but nothing in this Agreement abrogates or fetters, or is intended to abrogate or fetter, the lawful and proper discharge by Council of any of its statutory responsibilities, whether in relation to the subject-matter of this Agreement or otherwise.
3. Classes are restricted to a program of walking, jogging and exercise (not involving heavy equipment) on Council's nominated reserves/beaches on a seven day a week basis.
4. Permitted hours for the permitted activities are from 6:00am to 7:30pm.
5. Each Fitness Trainer must provide Council with valid documentation detailing their registration and accreditation with Fitness NSW as well as valid public liability insurance cover within the Fitness Australia Fitness Professional Policy.
6. The Fitness Trainer must ensure at all times that the requirements of the *Occupational Health and Safety Act 2000* (NSW) and the regulations made under that Act as well as all other relevantly applicable laws (both statutory and common law) are fully observed to the satisfaction of Council or the relevantly applicable authority.
7. The Fitness Trainer shall be liable for any fees or levies required by the Department of Industrial Relations or Workcover.
8. The Fitness Trainer must promptly comply with reasonable directions of the Council's Ranger(s) in relation to any actual or potential conflicting activities or to provide evidence of Council approval and valid accreditation.
9. The Fitness Trainer must be an appropriately qualified instructor(s) who has relevant first aid certification and certificates as required by Fitness NSW for accreditation. Documentary evidence of same is to be provided to the Council.

ATTACHMENT 1

Human Services and Facilities Unit Report No. 8 Fitness Trainers Agreement - Manly LGA Appendix A Fitness Trainers

10. The Fitness Trainer must keep and maintain a logbook of accidents or injuries and forward a copy to Council for its records.
11. The Fitness Trainer must immediately report to Council in writing any defects or matters hazardous in nature observed and requiring Council's attention.
12. The rights conferred by this Agreement upon the Fitness Trainer are personal and the Fitness Trainer must not purport to sub-let or assign or otherwise deal with his or her rights under this Agreement.
13. The Fitness Trainer releases and indemnifies and agrees to keep released and indemnified Council from and against all damages, sums of money, costs, charges, expenses, actions, claims, demands, suits, actions and proceedings which may be sustained or suffered by or recovered or made or brought against Council by any person (whether the Fitness Trainer or some third party) for any loss of life or injury or damage any person may sustain as a result of the carrying out of the rights conferred upon the Fitness Trainer by this Agreement. Without limiting the generality of the foregoing, Council shall not be liable for any damage or loss suffered by the Fitness Trainer as a result of any act, omission, default or neglect of any person including Council, its members, servants, agents and contractors.
14. Council does not and will not accept liability for any debts incurred by the Fitness Trainer and Council shall not be in any way responsible for any property whether of the Fitness Trainer or any other person that may be placed in or left on the Land or for any loss of any such property by theft or otherwise.
15. The Fitness Trainer shall be liable for any fees or levies required by the Department of Industrial Relations or Workcover or any other public authority or statutory body.
16. Each Fitness Trainer must be accredited and registered with Fitness NSW such that that valid public liability insurance coverage is maintained throughout the whole period of this Agreement covering all of the activities permitted by this Agreement as regards the carrying out of those activities in the Manly local government area.
17. Up to a maximum of 10 persons are permitted to participate in fitness classes at any one time at any approved area.
18. Each Fitness class has a maximum continuous training period of 2 hours.
19. Approved areas for Fitness Trainers to conduct Fitness Programs in the Manly local government area:

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Human Services and Facilities Unit Report No. 8 Fitness Trainers Agreement - Manly LGA Appendix A Fitness Trainers

South Steyne beach. (Manly Surf Club to Wentworth street)
North Steyne beach. (Raglan street to south of North Steyne Surf Club)
Queenscliff beach. (North of North Steyne Surf Club to Queenscliff Surf Club)
(Note: No training can take place on the ocean beach between Wentworth Street and Raglan Street)
Manly Lagoon Reserve
Manly West Park
Clontarf Reserve
Keirle Park
Tania Park
Seaforth Oval
LM Graham Reserve and the western end of Lagoon Park (only)

20. The Personal Trainer must not conduct boot camp style training on Council beaches/reserves. Boxing activities may be undertaken for physical fitness and/or rehabilitation purposes only.
21. The Fitness Trainer must ensure that any activity permitted by this Agreement causes minimum disruption and interference with the general public rights of access and enjoyment of these areas.
22. The Fitness Trainer must not use picnic tables and street furniture as training aids and not cause excessive wear and tear to turf areas, natural areas and bushlands.
23. The Fitness Trainer is only authorised to offer Fitness Classes. The sale of clothing or equipment or refreshments or any other goods, services or products is not permitted.
24. The Fitness Trainer must not display any promotional material, signage including banners or "A" Frame signs on Council's beaches/reserves.
25. The Fitness Trainer must not interfere with any Council approved or booked activity including but not limited to a special event, a wedding, birthday party, corporate BBQ, designated volley ball area, sport or sporting activity that is being carried on any oval, beach or reserve/park or part thereof and the Fitness Trainer acknowledges that such a booking has priority over the Fitness Trainers use and this activity is for non-exclusive use.
26. The Fitness Trainer must at all times conduct himself or herself in a proper and orderly manner.
27. The Council may terminate this Licence without notice if in its sole and absolute and unfettered opinion it has determined that the Fitness Trainer has failed to comply with the reasonable direction of its Ranger(s) or has breached, contravened or otherwise failed to comply with any term or condition of this Agreement.

ATTACHMENT 1

Human Services and Facilities Unit Report No. 8 Fitness Trainers Agreement - Manly LGA Appendix A Fitness Trainers

28. If a dispute arises that impacts on the ability of the parties to this Agreement to work cooperatively, all endeavours will be made to resolve the matter in a spirit of cooperation. If endeavours to resolve the matter do not achieve agreement between the parties within 20 business days of the first meeting called to resolve the dispute, the parties agree to seek the assistance of an external mediator to assist them to resolve the matter. The parties agree to reach an agreement in writing on the choice of mediator.

EXECUTED as an Agreement

EXECUTED FOR AND ON BEHALF OF MANLY COUNCIL:

..... Signature of Authorised Representative	 Signature of Witness
..... Full Name of Authorised Representative	 Full Name of Witness

EXECUTED BY THE FITNESS TRAINER

..... Signature of Fitness Trainer	 Signature of Witness
..... Full Name of Fitness Trainer	 Full Name of Witness