



## 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 21 November 2005**

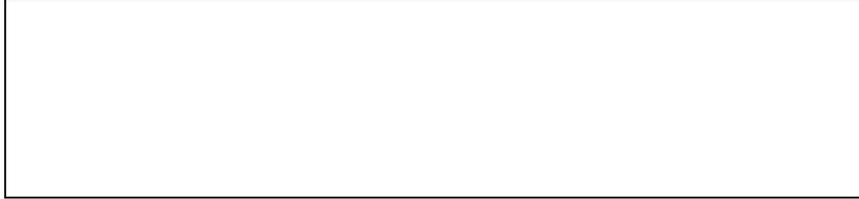
Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

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](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings

Staff      Staff      General  
   Manager      Chairperson      Staff      Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

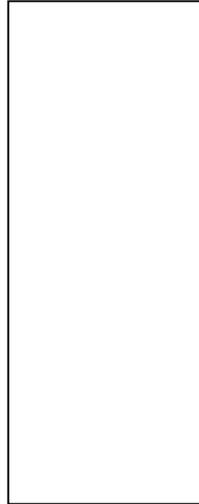
Clr Mark Norek

Clr Joanna Evans

**Deputy Mayor**  
Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

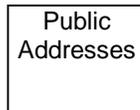
Clr Adele Heasman

Clr Dr Judy Lambert

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



## Public Gallery

**Chairperson:** The Mayor, Dr Peter Macdonald  
**Deputy Chairperson:** Deputy Mayor Clr Barbara Aird

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Ordinary Meeting at its meeting on 17 October 2005 resolved that the matter be deferred to the meeting to be held on 21 November 2005.

**CORPORATE PLANNING AND STRATEGY DIVISION REPORTS****ENVIRONMENTAL SERVICES DIVISION REPORTS****HUMAN SERVICES AND FACILITIES UNIT REPORTS****CIVIC SERVICES UNIT REPORTS****CLOSED SESSION**

**General Manager's Office Report No. 33**  
Kangaroo Rock Claims

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (e) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, prejudice the maintenance of law*

**QUESTIONS WITHOUT NOTICE****MATTERS OF URGENCY**

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

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

**TO: Ordinary Meeting - 21 November 2005**

**REPORT: Mayoral Minute No. 14**

**SUBJECT: Encouraging The Use of Solar Energy in Manly**

**Ordinary Meeting at its meeting on 17 October 2005 resolved that the matter be deferred to the meeting to be held on 21 November 2005.**

**FILE NO:**

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At the second session of the Manly Futures Forum held on Saturday September 24<sup>th</sup>, attendees heard from acclaimed Australian scientist Dr Tim Flannery. One of the topics he chose to speak on was the increasingly disturbing subject of Climate Change and its associated consequences of species extinction, loss of significant areas of habitat and an increase in heat-waves.

The Australian Bureau of Meteorology reports that in 2004, the nation experienced warmer than normal conditions across most of the country. Preliminary data indicates that the all-Australian annual mean temperature for 2004 was 0.45°C above the 1961-90 long-term average. The annual mean maximum temperature was 0.51°C above normal, and the mean minimum temperature 0.39°C above normal. These figures were boosted by several extensive warm spells, including an exceptional two-week heat-wave during February, which affected a large proportion of the continent and resulted in many new temperature records.

Perhaps of greatest concern to a coastal area such as Manly is Dr Flannery's predictions regarding the rise in global sea-levels, possibly by up to 6 metres in some areas.

While there are some experts who differ with Dr Flannery's position, there are a significant number who are making similar dire warnings. There appears to be a consensus that as a civilisation we need to make drastic changes to avoid a disastrous future.

The key recommendation from numerous experts is that we must reduce our dependence on fossil fuels. While Local Government is limited in what we can do to address such an issue, I believe there is a significant role that Council could and should play in encouraging our residents and ratepayers towards renewable sources of energy, particularly the use of solar energy in domestic dwellings.

Through the work of the Manly Environment Centre and our Natural Resources Branch, staff of Manly Council are already taking a leading role in education on energy issues and I believe that the time is now right for Council to build on that position and explore ways in which we can encourage the use of solar energy in both new and existing dwellings. As the biggest hindrance to purchasing solar energy units appears to be the significant costs involved, I believe Council could liaise with providers of solar energy to offer discounts or incentives to our ratepayers. Alternatively, finance packages could be structured to alleviate the cost burdens involved. In regards to new dwellings, we could explore ways of using our Development Control Plans to encourage the use of more sustainable energy sources.

I understand that Council staff are already actively pursuing grant funding through the latest Government Energy Projects, building on our Cities for Climate Change Initiative and in keeping with the implementation of Manly's Sustainability Strategy.

**I believe there is an exciting opportunity for Manly Council to lead the way in implementing practical measures at a Local Government level to address the growing concern regarding Climate Change.**

**Mayoral Minute No. 14 (Cont'd)****RECOMMENDATION**

- (1) Manly Council's Scientific Advisory Panel compile a report for Council on the issue of Climate Change and the potential implications for the Manly Local Government area
- (2) Council call for a report from staff exploring options of how Council could initiate an incentive scheme for *existing* dwellings to be fitted with solar energy units – perhaps through discounts with certain solar energy providers, offering an incentive to ratepayers who chose to install solar energy units or by structuring finance packages to alleviate the burden of significant costs.
- (3) Council call for a report from staff exploring the possibility of amending the Development Control Plans so that all new dwellings will be required to install Solar energy units.

**ATTACHMENTS**

There are no attachments for this report.

OM211105MM\_1

\*\*\*\*\* End of Mayoral Minute No. 14 \*\*\*\*\*

**TO: Ordinary Meeting - 21 November 2005**  
**REPORT: Mayoral Minute No. 15**  
**SUBJECT: Seaforth Centenary Celebrations**  
**FILE NO:**

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### **Background**

November 2006 marks a significant milestone for our community as it will be the 100<sup>th</sup> Anniversary since the founding of Seaforth. On November 10<sup>th</sup> and November 12<sup>th</sup> 1906 the first subdivision of land in Seaforth took place in a series of auctions undertaken by local landowner the late Mr Henry R. Halloran. The houses that were built on this land not only boast some of the finest harbour views in Sydney, but they were the first foundation stones to building the Seaforth community.

Fellow Councillors may be interested to know that Halloran originally intended to call the area the "Balfour Estate", after the then British Prime Minister. However his wife suggested the name "Seaforth", with some historians suggesting that the area reminded her of Loch Seaforth and Seaforth Island in Scotland.

Until the time of its development, the area's sheltered beaches were popular with campers and picnic parties. But it was the auction of land by Halloran that saw a community soon thrive in the area.

A second auction of land at the adjoining "Bluff Estate" took place on February 6<sup>th</sup> 1909, in rather unique circumstances. The attraction to the sale included a trip round Middle Harbour, with a band provided and light refreshments on the passenger steamer '*Lady Rawson*' – all for threepence. The lots were all marked with large numbers 3 and 4 feet high which could be clearly seen from the steamer on the water. The vessel stopped opposite each lot as it was offered and sold and the auction was a resounding success.

The Seaforth area is rich in history as can be seen from the names of the area's landmarks. Powder Hulk Bay is so named because hulks storing gunpowder were moored there from 1878 to 1919. Alan Avenue was named after Halloran's eldest son, who later became a prisoner of war in Singapore. Pine Point was named because of the majestic Norfolk pine tree growing on Lot 20 of the Seaforth Estate and Parsley Bay derived its name from the native parsley which grew there.

Local legend has it that Battle Boulevard, was so named because Halloran had to fight five legal battles with a former landowner to have part of the Boulevard opened through the property.

Dalwood Home in Seaforth was once owned by Theodore Gurney (1849 – 1918), second professor of mathematics and natural philosophy at the University of Sydney from 1877 - 1902. Gurney Crescent and Dalwood Avenue commemorate his residence in the district. Dalwood Home itself became a Children's home in 1928 and from 1992 has operated under the responsibility of Manly Hospital.

On the crown of the hill is the old stone building of St Paul's Anglican Church. This church building is the second oldest standing in the Manly area, the other being the Manly Congregational Church. The foundation stone was laid by Mrs. Barker, wife of the Bishop of Sydney, in the presence of more than 250 persons, on August 30, 1873. The church, seating 92, was opened for Divine Service on September 5, 1875.

Council's own Balgowlah/Seaforth Library was originally a one-room school-house, built in 1893. It served as a school until 1940, when Seaforth Public School was built. Since 1945, it has operated as a library by a dedicated group of volunteers. Two acres of the original school site were transferred in 1952 to the Department of Further and Technical education, for the construction of Seaforth Technical College, which operated as Seaforth TAFE from 1984 to 1999.

**Mayoral Minute No. 15 (Cont'd)**

In an article printed in 1973, Capt C.W.T. Henderson wrote the following about the Seaforth area:

*"With its 270 feet height above the enchanting waters of Middle Harbour, it would seem to have been intended by nature as a site of natural gifts and beauties for man.*

*Its mile of water frontage, its varied flora, and its picturesque views over every point of the compass tend to fulfil this intention."*

Seaforth is an area of rich beauty and significant history and it is right for us as a community to celebrate the 100<sup>th</sup> Anniversary since its foundations.

**RECOMMENDATION**

1. That Council establish the Seaforth Centenary Celebration Reference Group with the following representatives invited to take part:

- The Mayor, Dr Peter Macdonald (as chairman)
- Councillors
- Phil Jacombs (Precinct President)
- Digby Hughes (Precinct President)
- Glen Wirth (Seaforth Chamber of Commerce)
- Ian Traveller (Balgowlah/ Seaforth / Clontarf RSL Sub-branch)
- Hendrik Visser (Balgowlah RSL Club CEO)
- Rev Colin Sheehan (St Paul's Anglican Church)
- Pastor David Gore (Seaforth Baptist Church)
- Rev Peter Weineke (St Cecilia's Catholic Church)
- Frank Pikardt (Principal Balgowlah Boys High School)
- Leanne Nicol (Principal Saint Cecilia's Catholic School)
- Ray Ogilvie (Principal Seaforth Public School)
- Terry Metherell (Manly Council Heritage Committee)
- Brian McAteer (Community representative)
- Ian Reese (Community representative)
- H Still (Community representative)
- K Gwynne (Community representative)
- Meg Quinlisk (Community representative)
- Peggy Foster (Community representative)
- Lynne Young (Community representative)
- Bruce Polain (Community representative)

With the inclusion of other suitable nominees at the discretion of the chairman

2. That the Reference Group work towards staging a suitable event to celebrate the Centenary of the Seaforth area in November 2006

**ATTACHMENTS**

There are no attachments for this report.

OM211105MM\_2

\*\*\*\*\* End of Mayoral Minute No. 15 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Mayoral Minute No. 16  
**SUBJECT:** Heritage Listing of the Pacific Parade Streetscape  
**FILE NO:**

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**Background:**

I am in receipt of a survey and petition from residents of Pacific Parade, Manly who are requesting that the streetscape be heritage listed. A copy of their submission containing the survey is attached to this Minute.

The survey was undertaken by a resident living close to the property at number 7 which is the subject of a Development Application for demolition and re-build. It is claimed that what is proposed is out of character of this area.

According to the figures provided by the resident, 37 signatories are in favour of heritage listing, 10 were unavailable for comment, 2 abstained and 2 were opposed including the applicant at number 7. This is a significant majority who are seeking Council's support to protect the amenity and special character of their street. It is important to note that this initiative is emanating from the community.

It is worth repeating here the residents' rationale for heritage listing which has been submitted with the document:

*"... the signatures of the attached petition of residents of Pacific Parade Manly seek Council's support in the heritage listing of their streetscape. They acknowledge Council's previous efforts in providing heritage protection to the unique collection of advanced trees lining the street but seek to go further in protecting the unique and fast disappearing village atmosphere of Manly by listing the entire streetscape for future generations. The scale of building, their relationship to each other and their close proximal relationship to the footpath and its passing pedestrians all mark this area in space and time. Much of Manly was once like this. The Eastern Hill had many similar areas but they have all but disappeared in the scale still present in Pacific Parade. We ask that Council preserve this character for the residents now and generations to come."*

Council would recall that there was a resolution at the Corporate Planning & Strategy Meeting on November 14<sup>th</sup> to proceed with the listing of Alexander Street nearby. It is my view that these streets have much in common and these matters need to be progressed simultaneously.

**RECOMMENDATION**

1. That Council proceed with the process of heritage listing the streetscape of Pacific Parade, Manly
2. That staff undertake community consultation to confirm the general support for such a move.
3. That staff provide advice as to the appropriate nomenclature for listing such as "streetscape character/amenity" and/or "conservation zone"
4. That staff clearly define the meaning and implication of any such listing on future development in Pacific Parade.

**ATTACHMENTS**

**AT-1** Submissions by Residents of Pacific Pde 7 page(s)

OM211105MM\_3

\*\*\*\*\* End of Mayoral Minute No. 16 \*\*\*\*\*

**Submission to Manly City Council by the  
Residents of Pacific Parade Manly for the  
Heritage Listing of the Streetscape  
Nov 2005**

Mayoral Minute Report No. 16  
Heritage Listing of the Pacific Parade Streetscape  
Submissions by Residents of Pacific Pde

Rationale:

As indicated in the rationale above the signatures of the attached petition the residents of Pacific Parade Manly seek Council's support in the heritage listing of their streetscape. They acknowledge Council's previous efforts in providing heritage protection to the unique collection of advanced trees lining the street but seek to go further in protecting the unique and fast disappearing village atmosphere of Manly by listing the entire streetscape for future generations. The scale of buildings, their relationship to each other and their close proximal relationship to the footpath and its passing pedestrians all mark this area in space and time. Much of Manly was once like this. The Eastern Hill had many similar areas but they have all but disappeared in the scale still present in Pacific Parade. We ask that Council preserve this character for the residents now and generations to come.

The Survey:

Residents were asked whether they supported or did not support Heritage Listing and asked to put their signature in the appropriate space.

To ensure validity residents were given the choice to not seek listing.

The results were remarkably uniform. Two residents did not wish to participate and refused to sign in either choice. Some were unavailable but ALL THE REMAINING RESIDENTS SIGNED IN THE AFFIRMATIVE. This represents an amazing agreement of belief for a diverse community and confirms the strong parochial character of the area and the uniform desire to preserve the streetscape for future generations.

Almost all of the residents on the Southern side of the street affirmed the view that the streetscape should be listed - only numbers 1 and 37 abstained, the former because she was renting. Number 5 is rented and the owners opinion

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Mayoral Minute Report No. 16  
Heritage Listing of the Pacific Parade Streetscape  
Submissions by Residents of Pacific Pde

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was not able to be sought and number 7 is the subject of a current application by a landlord to demolish a Victorian vernacular weatherboard cottage and so it assumed would be against a heritage listing, two other residents ie numbers 33 and 13 were not able to be canvassed. The remaining 17 residents were unanimously in favour of heritage listing ie 17 out of 18 possible opinions were in favour of listing. There was one preschool without residents.

On the northern side of the street there was one refusal to sign but no opposition to the listing, 7 homes were not able to be canvassed. One of these is currently vacant and one owner is leaving the area. Of the remaining all 20 residents were in favour of heritage listing.

**Conclusion:**

There were three abstentions, no refusals and a total of 37 residents who were able to be surveyed who sought Council's assistance to list the streetscape. This represents an almost unanimous result only affected by the obvious interests of the owner of number 7 Pacific Pde who is seeking demolition of a Victorian cottage. In fact it is a 97.4% result.

It would be almost unprecedented to arrive at the level of agreement in the attached petition. We ask Council to immediately set in train steps to set up in interim guidelines to preserve the character of Pacific Pde and ask that as soon as possible full protection of Heritage Listing be granted to the streetscape of the street.

The Residents of Pacific Pde Manly  
7<sup>th</sup> November 2005

Mayoral Minute Report No. 16  
 Heritage Listing of the Pacific Parade Streetscape  
 Submissions by Residents of Pacific Pde

Petition to Manly City Council on behalf of residents in the Pacific Pde area asking that the streetscape be heritage listed.

Rationale:

Almost all of the houses in the street and those adjoining in Collingwood St maintain the characteristics of the Manly "village" atmosphere. In many parts of the city the possibility of such conservation is already gone and there is an imperative to preserve this character for the future. This petition is not against development but seeks to make development cohesive with the existing character of the area. In almost all cases residents have chosen to improve their homes with this in mind. This petition seeks to enhance what has been done by these residents by ensuring future compliance with these standards.

Name	Address	I seek listing of the streetscape	I do not seek listing of the streetscape
Aimee Frasel	36 Pacific Pde Ndy	<i>[Signature]</i>	
Nick Hammond	3 Pacific Pde Ndy	<i>[Signature]</i>	
K. CASSEMAN	9 Pacific W. Manly	<i>[Signature]</i>	
M. SWAGZINSKI	15 PACIFIC PDE	<i>[Signature]</i>	
M. SMITH	17 PACIFIC PDE	<i>[Signature]</i>	
E.G. BRAY	19 PACIFIC PDE	<i>[Signature]</i>	
C. COOKMAN	23 -	<i>[Signature]</i>	
M. GILBERT	25 PACIFIC PDE	<i>[Signature]</i>	
W. BURRELL	27 PACIFIC PDE	<i>[Signature]</i>	
M.K. HOLMES	29 Pacific Pde.	<i>[Signature]</i>	
J.R. ROWKA	35 PACIFIC PDE	<i>[Signature]</i>	
A. NIELER	39 PACIFIC PDE	<i>[Signature]</i>	
D. SARGENT	41 "	<i>[Signature]</i>	
KATHY BUCKNELL	43 Pacific Pde	<i>[Signature]</i>	
Edith Braggart	49 Pacific Pde	<i>[Signature]</i>	

Date:



Mayoral Minute Report No. 16  
Heritage Listing of the Pacific Parade Streetscape  
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Name	Address	I seek listing of the streetscape	I do not seek listing of the streetscape
6/2 Emma	31 Pacific PDE	<i>Small</i>	
L R Darlo	4 Pacific PDE	<i>No listing</i>	
D o c Gains	6 Pacific PDE	<i>Small</i>	
WIM BERENDES	8 Pacific PDE	<i>KR Berendes</i>	
ANN GRAHAM HSHR	10 Pacific PDE	<i>Ann Gibly</i>	
NAVET HENDERSON	12 Pacific PDE	<i>Navet Henderson</i>	
KYLEE DAVIDSON	11 Pacific PDE	<i>Kylee Davidson</i>	
PHIL STEPHENS	16 Pacific PDE	<i>Phil Stephens</i>	
DARWIN SMITH	18 Pacific PDE	<i>Phil Stephens</i>	
REFUSED	20 Pacific PDE		
L. EUGANAGAN	22 Pacific PDE	<i>L. E. Eganagan</i>	
	24 Pacific PDE	<i>Winn Magnus</i>	
Geoff CURTIJOYS	26 Pacific PDE	<i>Geoff Curtioys</i>	
TIM BATTENBOS	32 Pacific PDE	<i>Tim Battenbos</i>	
	34 Pacific PDE	<i>UNAVAILABLE</i>	

Date: 5/11/05

Mayoral Minute Report No. 16  
Heritage Listing of the Pacific Parade Streetscape  
Submissions by Residents of Pacific Pde

Petition to Manly City Council on behalf of residents in the Pacific Pde area asking that the streetscape be heritage listed.

Rationale:  
Almost all of the houses in the street and those adjoining in Collingwood St maintain the characteristics of the Manly "village" atmosphere. In many parts of the city the possibility of such conservation is already gone and there is an imperative to preserve this character for the future. This petition is not against development but seeks to make development cohesive with the existing character of the area. In almost all cases residents have chosen to improve their homes with this in mind. This petition seeks to enhance what has been done by these residents by ensuring future compliance with these standards.

Name	Address	I seek listing of the streetscape	I do not seek listing of the streetscape
Rebecca Gapple	30 Pacific Pde	UNAVAILABLE	
A. Williams	36 Pacific Pde	UNAVAILABLE	
Ross Williams	38 Pacific Pde	UNAVAILABLE	
S. PINEHOUSE	40 Pacific Pde	UNAVAILABLE	
	42 Pacific Pde	UNAVAILABLE	
← Hindmarsh	44 Pacific Pde	UNAVAILABLE	
	46 Pacific Pde	UNAVAILABLE	
X VACANT	48 Pacific Pde	UNAVAILABLE	
	50 Pacific Pde	UNAVAILABLE	
M. Doore	52 Pacific Pde	UNAVAILABLE	
M. ALLEN	54 Pacific Pde	UNAVAILABLE	
J. Sharkey	56 Pacific Pde	UNAVAILABLE	
M. Leelily	58 Pacific Pde	UNAVAILABLE	

Date: 5/11/05

**TO: Ordinary Meeting - 21 November 2005**  
**REPORT: Notice of Rescission No. 12**  
**SUBJECT: Fitness Trainers Agreement Manly LGA**  
**FILE NO:**

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Councillor Norek, Councillor Morrison, and Councillor Daley will move:

“That the Council’s decision of 15 August 2005 being Item Human Services & Facilities Report No. 8 in respect of Fitness Trainers Agreement Manly LGA be and is hereby rescinded.”

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

1. That Council endorse 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 December 2005 and be reviewed thereafter by Council.
3. That license fees be waived for fitness professionals registered with Fitness NSW who also hold appropriate public liability insurance.
4. That up to a maximum of 18 persons per trainer be permitted to participate in fitness classes at any one time.
5. During daylight savings allow trainers to exercise until 8.30pm.
6. That bootcamp style training be permitted so long as maximum group size limits are not exceeded and the registered fitness professional abides by the Fitness NSW Code of Professional Conduct in relation to this activity.
7. That fitness professionals be permitted to use light-weight, portable equipment for exercise classes.
8. Clause 19 – rather than listing approved areas for training and thereby placing further limitations on training activities, the areas that are not approved for training should be listed.

#### **ATTACHMENTS**

**AT-1** Rescission Motion Fitness Instruction in Manly 1 page(s)

OM211105NR\_2

\*\*\*\*\* End of Notice of Rescission No. 12 \*\*\*\*\*

Notice of Rescission Report No. 12  
Fitness Trainers Agreement Manly LGA  
Rescission Motion Fitness Instruction in Manly



**RESCISSION MOTION**  
(Code of Meeting Practice - Clause 34)

That the Council's decision of: \_\_\_\_\_  
being Item No: \_\_\_\_\_ in respect of Fitness  
Instruction in Manly LGA.  
be and is hereby rescinded.

Date: 5/10/2005.

Councillor: [Signature] Mark Noret,  
[Signature] R.P. Morris  
[Signature] Pat Daley

This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.

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General Manager's note: The Notice of Rescission is in order in terms of Clause 34 of the Council's Code of Meeting Practice.

General Manager

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Notice of Motion No. 36  
**SUBJECT:** Clarification of FSR Variations for Undersized Lots  
**FILE NO:**

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Councillor Murphy will move:

That clause 3.3.2(b) of the Manly Residential DCP be amended and clarified as follows:

That “substantially and 20%” be removed from the clause and the following clarification be added at the end. “This variation shall be limited to the allowable FSR for the minimum lot size in the relevant density subzone.

The new clause 3.3.2(b) would now read:

“On sites which are less than the minimum site area required in the relevant density subzone, (identified on Table 1, p9), Council may consider a variation to the floor space ratio provided the applicant can demonstrate the objectives of the DCP can be achieved. This variation shall be limited to the allowable FSR for the minimum lot size in the relevant density subzone”.

### **Background**

Clause 3.3.2(b) of the MDCP currently states that “On sites which are substantially less (20%) than the minimum site area required in the relevant density subzone, (identified on Table 1, p9), Council may consider a variation to the floor space ratio provided the applicant can demonstrate the objectives of the DCP can be achieved”.

This clause is often abused. Some applicants with undersize lots claim more FSR than those with a minimum lot size. Some applicants with land not much larger than the minimum lot size also use this clause to try and justify greatly exceeding the FSR guidelines for their subzone. By adding the clarification, the intention of this clause will become clear and no longer open to abuse.

NOTE: It is not the intention of this modification to affect merit based DA’s that exceed FSR but don’t effect bulk. ie where FSR is increased by excavated areas, attics, roof envelope extensions, undercroft extension, etc

### **ATTACHMENTS**

There are no attachments for this report.

OM211105NM\_2

\*\*\*\*\* End of Notice of Motion No. 36 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Notice of Motion No. 38  
**SUBJECT:** Rezoning of Land - Balgowlah Boys High School  
**FILE NO:**

---

Councillor Lambert will move:

That further to Council's recent decision (Committee of the Whole 14 Nov 2005) to approve rezoning of land which is currently an unused portion of the Balgowlah Boys High School site, Council write to the Minister for Education, the Hon. Carmel Tebbutt

- a) expressing concerns at the sale of land seen as surplus to current educational needs, given a continuing need for educational facilities, likely changes in demographic mix in the area, and the likely cost of purchasing replacement land at a later date; and
- b) seeking referral of the proposed sale of this land to the State Government's Centre for Affordable Housing for their assessment as to the potential for affordable housing on the site.

#### **ATTACHMENTS**

There are no attachments for this report.

OM211105NM\_4

\*\*\*\*\* End of Notice of Motion No. 38 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Item For Brief Mention No. 10  
**SUBJECT:** Item For Brief Mention  
**FILE NO:**

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**1. Reports:**

Council has received advice dated 10 November 2005 from the Department of Planning requesting that Council avoid proposing minor amendments to the Local Environmental Plan (LEP), and concentrate on preparation of a new LEP. (Refer Attachment 1).

It is noted that the LEP template is currently in draft form, and Council made a submission on its provisions on 4 November 2005.

The Department has reviewed draft LEP 1988 (Amendment No. 73) to list No. 3 Oyama Avenue, Manly as a heritage item and considers that the draft plan should not proceed separately from the preparation of a new comprehensive LEP.

**2. Minutes Of Meetings:**

- (i) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 17 OCTOBER, 2005
- (ii) MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 12 OCTOBER, 2005
- (iii) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD 12 OCTOBER, 2005
- (iv) MANLY COMMUNITY SAFETY COMMITTEE MEETING HELD 20 OCTOBER, 2005
- (v) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 6 OCTOBER 2005
- (vi) THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 12 OCTOBER 2005
- (vii) MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 26 OCTOBER 2005

**THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**

- 3. a.** Manly Visitor and Community Board Minutes of Meeting held 6 October, 2005.

**Item Number: 8.1 Appointment of New Board Member**

The Recommendation of the Committee was:

That the new General Manager of the Manly Pacific Hotel, Karen Sainsbury be invited to become a board member of the Manly Visitor and Community Board

**Item For Brief Mention No. 10 (Cont'd)****RECOMMENDATION**

1. That Council receive and note the above information.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being **(i) - (vii)**, as listed above, be **adopted**.
- 3a. That item 8.1 of Manly Visitor and Community Board Minutes of Meeting held on 6 October 2005 be adopted, as follows:

That the new General Manager of the Manly Pacific Hotel, Karen Sainsbury be invited to become a board member of the Manly Visitor and Community Board

**ATTACHMENTS**

**AT-1** Letter from Dept of Planning re 3 Oyama Avenue 1 page(s)

OM211105IBM\_1

\*\*\*\*\* End of Item For Brief Mention No. 10 \*\*\*\*\*

Item For Brief Mention Report No. 10  
Item For Brief Mention  
Letter from Dept of Planning re 3 Oyama Avenue

Attachment 1.



NSW GOVERNMENT  
Department of Planning

Contact: David Gibson  
Phone: 02 9228 6589  
e-mail: david.gibson@dipnr.nsw.gov.au

Your ref: 181005-CLFR: W3N5-EVG2  
Our ref: 9040713

Ms Jennie Minifie  
Manager Planning and Strategy  
Manly Council  
P O Box 82  
MANLY NSW 1655

Attn. Connie Lau

Dear Ms Minifie

**Re: Draft Manly Local Environmental Plan 1988 Amendment No. 73 (separate heritage listing of No. 3 Oyama Avenue, Manly)**

I refer to your letter of 27 October 2005, advising of Council's resolution pursuant to section 54 of the Environmental Planning and Assessment Act 1979, to prepare the above draft local environmental plan. It is noted that the amending Plan proposes to list the site as an item of Environmental Heritage in Manly LEP 1988.

The Department has reviewed the draft Manly LEP 1988 (Amendment No. 73) and is of the opinion that at this stage the draft Plan **should not proceed** separately from the preparation of a new comprehensive LEP.

As you are aware the Department has requested Council's to avoid proposing minor amendments to existing plans, including spot rezonings, and for Council's to concentrate on the preparation of new comprehensive plans in line with the State Government's planning reforms. It should be noted that as per the Department's letter of 15 April 2005, for amendments to proceed in the transition period, it is by exception, and Council are required to demonstrate a compelling case. Unless Council are able to demonstrate otherwise, it is not considered that the draft Manly LEP 1988 (Amendment No. 73) presents a compelling case for the Plan to proceed in isolation.

As such, the process to achieve the integration of all other LEP controls for the Manly Council area should continue to form part of the development of the single comprehensive local environmental plan in Standard LEP template form, rather than as separate LEP amendments.

Should you have any further queries, please contact David Gibson on 9228 6589.

Yours sincerely

*Petula Samios*  
for Petula Samios  
Director, Metropolitan Planning Co-ordination Unit  
10.11.05

Department of Planning, 23-33 Bridge St, Sydney; GPO Box 39, Sydney NSW 2001  
Phone 02 9228 6111 Fax 02 9228 6499 www.dipnr.nsw.gov.au

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** General Manager's Office Report No. 31  
**SUBJECT:** Ocean Beach Parking Scheme  
**FILE NO:**

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## SUMMARY

Council at its meeting held 20 June 2005 considered Notice of Motion No.22 and resolved:

1. That Council reaffirm its commitment to the 4 hour rate payer parking on the beach front.
2. Council to look into immediately solving parking problems in the following areas:
  - a. Current Ocean Beach Residential parking scheme needs to cover all areas of Cameron Avenue.
3. That, as a matter of priority, the General Manager bring back a report on methods to resolve the following issues:
  - a. The formalisation of legal parking areas for residents in Rolfe Street.
  - b. The proposed change from 10pm restrictions to a common 6pm in all residential areas, unless the street is near a late night commercial area.
  - c. To investigate ways to provide better parking solutions for non-profit making events making use of the beach (Surf Lifesavings etc).
4. That the Ocean Beach, Fairy Bower and Little Manly Community Precinct Forums be asked to provide feedback on the proposed reduction of hours in the Resident Parking Scheme areas.
5. That the Ivanhoe Park Precinct be asked to comment on the effect of Resident Parking Schemes in the surrounding area, especially in the areas of Birkley Road, Kangaroo Street Ocean Road, Quinton Street and Raglan Street".

## REPORT

### **Four (4) hour parking on the beachfront**

Council allocated ten (10) parking bays on the Ocean Beach to permit Ocean Beach residents to park for an unlimited time with their Ocean Beach Parking Permits in August 2005.

### **Ocean Beach Parking Scheme Cameron Avenue**

Council has reviewed the current parking restrictions in Cameron Avenue a number of times in 2005 in order to assess the provision of parking for both residents in the Ocean Beach permit scheme and also visitors to the Manly Lagoon Park and the Ocean Beach.

The current mix of parking restrictions including resident 2P restricted parking, disabled parking and unrestricted angle parking is believed to be the best balance of parking restrictions for the street and no changes to this are recommended.

### **Formalisation of legal parking areas in Rolfe Street**

Council Officers investigated a number of options for legalising parking in Rolfe Street and made a recommendation of introducing shared zones to the Traffic Committee meeting held 24 October 2005. This proposal was rejected and Council Officers are investigating the other options for a further report to the next Traffic Committee meeting.

### **Time Restrictions in Permit Parking Areas**

**General Manager's Office Report No. 31 (Cont'd)**

Council wrote to Fairy Bower, Ocean Beach and Little Manly Precinct Committees in August 2005 seeking feedback on the Council resolution to the proposed reduction of hours in the parking schemes in these areas. The proposed reduction in hours was from the current 10pm to a common 6pm in all residential areas, unless the street is near a late night, commercial area.

The Fairy Bower Precinct meeting 5 September 2005 unanimously resolved to strongly object to any reduction in parking limits from 10pm to 6pm, wanting the current restrictions maintained.

Ocean Beach Precinct responded that no one at their Precinct Meetings "put forward any issues or comments" on the matter.

The Little Manly Precinct meeting held 14 September 2005 conducted a straw poll with the majority of people present at the meeting voting as below and a recommendation that the parking restriction times be amended from 8am to 8pm:

- 4 votes for restrictions to 10pm
- 1 vote for restrictions to 9pm
- 13 votes for restrictions to 8pm.

**Parking at non-profit Events**

In recent times various Clubs have approached Council for assistance in providing parking for attendees at large scale non-profit events. This has been dealt with by Council on an individual basis due to the unique nature of such events.

To date Council has been able to offer various solutions to different community groups which have proved successful in providing additional parking for events. These include the issuing of special permits for unrestricted parking in an area on a certain day only, discount parking tickets to Council's parking stations for a certain day only, leniency with regard to vehicles drop offing and picking up goods and persons, and providing suggestions for alternate parking venues such as Manly Public School.

**Effect of Parking Permit Schemes in outlying Areas**

Council wrote to Ivanhoe Park Precinct seeking their feedback on the effect of the existing permit parking areas on streets in their Precinct area, in particular with regard to Birkley Road, Kangaroo Street, Ocean Road, Quinton Street and Raglan Street.

The Precinct commented that "since the introduction of the Ocean Beach (Nth) and Eastern Hill (Little Manly) parking scheme was introduced that there has been an overflow of non-resident parking into Kangaroo St, Ocean, Birkley, Quinton and Augusta Roads, and Parkview Street. It is requested that the practicality of including these streets into an expanded parking scheme be investigated."

A formal survey of Ivanhoe Park residents regarding a proposed permit parking scheme for their area is being undertaken by Council in November 2005 and a report will be presented to Council on this matter at a later stage.

**RECOMMENDATION**

That Council notes the report on Permit Parking Schemes in the Manly Local Government Area.

**ATTACHMENTS**

There are no attachments for this report.

OM211105GMO\_1

\*\*\*\*\* End of General Manager's Office Report No. 31 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** General Manager's Office Report No. 32  
**SUBJECT:** Extension of the Manly Active Transport Initiatives  
**FILE NO:**

## REPORT

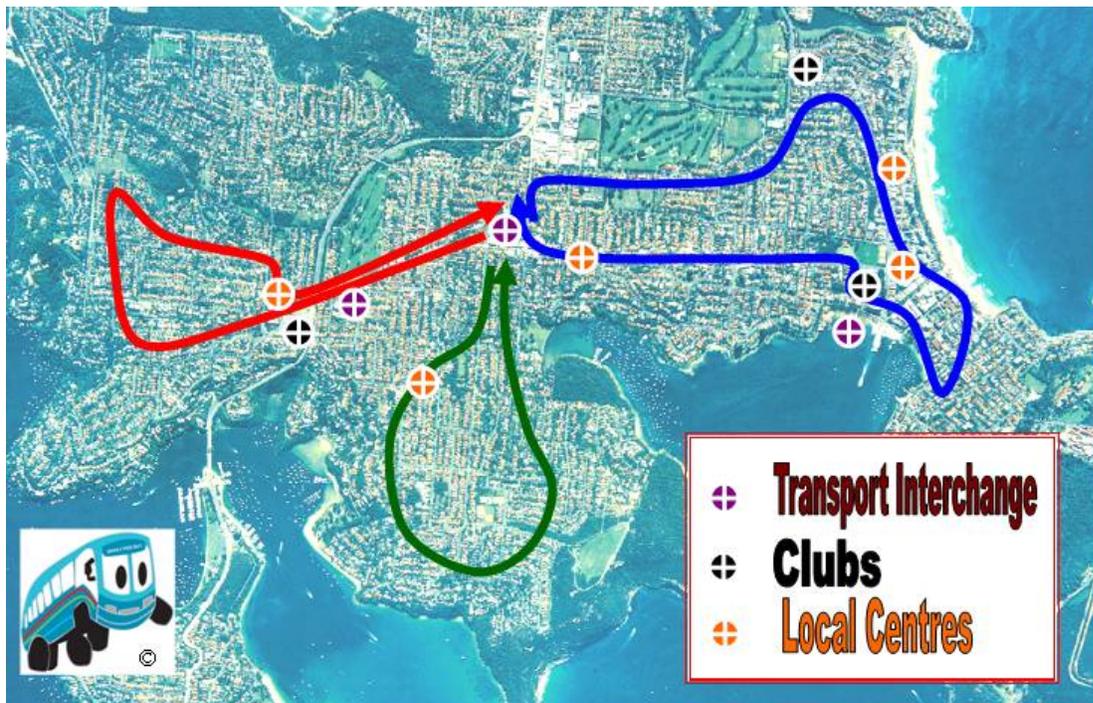
Council is aware of a plan to roll out a community transport initiative in conjunction with the planned closure of the Totem Centre.

The original plan by Stockland was to provide an off peak point-to-point service for Totem customers to access services at alternative locations following the closure of the Centre. However, as a result of dialogue with Stockland, an in-principal agreement has been reached to expand out to address the dual aims of promoting public and active transport and a reduction in car dependency in the Manly LGA as put forward in Council's Sustainability Strategy. Face-to-face discussions held with the STA have progressed to a stage where the proposed service is likely to integrate with the STA services if and when an operator's license is granted.

STA's support of our application to the Ministry of Transport for an operator's license will be most helpful. Positive dialogue with STA is continuing.

While Council has yet to receive its operator's license from the Ministry of Transport (MOT), planning for the project is progressing rapidly with Stockland pledging a workable initial monetary commitment towards the project.

The proposed service will consist of three 20 minute loops utilising mini buses to service Seaforth to the West, Balgowlah Height to the South and Queenscliff & Eastern Hill to the East. The following diagram generally describes the coverage of the proposed 7am to 7pm service:



The proposed service will operate as a standard bus-stop as well as "hail and ride" (where safety permits). At least one of the mini buses will come equipped with wheelchair lifts.

**General Manager's Office Report No. 32 (Cont'd)**

It is envisaged that the service will commence around the planned closure of Totem (mid December). However, this timeframe is contingent on Council obtaining an operator's license.

Drivers for the service will initially be sourced from existing mini bus operators. In the long run, drivers will come from a pool of professional and volunteer drivers who have the requisite MOT accreditation to operate a public mini bus.

The cost of the service in the first year (inclusive of capital outlay) is estimated to be in the order of \$500K. The funding for this will be from Stockland, sponsorship and possibly Gold Coin donations.

It is planned to publicly "introduce" the transport concept on Ocean Care Day. The official launch will not take place until all logistical arrangements are confirmed by the Ministry of Transport.

**RECOMMENDATION**

That Council endorse the proposal as an extension of Council's Active Transport initiatives and pursuant to the objectives of Council's Sustainability Strategy.

**ATTACHMENTS**

There are no attachments for this report.

OM211105GMO\_2

\*\*\*\*\* End of General Manager's Office Report No. 32 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Corporate Services Division Report No. 25  
**SUBJECT:** Schedule of Meetings - 1 January - 30 June 2006  
**FILE NO:**

---

### SUMMARY

A schedule of proposed dates for Council and Principal Committees meetings from 1 January 2006 to 30 June 2006 is submitted to Council for adoption.

### REPORT

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

The following proposed Schedule of Meetings for the period 1 January 2006 to 30 June 2006, has regard to the same period of recess over Christmas/New Year break as occurred last year.



### Schedule of Meetings

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#### JANUARY 2006 – In Recess

Date	Day	Time	Meeting
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#### FEBRUARY 2006

6 <sup>th</sup> February 2006	Monday	7.30pm	Land Use Management Committee Meeting
13 <sup>th</sup> February 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
20 <sup>th</sup> February 2006	Monday	7.30pm	Ordinary Meeting
27 <sup>th</sup> February 2006	Monday		<b>No Meeting</b>

## Corporate Services Division Report No. 25 (Cont'd)

Date	Day	Time	Meeting
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**MARCH 2006**

6 <sup>th</sup> March 2006	Monday	7.30pm	Land Use Management Committee Meeting
13 <sup>th</sup> March 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
20 <sup>th</sup> March 2006	Monday	7.30pm	Ordinary Meeting
27 <sup>th</sup> March 2006	Monday		<b>No Meeting</b>

**APRIL 2006**

3 <sup>rd</sup> April 2006	Monday	7.30pm	Land Use Management Committee Meeting
10 <sup>th</sup> April 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
17 <sup>th</sup> April 2006	Monday	7.30pm	<b>No Meeting - Easter Monday</b>
18 <sup>th</sup> April 2006	Tuesday		Ordinary Meeting
24 <sup>th</sup> April 2006	Monday		<b>No Meeting</b>

## Corporate Services Division Report No. 25 (Cont'd)

Date	Day	Time	Meeting
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**MAY 2006**

1 <sup>st</sup> May 2006	Monday	7.30pm	Land Use Management Committee Meeting
8 <sup>th</sup> May 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
15 <sup>th</sup> May 2006	Monday	7.30pm	Ordinary Meeting
22 <sup>nd</sup> May 2006	Monday		<b>No Meeting</b>
29 <sup>th</sup> May 2006	Monday		<b>No Meeting</b>

**JUNE 2006**

5 <sup>th</sup> June 2006	Monday	7.30pm	Land Use Management Committee Meeting
12 <sup>th</sup> June 2006	Monday		<b>No Meeting - Queen's Birthday</b>
13 <sup>th</sup> June 2006	Tuesday	7.30pm	Corporate Planning & Strategy Committee Meeting
19 <sup>th</sup> June 2006	Monday	7.30pm	Ordinary Meeting
26 <sup>th</sup> June 2006	Monday		<b>No Meeting</b>

**RECOMMENDATION**

That the schedule of Meetings for the period 1 January 2006 to 30 June 2006 as presented be adopted.

**ATTACHMENTS**

There are no attachments for this report.

OM211105CSD\_1

\*\*\*\*\* End of Corporate Services Division Report No. 25 \*\*\*\*\*

**TO:** Ordinary Meeting - 21 November 2005  
**REPORT:** Corporate Services Division Report No. 26  
**SUBJECT:** Financial Review for the Period Ending 30 September 2005  
**FILE NO:**

---

### SUMMARY

Council's Income and Expenditure for the quarter 1 July 2005 to 30 September 2005 has been reviewed, together with a projection of Council's Budget as at 30 June 2006, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$67,790 and a forecast deficit at 30 June 2005 of \$158,790.

### Report

Council is required to prepare a budget review statement each quarter, in accordance with Clause 7 of the Local Government (Financial Management) Regulation 1999. This report is prepared in accordance with the clause for the period ended 30 September 2005.

The purpose of these reviews is to ensure that the impact of financial variation, which should only be of a minor nature, is reflected in the forecast of Council's global budgetary position to 30 June 2005, and the adopted Budget adjusted accordingly.

### Discussion

The following is a summary of Council's adopted Budget for 2005/2006 and revised estimates of Income and Expenditure to 30 June 2006, following the adjustments included in this report:

	Original Budget	Revised Budget at 30/09/2005
Operating Income	-\$45,998,055	-\$46,532,079
Capital Income	-\$15,248,325	-\$17,268,525
Total Income	-\$61,246,380	-\$63,800,604
Operating Expenditure	\$44,601,062	\$45,774,954
Capital Expenditure	\$16,736,318	\$18,184,440
Total Expenditure	\$61,337,380	\$63,959,394
Net Surplus / (Deficit)	<b>(\$91,000)</b>	<b>(\$158,790)</b>

Net Program adjustments for the quarter are summarized in the following table which outlines the aggregate changes to program areas in the Budget for the Quarter ended 30 September 2005.

## Corporate Services Division Report No. 26 (Cont'd)

Prog No.	Program	Variation
1.0	Corporate Services	\$0
2.0	Planning & Strategy	\$0
4.0	Human Services & Facilities	\$0
5.0	Recreation & Culture	\$0
6.0	Environmental Services	\$0
7.0	Public Order & Safety	\$32,992
8.0	Urban & Infrastructural Services	\$52,558
9.0	Environmental & Community Amenities	\$0
10.0	General Purpose Revenues	-\$17,760
<b>Net Budget Variation – Deficit</b>		<b>\$67,790</b>

Major items included in the variances (excluding minor internal transfers) are summarized below.

Note: Grants received for specific programs will have a matching expenditure:

Prog	Details	\$
2.0	LEP Review / Manly Futures Visioning Project	\$50,000
	Matching Grant Funds - DIPNR – Plan First Funding/	-\$50,000
4.0	BASC – Active After School Program Grant	\$4,000
7.0	NSW Fire Brigades – Increase in statutory contribution	\$32,992
8.0	Little Manly Boat Ramp – works c/fwd	\$100,000
	Dept Waterways Grant Funding	-\$41,000
8.0	Road Resealing REPAIR Program (Matching RTA Grant Funds)	\$92,000
8.0	Roads to Recovery Program Matching Fed DTRS Grant Funds	\$130,000
10.0	Increased Financial Assistance Grant	-\$24,202
2.0	Environment Levy – Manly Lagoon Rehabilitation Works Matching Grant Funds (DIPNR/ Env Levy Funds C/Fwd)	\$470,000
2.0	Environment Levy - Forty Baskets Beach (Matching Grant Funds (DIPNR/Env Levy)	\$104,000
2.0	Environment Levy – Integrated Catchment Management Strategy (Matching Grant Funds/Env Levy)	\$100,000
2.0	Environment Levy - Potential Hazards Study (Coastal) (Matching Grant Funds/Env Levy)	\$33,333
2.0	Environment Levy - Coastal Projects (Matching Grant Funds/Env Levy)	\$40,000
2.0	Castle Circuit Playground Works Matching DIPNR Grant Funds	\$161,000
	<b>Total Variation - Deficit</b>	<b>\$67,790</b>

After adoption of the recommended adjustments the result for the quarter is a deficit of \$67,790 and a forecast deficit at 30 June 2006 of \$158,790.

## Corporate Services Division Report No. 26 (Cont'd)

## Statement as to position of Council Reserves

RESERVE	SCHEDULE OF CASH RESERVES (PROJECTIONS)			Projected Balance 30/06/2006
	Actual Balances 1/07/2005	Transfers to Reserve	Transfers from Reserve	
<b>EXTERNALLY RESTRICTED:</b>				
S.94 CONTRIBUTIONS	1,281,841.10	300,000.00	329,000.00	1,252,841.10
SPECIFIC PURPOSE UNEXPENDED GRANTS	489,552.49			489,552.49
DOMESTIC WASTE MANAGEMENT RESERVE	1,375,080.00	225,000.00	600,000.00	1,000,080.00
MANLY ART GALLERY - THEODORE BATTEN RES.	719,877.00			719,877.00
<b>TOTAL EXTERNALLY RESTRICTED</b>	<b>3,866,350.59</b>	<b>525,000.00</b>	<b>929,000.00</b>	<b>3,462,350.59</b>
<b>INTERNALLY RESTRICTED:</b>				
ART GALLERY/MUSEUM EXTENSIONS RESERVE	4,909.00			4,909.00
DEPOT REDEVELOPMENT RESERVE	4,998,523.53		1,500,000.00	3,498,523.53
EMPLOYEE LEAVE ENTITLEMENTS	1,640,655.15	200,000.00		1,840,655.15
ENVIRONMENT LEVY RESERVE	659,099.84	1,000,000.00	1,000,000.00	659,099.84
INFRASTRUCTURE CAPITAL RESERVE	1,521,602.88			1,521,602.88
UNEXPENDED LOAN FUNDS **	28,713.14	2,100,000.00	2,100,000.00	28,713.14
OCEANWORLD SPONSORSHIP	0.00			0.00
OFFICE EQUIPMENT REPLACEMENT RESERVE	69,071.13	15,415.00		84,486.13
ROADS MAINTENANCE RESERVE	200,000.00			200,000.00
PREMSURE LIABILITY RESERVE	275,000.00			275,000.00
ROSS STREET OCCASIONAL CARE CENTRE	0.00			0.00
SHELLY BEACH IMPROVEMENTS RESERVE	28,137.46			28,137.46
KIMBRIK JOINT VENTURE (SPECIAL DISTRIBUTION)	422,392.00			422,392.00
UNEXPENDED SPECIFIC PURPOSE CONTRIBUTIONS	49,731.89			49,731.89
VEHICLE REPLACEMENT RESERVE	0.00	50,000.00	50,000.00	0.00
MANLY TOWN CENTRE IMPROVEMENTS	60,000.00			60,000.00
MANLY WHARF FORECOURT RESERVE (NEW)	50,000.00			50,000.00
CONT'N TO WORKS - PARK EMBELLISHMENT - FROMELLES AVE	200,000.00			200,000.00
BALGOWLAH AREA IMPROVEMENTS RESERVE	60,265.97	45,148.00	68,000.00	37,413.97
KANGAROO ROCK DAMAGES RESERVE	479,794.39		50,000.00	429,794.39
INCOMPLETE CAPITAL OR CONTRACTED WORKS	50,522.82			50,522.82
PLANT REPLACEMENT RESERVE	227,727.88	600,000.00	827,000.00	727.88
CBD & OCEAN BEACH IMPROVEMENTS RESERVE	0.00	902,880.00	900,000.00	2,880.00
<b>TOTAL INTERNALLY RESTRICTED</b>	<b>11,026,147.08</b>	<b>4,913,443.00</b>	<b>6,495,000.00</b>	<b>9,444,590.08</b>
<b>TOTAL PROJECTED RESTRICTED FUNDS</b>	<b>14,892,497.67</b>	<b>5,438,443.00</b>	<b>7,424,000.00</b>	<b>12,906,940.67</b>
Incomplete capital works carried forward				
SECURITY / PERFORMANCE DEPOSITS & BONDS	4,923,847.08			4,923,487.08
<b>TOTAL PROJECTED RESTRICTED FUNDS</b>	<b>19,816,345.75</b>	<b>5,438,443.00</b>	<b>7,424,000.00</b>	<b>17,830,788.75</b>

\*\* Subject to taking up Loan Funds for 2005/2006

**Corporate Services Division Report No. 26 (Cont'd)**

**Statutory Report**

In accordance with Clause 7(2) of the Local Government (Financial Management) Regulation 1999, Council's Chief Financial Officer hereby certifies that the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

**RECOMMENDATION**

That the 2005/2006 Adopted Budget be varied in terms of this Report.

**ATTACHMENTS**

**AT-1** Budget Variations 2006 1 page(s)

OM211105CSD\_2

\*\*\*\*\* End of Corporate Services Division Report No. 26 \*\*\*\*\*

**ATTACHMENT 1**

**Corporate Services Division Report No. 26  
Financial Review for the Period Ending 30 September 2005  
Budget Variations 2006**

Summary

Description	2005/2006 Budget Variation								Full Year		Full Year	
	Original	Council Approved	September Review	Council Approved	December Review	Council Approved	March Review	Council Approved	June Review	Budget Estimates	Budget Variation \$	% Budget Variation
<b>Income</b>												
1 Corporate Governance	(1,782,000)	-	-	-	-	-	-	-	-	(1,782,000)	-	0.00%
2 Corporate Planning & Strategy	(435,823)	-	(50,000)	-	-	-	-	-	-	(485,823)	50,000	-11.47%
4 Human Services & Facilities	(2,630,501)	-	(4,400)	-	-	-	-	-	-	(2,634,901)	4,400	-0.17%
5 Recreation & Culture	(1,921,286)	-	-	-	-	-	-	-	-	(1,921,286)	-	0.00%
6 Environmental Services	(2,205,000)	-	-	-	-	-	-	-	-	(2,205,000)	-	0.00%
7 Public Order & Safety	(22,500)	-	-	-	-	-	-	-	-	(22,500)	-	0.00%
8 Urban & Infrastructural Services	(6,131,500)	-	(6,442)	-	-	-	-	-	-	(6,137,942)	6,442	-0.11%
9 Environmental & Community Amenities	(6,455,675)	-	-	-	-	-	-	-	-	(6,455,675)	-	0.00%
10 General Purpose Revenues	(24,413,770)	-	(473,182)	-	-	-	-	-	-	(24,886,952)	473,182	-1.94%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	-	0	-	0.00%
	-	-	-	-	-	-	-	-	-	-	-	0.00%
	(45,998,055)	-	(534,024)	-	-	-	-	-	-	(46,532,079)	534,024	-1.16%
<b>Capital Income</b>												
1 Corporate Governance	(105,000)	-	-	-	-	-	-	-	-	(105,000)	-	0.00%
2 Corporate Planning & Strategy	(3,796,000)	-	(1,688,200)	-	-	-	-	-	-	(5,484,200)	1,688,200	-169.50%
4 Human Services & Facilities	0	-	-	-	-	-	-	-	-	0	-	0.00%
5 Recreation & Culture	(519,525)	-	(161,000)	-	-	-	-	-	-	(680,525)	161,000	-30.99%
6 Environmental Services	0	-	-	-	-	-	-	-	-	0	-	0.00%
7 Public Order & Safety	0	-	-	-	-	-	-	-	-	0	-	0.00%
8 Urban & Infrastructural Services	(6,398,000)	-	(171,000)	-	-	-	-	-	-	(6,569,000)	171,000	-2.67%
9 Environmental & Community Amenities	0	-	-	-	-	-	-	-	-	0	-	0.00%
10 General Purpose Revenues	(4,429,800)	-	-	-	-	-	-	-	-	(4,429,800)	-	0.00%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	-	0	-	0.00%
	-	-	-	-	-	-	-	-	-	-	-	0.00%
	(15,248,325)	-	(2,020,200)	-	-	-	-	-	-	(17,268,525)	2,020,200	-1.16%
<b>Expenditure</b>												
1 Corporate Governance	10,753,898	-	-	-	-	-	-	-	-	10,753,898	-	0.00%
2 Corporate Planning & Strategy	4,376,107	-	1,136,500	-	-	-	-	-	-	5,512,607	(1,136,500)	0.00%
4 Human Services & Facilities	4,794,695	-	4,400	-	-	-	-	-	-	4,799,095	(4,400)	-0.09%
5 Recreation & Culture	6,684,480	-	-	-	-	-	-	-	-	6,684,480	-	0.00%
6 Environmental Services	3,090,649	-	-	-	-	-	-	-	-	3,090,649	-	0.00%
7 Public Order & Safety	807,194	-	32,992	-	-	-	-	-	-	840,186	(32,992)	-4.09%
8 Urban & Infrastructural Services	4,587,855	-	-	-	-	-	-	-	-	4,587,855	-	0.00%
9 Environmental & Community Amenities	9,506,184	-	-	-	-	-	-	-	-	9,506,184	-	0.00%
10 General Purpose Revenues	0	-	-	-	-	-	-	-	-	0	-	0.00%
11 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	-	0	-	0.00%
	-	-	-	-	-	-	-	-	-	-	-	0.00%
	44,601,062	-	1,173,892	-	-	-	-	-	-	45,774,954	(1,173,892)	-2.63%

**ATTACHMENT 1**

**Corporate Services Division Report No. 26  
Financial Review for the Period Ending 30 September 2005  
Budget Variations 2006**

<b>Capital Expenditure</b>												
1	Corporate Governance	1,018,450	-	-	-	-	-	-	-	1,018,450	-	0.00%
2	Corporate Planning & Strategy	2,810,000	-	601,700	-	-	-	-	-	3,411,700	(601,700)	#####
4	Human Services & Facilities	99,000	-	-	-	-	-	-	-	99,000	-	0.00%
5	Recreation & Culture	1,307,025	-	161,000	-	-	-	-	-	1,468,025	(161,000)	-12.32%
6	Environmental Services	0	-	-	-	-	-	-	-	0	-	0.00%
7	Public Order & Safety	0	-	-	-	-	-	-	-	0	-	0.00%
8	Urban & Infrastructural Services	8,348,000	-	230,000	-	-	-	-	-	8,578,000	(230,000)	-2.76%
9	Environmental & Community Amenities	640,400	-	-	-	-	-	-	-	640,400	-	0.00%
10	General Purpose Revenues	0	-	-	-	-	-	-	-	0	-	0.00%
11	Appropriations for Future Expenditure	2,513,443	-	455,422	-	-	-	-	-	2,968,865	(455,422)	-18.12%
		-	-	-	-	-	-	-	-	-	-	0.00%
		16,736,318	-	1,448,122	-	-	-	-	-	18,184,440	(1,448,122)	-8.65%
	Surplus/(Deficit)	(91,000)	-	(67,790)	-	-	-	-	-	(158,790)	67,790	
	Net Surplus/(Deficit)	(91,000)		(67,790)	-	-	-	-	-	(158,790)	67,790	

**TO: Ordinary Meeting - 21 November 2005**  
**REPORT: Corporate Services Division Report No. 27**  
**SUBJECT: Accounts – Report on Council Investments as at 31 October, 2005**  
**FILE NO:**

**SUMMARY**

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

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

**REPORT:****1. Statement Showing General Fund Bank Account Balance as at 31 October 2005.**

Limit of overdraft arranged with bank	<b>\$400,000.00 Dr</b>
Bank Balance as at 31 October, 2005 (1)	<b>\$417,661.62 Cr</b>

**2. Details of Council Investments Pursuant to the General Regulation as at 31 October, 2005.**

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

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

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
15/07/02	15/07/07	HSBC	1826	6.35	1,000,000.00	15,858.24(2)
15/08/02	15/07/07	HSBC	1795	6.35	2,008,481.93	31,716.49(2)
30/07/02	12/12/06	Bendigo Bank	1596	7.64	510,200.00	9,545.87(3)
14/10/02	12/12/06	Bendigo Bank	1520	7.64	504,476.45	9,545.87(3)
08/08/02	08/08/07	Bank of Qld	1826	6.95	1,000,000.00	17,374.99(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	8,231.25(7)
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.63	700,000.00	11,602.47(8)
15/12/04	15/12/09	Aust Central C/U	1826	6.82	1,000,000.00	17,041.75(9)
25/10/05	25/10/06	Emu Structured Note	365	7.00	500,000.00	35,000.00(11)
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38(10)
11/10/05	09/01/06	Aust Central C/U	90	5.88	1,000,000.00	14,498.63
11/10/05	09/01/06	IMB	90	5.75	1,250,000.00	17,722.60
11/10/05	11/11/05	Bank West	31	5.70	3,000,000.00	14,319.45
11/10/05	09/01/06	BankWest	90	5.68	2,000,000.00	28,010.96
		LGFS Ethical Fund	@CALL	5.78	1,000,000.00	
		IMB	@CALL	5.45	1,600,000.00	
		CBA	@CALL	5.45	<u>1,553,903.83</u>	
					<b>21,852,149.37</b>	

1) Balances \$250,001 to \$500,000 earn RBA cash rates less 1.00%pa

**Corporate Services Division Report No. 27 (Cont'd)**

- 2) Interest to 15 January, 2006 only
- 3) Interest to 12 December, 2005 only
- 4) Interest to 8 November, 2005 only
- 5) Interest to 28 March, 2005 only
- 6) Interest to 18 February, 2006 only
- 7) Interest to 2 January, 2006 only
- 8) Interest to 2 December, 2005 only
- 9) Interest to 15 December, 2005 only
- 10) Interest to 21 May, 2006
- 11) Interest calculated at the guaranteed interest floor of 7.00%pa for the first year

Except for (5), (6), (10) and (11) 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).

<b>Investment Performance</b>	<b>Council</b>	<b>Benchmark*</b>	<b>90 day BBSW**</b>
Returns - October 2005 [%pa]:	<b>6.11</b>	<b>5.89</b>	5.64

\* 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 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**RECOMMENDATION:**

1. That the statement of General Fund Bank Account balance as at 31 October, 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 October, 2005 be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

OM211105CSD\_3

\*\*\*\*\* End of Corporate Services Division Report No. 27 \*\*\*\*\*

**TO: Ordinary Meeting - 21 November 2005**  
**REPORT: Corporate Services Division Report No. 28**  
**SUBJECT: Purchasing and Procurement Policy**

**Ordinary Meeting at its meeting on 17 October 2005 resolved that the matter be deferred to the meeting to be held on 21 November 2005.**

**FILE NO:**

---

## **SUMMARY**

The intent of this policy is to provide clear guidelines for the procurement of materials, equipment and services, through quotations and tendering, to assist in ensuring best value for money, good management practices, transparency, probity and environmental performance.

## **REPORT**

Council is committed to ensuring a fair, transparent and accountable process in the purchase of goods and the contracting of services. This policy applies to all Councillors and staff of Manly Council.

The purpose of this policy is to provide clear guiding principles for the procurement of materials, equipment and services, through quotations and tendering, to assist in ensuring best value for money, cost effectiveness, meeting the needs of the community, good management practices, transparency, probity and environmental performance.

A probity plan is inherent in the policy for ensuring overall fairness and integrity in the procurement of materials, equipment and services for Council and for the disposal of assets.

The Policy provides that in addition to any legislative requirements which Council must comply with in its purchasing decisions (Local Government Act 1993 (Cl.55); Local Government (General(Tendering)) Regulation 2005), Council's procurement related activities shall be conducted in a manner that complies with the following general procurement principles and policies:

- The Economy principle - the need to obtain the best possible value for public money.
- The Equity principle - the need for fairness and impartiality in all stages of the purchasing process.
- The Efficiency principle - the need to have a good purchasing system that eliminates waste and rework while upholding the principles of economy and equity.
- The Sustainability principle - the need to have a system that will result in high quality sustainability outcomes in the process of producing the best value and quality outcomes for the community
- The Occupational Health and Safety principle - the need to ensure that Council staff work with equipment and in surroundings with utmost safety.

Open and effective competition and obtaining value for money should be observed in the procurement of goods and services to ensure optimum quality, price, delivery and service.

Whilst quality, price, delivery and service would generally be considered the main criteria in assessing Council's procurement of goods and services; experience, conformance with specifications (including environmental performance), OH&S record and systems and project specific matters are all matters to be considered in the purchasing equation. Council expects its

**Corporate Services Division Report No. 28 (Cont'd)**

contractors and suppliers to comply with ethical business standards and practices in its procurement activities.

The Policy also requires staff to take account of the following policies and documents in the purchasing decision: Manly Sustainability Strategy; Zero Waste Strategy; Manly Council Management Plan; Ethical Standards Considerations.

**RECOMMENDATION**

That the draft Purchasing and Procurement Policy as attached, be placed on public exhibition for twenty eight (28) days and that a subsequent report be submitted to Council for adoption.

**ATTACHMENTS**

**AT-1** Draft Purchasing Policy 25 page(s)

OM211105CSD\_4

\*\*\*\*\* End of Corporate Services Division Report No. 28 \*\*\*\*\*

# Manly Council



Draft  
**PURCHASING AND  
PROCUREMENT POLICY**

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**Manly Council**

**Purchasing and Procurement Policy**

**1. PURPOSE**

Council is committed to ensuring a fair, transparent and accountable process in the purchase of goods and the contracting of services and in the disposal of land and other assets. This policy applies to all Councillors and staff of Manly Council.

The purpose of this policy is to provide clear guiding principles for the procurement of materials, equipment and services, through quotations and tendering, to assist in ensuring best value for money, cost effectiveness, meeting the needs of the community, good management practices, transparency, probity and environmental performance.

A probity plan is inherent in this policy for ensuring overall fairness and integrity in the procurement of materials, equipment and services for Council and the disposal of assets.

**2. PROCUREMENT POLICIES**

Council's procurement related activities shall be conducted in a manner that complies with these general procurement principles and policies:

- The Economy principle - the need to obtain the best possible value for public money.
- The Equity principle - the need for fairness and impartiality in all stages of the purchasing process.
- the Efficiency principle - the need to have a good purchasing system that eliminates waste and rework while upholding the principles of economy and equity.
- The Sustainability principle - the need to have a system that will result in high quality sustainability outcomes in the process of producing the best value and quality outcomes for the community
- The Occupational Health and Safety principle - the need to ensure that Council staff work with equipment and in surroundings with utmost safety.

Open and effective competition and obtaining value for money should be observed in the procurement of goods and services to ensure optimum quality, price, delivery and service.

While quality, price, delivery and service shall generally be considered the main criteria in assessing Council's procurement of goods and services; experience, conformance with specifications (including environmental performance), OH&S record and systems and project specific matters are all matters to be considered in the purchasing equation. Council expects its contractors and suppliers to comply with ethical business standards and practices in its procurement activities.

This document should be read in conjunction with the Local Government Act 1993 (Cl.55), and the Local Government (Tendering) Regulation 1999. In addition the following policies and documents may be of assistance in guiding Council's purchasing decisions:

- Manly Sustainability Strategy
- Zero Waste Strategy
- Manly Council Management Plan
- Ethical Standards Considerations
- "Sustainability Procurement Guidelines" (attached)
- OH&S Considerations (attached)

Council shall strictly implement its Code of Conduct, guidelines and other relevant policies on matters relating to its procurement activities.

### 3. CATEGORIES OF PROCUREMENT

#### 3.1. Petty Cash

Petty cash is used to meet the need for the procurement of small incidental goods and urgent situations for Council and is limited to \$100 per individual transaction. Splitting of purchases to circumvent the limit or the multiple purchases of the same items over a period of time is not permitted. Petty cash claims are to be approved by authorised officers and records of claims and receipts should be maintained.

The General Manager is delegated authority to determine all matters relating to petty cash, in order to allow the level of the floats and the limits placed on petty cash vouchers to be amended administratively. In this regard, the petty cash limit may be varied from the \$100 limit in extenuating or emergency circumstances when a cash requisition is required.

#### 3.2 Purchase Orders

A purchase order is Council's official document used to purchase goods or services from an external supplier. A purchase order confirms the contractual arrangement between Council and the supplier and is used primarily to procure off the shelf supply items and services up to \$150,000.

All purchasing transactions other than petty cash and items not otherwise covered by contract or acceptance of quotations to specification or the procurement of a consultancy or professional service contractor are to be formalised by issuing a purchase order.

A purchase order may be issued by an authorised officer subject to the order being endorsed and approved by the appropriate Manager or Divisional Head. The officer authorised to approve the issuing of the purchase order must ensure that the appropriate expenditure authority exists and that budgeted and approved funds have been allocated for the purpose of the expenditure. The invoice for the goods or service should be matched to the order, verified and authorised for payment by the approving officer.

Council's decentralised purchasing system places the onus on the approving officers to maintain probity in the respective budgetary cost centres. At all times line management is responsible and accountable for the application of competent management principles in the purchase order process.

The purchase order serves to record the commitment in the financial system and to facilitate payment, including progress payments.

#### 3.3 Exceptions

In the interest of maintaining efficiency in the purchasing process there are some instances where the procedures outlined in this policy can be bypassed. These instances include:

- Where the Goods/Materials/Services being purchased are of a nominal cost ie. where the expected cost is under \$1,000.
- Services such as utilities ie. Phone, power, water & gas bills that do not have purchase orders raised in the normal course of business.
- Where goods/materials/services are required for an emergency or unplanned event. Where this is the case a **Council Works Order** with details of the emergency or unplanned event will need to be completed and attached to the payment request.
- **Library Requisitions** - In order to facilitate the purchase of Library books and reduce administration, the attached "Library Purchase Requisition" may be used for the purchase of books and audiovisual materials (including CD-Roms and electronic purchases). It cannot be used for other purchases. The L order number on the top left hand corner indicates that the Library has ordered the material. Suppliers are required to quote this order number on all deliveries and invoices. Library Purchase Orders will be signed by the staff member responsible for ordering the material and the Manager, Cultural and

Information Services. When the Invoice for the goods is received, a Purchase Order in Authority is to be raised as a "confirmation order" to assist with payment of the Invoice. The order description will make reference to the Library Order eg " Books as per Library Order L123245". The Order will then be processed and completed for payment.

### **3.4 Quotations**

A quotation is an external supplier's bid or offer to provide goods or services. A quotation represents a statement of price, terms of sale and description of goods or services offered by the supplier to Council. Quotations are utilised to ensure that Council receives value for money based on fair competition.

Quotations may be requested either verbally or in writing subject to financial limits. All quotations whether verbal or written are to be documented. Quotations are to be obtained for all the potential procurement costs for goods, equipment or services not available through long term supply contracts or Government contracts.

### **3.5 Long term supply contracts**

Council may choose to pursue long term contracts from suppliers for goods to allow Council to take advantage of the buying power opportunities offered to larger organisations. Advantages include quality of product, financial efficiencies, reduced inventory and delivery on demand. Such arrangements with suitable suppliers minimise the need to obtain competitive quotes. Such contracts may also be awarded in conjunction with other councils or regional organisation of Councils. Goods are supplied in accordance with the terms and conditions and nominated price stipulated in the contract.

### **3.6 Government Contracts**

Council has access to certain goods and equipment under various Government Contracts or through SHOROC. This enables Council to take advantage of the Government or SHOROC price structure with significant savings in a number of areas. The Purchasing section should be contacted to ascertain whether the item being purchased is available from these sources or if the item has been the subject of a current Council called quotation or Tender process. This should be done as part of the initial planning of the purchase.

Council currently utilises SHOROC preferred suppliers (who have been appointed following an advertised invitation process) for certain supplies.

The NSW State Contracts Control Board (Supply NSW) has arranged and administers a variety of contracts for goods and services. The Commonwealth Government also has 'Common Use Contracts' through which procurement can be undertaken. Council can take advantage of these contracts where the goods and services are not available through long term supply contracts.

As with long term supply contracts procurement is undertaken through Council's purchase order system with no financial limits applying to specific purchases, other than the \$150,000 threshold before tenders must be called. Council's expenditure authorities still apply but quotes may be required to ensure best value and dependant upon the merits of the particular market being tested.

Quotes would be obtained directly from the supplier or contractor and would be subject to the financial limit, the evaluation of quotes and selection of a preferred supplier, all of which are to be fully documented.

### **3.7 Contracting**

Contracts usually involve various degrees of risk to Council and the contractor. It is appropriate that Council (as the Principal) determines contractual arrangements in order to minimise procurement risk.

Risk can be minimised in the procurement process through the use of contracts which can require conditions relating to guarantees as to operation or performance of the procured items; long-term supply of goods / equipment in an unspecified quantity; and ensure special safeguards, such as security deposits or performance bonds, which are required to protect Council's interests and assets.

Competitive tendering provides Council with a range of choices in selecting the best tender from competing suppliers and contractors and gives to all prospective tenderers adequate, fair and equal opportunity to bid on goods, services and works required by Council.

The principles that guide Council in the tender process and ensure the probity of the process are detailed in this Policy and include the method of tender, preparation of tenders and contract documents; specifications; calling for tenders; assessment/evaluation; selection; and ongoing contract administration.

#### **4 COUNCIL'S PROCUREMENT SYSTEM**

Procurement of all goods, materials, equipment, works and services by Council will occur by one of the following methods and are subject to financial limits and conditions.

##### **4.1. Direct Procurement**

Providing the pricing is competitive, a single source supplier may be selected, and direct procurement may occur, or where such goods, services or materials may be obtained under NSW State Government contract.

##### **4.2. Verbal Instruction for Quotation**

A minimum of three (3) quotations are sought verbally from selected suppliers and proposed verbally. The process to be fully documented by maintaining records of the verbal instructions issued, the quotations received and the supplier selected.

##### **4.3. Written Instruction for Quotation**

A minimum of three (3) quotations are sought in writing from selected suppliers and proposed in writing. The process is to be fully documented by keeping copies of the instructions issued, the quotations received and the supplier selected.

##### **4.4. Written Instruction with Specification for Quotation**

Staff prepare a specification for goods, material, works and services with an estimated value in excess of \$25,000 as if tenders would be called. A minimum of three (3) quotations based on the specification document are sought in writing from selected suppliers and proposed in writing. The process is to be fully documented by keeping copies of the instructions and specifications issued, the quotations received and the evaluation leading to the supplier selected.

##### **4.5. Public Quotations / Expressions of Interest**

Quotations are publicly advertised and invited and fully documented. A specification is prepared for goods, material, works and services or for capital works with an estimated value in excess of \$25,000.

##### **4.6. Tenders**

Tenders are publicly advertised and invited and fully documented and be the subject of a report to Council.

#### ***Annual Schedule of Rates***

Tenders for Annual Schedule of Rates may be called for fixed rates from contractors for projects required to be carried out by Council on an 'as-required' basis. Such projects may include maintenance tasks, procurement of goods, or minor capital works. No more than three contractors are to be selected for inclusion in the Annual Schedule of Rates Contracts for any category of work to be conducted. Contracts under the Annual Schedule of Rates may be let by Council directly, or may operate under those let by bodies including SHOROC, NSROC or the NSW State Government. The outcome of the tender process, on which Council's Annual Schedule of Rates contracts are formed, must be the subject of a report to Council.

### ***Joint tenders or quotations***

Joint tenders or quotations for materials equipment, works or services may be conducted in association with regional bodies of council such as SHOROC or NSROC, or with individual councils where there may be an agreed benefit in doing so.

## **5. FINANCIAL LIMITS**

### **5.1. Limits that apply**

Financial limits apply to the methods that Council utilises to obtain goods and services. If items or services are available under a long term supply contract awarded by Council or as part of a joint tender or quotation or Government Contract the financial limits outlined below for quotations do not apply.

The General Manager is delegated authority to authorise the awarding of works and expenditure. Section 55 of the Local Government Act 1993 and the Local Government Tendering Regulation 1999 provides that works in excess of \$150,000.00 must be awarded by Council by way of public tender. Council retains the right at the General Managers discretion to call public tenders for works less than \$150,000 where it is in the public interest or where the it is advantageous to do so.

The General Manager is delegated authority to amend the number of quotations required. There may be instances when there are insufficient suppliers in the market place to require minimum 3 quotations, whilst there may be times when goods, materials or services are available in a highly competitive market and it is in the best interest to obtain a greater number of quotations.

The following financial limits apply:

#### **(a) Up to \$1,000**

Competitive quotes are not required. However where feasible a written or verbal quote should be supplied. Manager approves purchase order.

*Where Council regularly purchases from the same supplier, Managers must test the market by checking with other suppliers to ensure they are obtaining competitive rates.*

Providing the pricing is competitive, a supplier may be selected and direct procurement may occur where expenditure on a good, service or material will not exceed \$1,000 in a twelve month period or where such goods, services or materials may be obtained under NSW State Government contract or long term supply contract.

Records of instructions and quotations received must be maintained.

#### **(b) \$1,001 to \$5,000**

Procurement of goods, equipment, works and services with a value less than \$5,000 (single order value or value in a 12 month period) and which is not available through SHOROC or NSW State Government contract or a long term supply contract may be purchased to the best advantage by obtaining a minimum of two (2) quotations, verbal or written, from suppliers.

The selected offer is to be documented in writing and the process is to be fully documented including maintaining copies of all instructions and quotes.

#### **(c) \$5,001 to \$50,000**

For works with a value between \$5,000 and \$25,000 a minimum of three (3) known suppliers must be invited to provide quotations (verbal or written). The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes.

For works in excess of \$25,000 an instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in

the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes. The General Manager may determine that it is in the public interest to invite either “expressions of interest”/ public quotations or tenders if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

Manager/Divisional Head approves and signs purchase requisition. Major items such as motor vehicles, plant items, capital building and construction works, leasing agreements, and computing equipment require General Manager's approval.

**(d) \$50,001 to \$150,000**

A minimum of five (5) known suppliers (where possible) must be invited to quote. The instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes. The General Manager may determine that it is in the public interest to invite either public quotations or tenders if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

Manager/Divisional Head approves and signs purchase requisition. Major items such as motor vehicles, plant items, capital building and construction works, leasing agreements, and computing equipment require General Manager's approval.

**(e) Greater than \$150,000**

Tenders or Expressions of Interest are to be publicly tendered in accordance with:

- i) Local Government Act 1993
- ii) Local Government (General) Regulation 2005 (Part 7 –Tendering)
- iii) Council's Polices and Procedures

Where it is deemed in the public interest or to fully test the market, Council may at its discretion, call tenders or expressions of interest for procurement of goods, equipment, works and/or services with a value of less than \$150,000

**5.2. Delegated Authority**

Delegations to the General Manager to approve works in accordance with this Policy are as follows:-

Value	Tendering Method	Authority
(a) Up to \$1,000	Verbal instruction. Minimum of 1 verbal quotes.	General Manager/ Divisional Manager/ Managers
(b) \$1,001 to \$5,000	Written instruction. Minimum of 2 verbal or written quotes.	General Manager/ Divisional Manager/ Managers
(c) \$5,001 to \$25,000	Written instruction with specification and fully documented. Minimum of 3 quotes (verbal or written).	General Manager/ Divisional Manager/ Managers
(d) \$25,001 to \$50,000	Expressions of Interest. Written instruction with specification and fully documented. Minimum of 3 written quotes.	General Manager/ Divisional Manager/ Managers
(e) \$50,001 to \$150,000	Written instruction with specification and fully documented. Minimum of 5 written quotes (where possible).	General Manager/ Divisional Manager

Works with an estimated value greater than \$150,000 are to be publicly tendered and awarded by Council in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, and Council's Policies and Procedures.

The term "works" referred to in the Delegations Manual shall mean and include "materials, equipment, works or services" subject to the exemptions provided under Section 55 (3) of the Local Government Act.

## **6. OTHER CONSIDERATIONS**

### **6.1. Consultancies and Professional Services**

Instructions issued for a quotation for consultancies and professional services not subject of a tender process must be accompanied by a written brief/specification and receipt of confirmation of tasks or written proposal of the consultant/professional. All processes and the evaluation of the quotations are to be fully documented. Any instructions that the General Manager deems to be in the public interest to be subject of a public quotation or a tender/EOI are to be dealt with in accordance with those requirements detailed in this policy.

All consultants/professionals contracted by Council shall be advised of Council's commitment to the Manly Sustainability Strategy and Zero Waste Strategy and shall be required to document, in all presentations including reports, advice or recommendations, such matters as the use of recycled content products and usability of green products that may be consistent with Council's Policies.

### **6.2. E-Commerce**

Council utilises the electronic exchange of business transactions to pay suppliers for goods and services via EFT direct to the financial accounts of participating suppliers. Some orders for goods and services are placed via the internet. The placement of Council orders online is not yet available.

The advantages of electronic transactions include the efficient and timely procurement of goods and the inherent efficiencies in reducing paperwork and the associated processing costs.

### **6.3. Goods and Services Tax (GST)**

Goods and Services Tax is levied on the taxable supply as defined by the relevant GST legislation. Suppliers add 10% GST to their price and then pay that GST that they billed to the Australian Tax Office. The supplier then receives a credit of GST paid on their inputs to the process.

Council's contract conditions require suppliers to disclose any GST amount sought to be recovered from Council by means of a tax invoice. Council will then be able to claim a credit for that GST amount.

### **6.4. Corporate Credit Cards**

Access to a corporate credit cards is restricted. Councillors and staff have access to Cabcharge vouchers/cards on a needs basis to be used in conjunction with official Council business. The use of these cards assists in achieving efficiencies in the purchasing and payment process and advantages include the prompt payment of suppliers, reduction in paperwork, reduced administrative costs, improved cash management, internal control and audit, and greater convenience.

## **7. TENDERING**

### **7.1. Tendering Basics**

Council has no obligation to accept any tender submitted.

Council favours open tendering and a report to and resolution of Council is required for any selective tendering process. The General Manager is delegated authority to determine the method of tendering. Methods of tendering are:

### **(A) Open Tendering**

Tenders for the proposed contract are invited by public advertisement.

### **(B) Selective Tendering**

Invitations to tender for a proposed contract are made by a public advertisement calling for expressions of interest. After considering applications, Council may select applicants to tender for the proposed contract or decline to invite tenders from any of the respondents.

Where the market for a good or service is specialised, invitation to submit an expression of interest may be made to selected suppliers or service providers on the basis that the expression of interest will be treated as a tender submission and provided that the invitation from Council is accompanied by a full specification of the goods or service required.

Council will call tenders for provision of any materials, equipment, works or services in excess of \$150,000 in accordance with the Local Government Tendering Regulations 1999. Exceptions to this may apply in some circumstances and are listed in section 55 (3) of the Local Government Act.

The General Manager may determine that it is in the public interest to invite either public quotations or tenders for works less than \$150,000 if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

Council's documentation on each tender or quotation issued should include:

- conditions of tender
- specifications of tender or quotation
- selection criteria
- the advertisement containing details of lodgement and closing dates for submissions
- details of any proposed pre-tender meeting
- a list of general conditions of contract
- any other relevant material such as quotation forms, etc.
- a copy of Council's 'Code of Conduct'
- a copy of Council's 'Ethical Considerations'.

The Administration section of the Department dealing with the tender process will in consultation with the relevant Manager issue the tender documentation relating to the calling of tenders and maintain a record of names and contact details of all representatives and organisations requesting such documents.

All tenders submitted to Council are to be deposited in the Tender Box located in the ground floor foyer of the Civic Centre, by the submitter, on or before the closing date. This is Council's preferred method of lodgement. Keys to the Tender Box are held by the Manager Governance. Tenderers may alternatively lodge tenders electronically by facsimile or email provided all tender documentation is forwarded and all conditions are met and are retrievable prior to the closing time. The tender will otherwise be non-conforming.

All individuals and organisations lodging tenders and/or quotations with Council for provision of materials, equipment or services valued in excess of \$5, 000, must have an Australian Business Number (ABN), and must be registered for Goods and Services Tax. All such submissions must clearly state the submitter's ABN. The successful tenderer must submit all requests for payment in a 'tax invoice' format. All tax invoices must adhere to the Australian Taxation Office's guidelines.

No contract shall be broken into separate parts to circumvent the requirements of this policy.

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence; seeking to obtain support or assistance; and urging or persuading.

Any staff member or Councillor who has a pecuniary interest in, or becomes aware of any interest in, a company tendering for Council work, or who has an association with a company tendering for work, must complete a pecuniary interest form. They must remove themselves from the tender and selection process,

Incentives offered by tenderers may only benefit Council as a whole and may not be of any direct or implied benefit to member(s) of staff or Councillors.

Compliance with the provisions of the Local Government Act 1993, the Local Government Regulations 1993, Council's Code of Conduct and this policy, is necessary for every tender invitation issued by Council.

All tenderers shall be advised of Council's commitment to the Manly Sustainability Strategy and Zero Waste Strategy and the requirement to comply with any specification consistent with Council Policies.

## **7.2. General Terms and Conditions of Tendering**

The General Manager is the 'appropriate person' to receive tenders submitted to Council in accordance with Clause 4 of the Regulations, and will also be responsible for monitoring compliance with the policy.

Variation (including clarification and explanation) of a tender may only occur in accordance with Clause 17 of the Local Government (Tendering) Regulation and any communication for such purpose shall be with the General Manager or officer managing the tender process and shall be minuted.

The officer managing the tender process may determine that it is appropriate to conduct a pie-tender meeting for potential tenderers prior to the close of tenders, to clarify important matters relating to the tender and the process. Whether that meeting is to be compulsory for tenderers is a matter for the contract manager to determine and clearly specify in the tender documentation. Details of such meetings shall be clearly identified in the tender documentation and details of attendees and general discussion shall be recorded.

All Tender submissions, quotations and expressions of interest issued by Council will clearly state that Council is committed to open and transparent government.

Information presented in tender submissions shall only be treated as confidential if disclosure of this information would be likely to prejudice the commercial position of the tenderer or reveal a trade secret.

Council retains the right to treat any information contained within a tender submission as confidential if disclosure of that information to the market place will prejudice both Council's and the tenderer's position, particularly in instances when Council does not accept a tender and has the need to re-tender.

Any information requested by the submitter to be treated as confidential must be clearly marked and must be able to be separated from the body of the tender submission.

Any request for confidentiality by a submitter must be accompanied by reasons for such a request.

Council reserves the right to decline any tender submission where excessive confidentiality is sought.

Tenderers must clearly indicate which aspects of their submissions are 'Commercial in Confidence'. All material not so indicated will be deemed not to be confidential.

Any one of the following (General Manager, Chief Financial Officer, Manager Governance, Manager Administration or another officer authorised by the General Manager must be in attendance at the opening of tenders received at the time specified for the close of tenders. Members of the public in attendance for the opening of tenders must be permitted to view the opening and are entitled to ask and to be told whether a specific tender has been received and the number of tenders received.

Immediately following the opening of tenders, either the delegated Officer must record the names of the tenderers and the amounts (if applicable and appropriate) that appear to have been tendered for the contract and prepare a tender list specifying, in apparent order of those amounts, the names of the tenderers. (The tender list does not show the amounts tendered.) The tender list must then be placed on public display on the noticeboard located in the Customer Service Department. The officer preparing the tender list may add to the list other information considered appropriate.

The tender list shall remain on public display until the tender is determined by Council. Once each tender has been determined by Council, a notice specifying the name of the tenderer whose tender was accepted

and the amount of the successful tender, will be placed on public display, or if no tenders were accepted, a notice to that effect.

All documents issued by Council relating to the issue of tenders, quotations, or expressions of interest, will contain the above information for the information of all submitters.

Council retains the right to decline to consider a tender where all aspects of the tender are 'Commercial in Confidence', thereby eroding the Council's commitment to openness.

No contractor shall occupy a site in any way, begin any work, or incur any costs on Council's behalf unless a signed contract or letter of acceptance, together with a Council Purchase order has been issued.

### **Subcontractors Statement**

In order to satisfy s175B of the *Workers Compensation Act 1987*, Part 5B s31G-31J of the *Payroll Act 1971* and s127 of the *Industrial relations Act*, a Subcontractors Statement, as attached, is required to be completed by the successful Contractor in relation to all major Contracts entered into by Council.

## **7.3. Tender Specifications and Assessment Criteria**

### **7.3.1. Specifications**

Tender specifications will be written in a way that will encourage open and effective competition by providing the best possible opportunity for potential suppliers to develop solutions capable of satisfying predetermined requirements.

Specifications will not include any feature which discriminates, either directly or indirectly, against any supplier or group of suppliers. Specification of any feature that could be perceived as discriminatory, such as items that are specific to a particular technology or brand, should be avoided. Specifications should encourage suppliers, wherever possible, to offer alternative options which can reasonably be adapted to meet requirements.

It is equally important not to state requirements of any tender too broadly, or to require suppliers to develop tailored solutions unnecessarily. Whether or not tender specifications are framed to encourage innovative responses, it may be of benefit to Council to evaluate tender submissions which do not fully comply with the specifications. Such responses would be considered 'non-conforming' if alternatives are not permitted. Alternative responses can offer innovations which may not be obtained by strict adherence to specific details and which writers of specifications did not envisage. If alternative responses are appropriate, documents should state whether, and under what conditions, alternatives to a specification are allowed. The options may include:

- no alternative will be considered, or
- an alternative may only be submitted with a tender which fully conforms with the specification.

Each specification is to be authorised and endorsed by the appropriate Divisional Manager.

### **7.3.2. Service Contract Specifications**

Service Contract specifications should be reported to Council for approval prior to inclusion in the tender documentation and calling of tenders or quotations. This will ensure that the level of service provided for in contracts is meeting community expectations.

### **7.3.3. Assessment Criteria for Tenders**

Every tender called by Council will be assessed using the following standard assessment criteria as a minimum. Whilst other criteria may be used which are more specific to each tender, the following criteria must be applied to all assessments:

Capability Assessment shall include the experience of the tenderer and the experience and qualifications of the key personnel who will be operating the contract, including management and supervision, and the

capability of the contractor to work within the relevant policies of Council. Reference checks should be conducted to evaluate any tenderers capabilities.

Technical & Methodological Assessment shall evaluate how the tenderer proposes to fulfil the obligations of the tender, and whether the tender submission meets the requirements set out in the specification.

Financial Assessment must include identification of all relevant costs, individual analysis of costings contained in each submission, and cost comparisons between all competing submissions. The initial (once only), and ongoing costs, must be identified and calculated in the process of assessment of tender submissions.

An independent financial assessment and report on potential contractors and suppliers of major goods and services should be obtained from Council's auditor in relation to a tenderer being recommended for selection for major projects and may be considered in the event of 2 or more tenderers unable to be separated in the assessment and evaluation phase of the tender process.

Occupational Health and Safety Assessment must be performed where the tender involves the completion of works of any description. Where appropriate the successful tenderer will have an Occupational Health and Safety policy in place. Where such a policy does not exist, the tenderer must include in their submission, a detailed outline of how occupational health and safety issues will be addressed in the course of completing works for Council.

When purchasing goods, materials or services for Council, the provisions of the O H & S Act 2000 should be adhered to. The provisions of the Act include:

- ensuring that any plant or substance provided for use by the employees at work is safe and without risks to health when properly used.
- providing such information, instruction, training and supervision as may be necessary to ensure the employees health and safety at work.
- All safety aid operating information must be supplied with all products and equipment.
- a work method statement must be completed before any plant items are purchased.

Environmental Assessment is essential where environmental issues may be involved. All persons or organisations responding to public calls for tenders, quotations or expressions of interest shall be asked to provide the following information within their submissions:

- a copy of their environmental policy or equivalent
- details of their environmental management strategy (where appropriate)
- their commitment to due diligence in regard to environmental legislation
- documentation outlining past performance in regard to environment protection and enhancement initiatives
- evidence of selection and use of products based on a principle of 'value for money' over their life cycle, and consideration of other issues such as low wastage levels and use of recycled content and usability of those products.

Other considerations to be taken into account in the assessment of tenders and quotations may include:

- Implications of contractor failure and the risk of being contractually obligated to one provider.
- Where plant and equipment is involved, the likely state of plant and equipment at the time of renewal, and the need to plan ahead for capital replacement.
- The possible benefits to be gained by purchasing from a geographical location which may provide benefit to Council. For example, improved communication, after sales service, reduced freight costs, local knowledge of conditions and sites.
- Council will require contractors to have systems in place which ensure that subcontractors are paid during the execution of the contract, or to satisfy Council that suitable alternative arrangements are in place.
- Wherever tenders are invited, or where any purchase orders are raised for goods or services, preference, where all other factors are equal, shall be given to Australian made products.

#### **7.3.4. Weighting of Assessment Criteria**

Assessment criteria shall be ranked in order of importance and a weighting applied to each criteria. The two highest ranked evaluation criteria should be given the most weight and the total of their weighting should be at least 80% of the combined total for all weighted criteria. The weightings applied to criteria shall be determined by the Manager overseeing the tender in consultation with the tender panel convened to assess and select a tender. The assessment criteria and their weightings must then be included in the tender documentation.

Other details relating to the application of weightings to assessment criteria and the associated procedures in assessing tender responses are included in Council's Contract Administration Manual.

#### **7.3.5 Key Considerations in Assessing Tenders**

##### **Impartiality**

Impartiality must be observed throughout the entire tendering process so as not to exclude or favour any tenderer

##### **Insurance**

The type and level of insurances required, particularly public liability insurance, will be investigated when arranging a specification for the particular contract.

##### **Best Value**

Council will base procurement decisions on a principle of "value for money" over the life cycle of products rather than "lowest cost".

##### **Environmental Performance**

Council will give preference to, and purchase, environmentally performing products that are cost competitive.

##### **Transparency of Process**

Principles of transparency, consistency and probity will be applied to all processes in the preparation, advertisement, assessment and management of tenders and quotations by Council.

##### **Conflict of Interest**

Any conflict of interest must be reported to the General Manager and dealt with immediately. This will apply to Councillors, Council staff and tenderers.

##### **Accountability**

Accountability is important as funds must be used in the most cost effective and efficient manner.

##### **Monitor and Evaluate Performance**

To ensure probity, on completion of each tender a formal performance review must be completed and documented by the Manager overseeing the tender.

##### **Non Conforming Tender**

A tender is nonconforming when there is an absence of any requirement clearly detailed in the Conditions of Tendering. If a tender received is non-conforming, the report to Council must state the reason why the tender was classed as non-conforming and not considered.

#### **7.4. Consultancies and Professional Services**

Consultants commissioned to undertake any work involving the submission of a report, advice, or recommendations to Council on any matter shall be required to disclose any pecuniary interest prior to the commissioning of the work.

Any invitation to tender or offer distributed or advertised by Council shall include a statement that a declaration will be required to be submitted prior to the commissioning of any work.

Council will retain the right not to proceed unless an acceptable declaration to Council is submitted. Council will incur no liability, and no binding agreement will be formed, until a declaration is received and accepted.

If, during period of contract, the consultant is made aware of any pecuniary interest not previously known or recorded, an amended declaration is to be completed and immediately brought to the attention of the General Manager.

#### **7.5. Non-acceptance of a tender**

If, following a tender process, a tender cannot be accepted due to there being no conforming tenders, or two or more conforming tenders cannot be separated on merit in terms of making a selection, Council may determine that no tender be accepted and that the General Manager be delegated authority to negotiate an outcome with one or more of the tenderers.

#### **7.6. Tender Panels**

The Manager overseeing the tender will convene a Tender Panel to oversee and assist in the calling, assessment and selection of specific tenders and quotations. The composition of the tender panel will be determined by the Manager using Council staff expertise relevant to the area associated with the tender, however must be approved by the General Manager.

From time to time it may be necessary to utilise external expertise to assist the panel in development of specifications, assessment and selection. In these instances, the same standards of declaration of interests apply as those that apply to consultants and professional services. Any appointment of a consultant or professional services in a tender process must be approved by the General Manager.

The extent of involvement of consultants or professional services in any part of the tender process should be clearly disclosed to tenderers.

The Panel's role will include:

- Review all tender specifications prior to issue, including seeking the approval of Council to service contract specifications.
- Review selection criteria.
- Conduct pre-tender meeting and interviews as appropriate
- Oversee tender assessment process.
- Review tender evaluation and recommendations.
- Endorse recommendations.

The tender panel will ensure that the Chief Financial Officer is consulted in relation to the panel's selection recommendation to Council prior to the matter being determined by Council and that the recommendation receives the endorsement of the relevant Divisional Manager. The tender panel is responsible for overseeing all processes in calling and evaluating tenders with regard to probity, transparency and consistency

Upon acceptance of a tender by Council, the Manager overseeing the tender is responsible for monitoring and evaluating performance of the tender process to ensure that the procurement process adheres closely to the provisions of this Policy. The review is to be documented and referred to the relevant Divisional Manager.

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### Occupational Health and Safety

All officers purchasing goods and services must consider this checklist prior to purchase and commencement of use.

NO	ITEM	YES	NO
1	<b>ERGONOMIC REQUIREMENTS</b> Is an ergonomic assessment required prior to purchase? If so contact the Safety Officer	<input type="checkbox"/>	<input type="checkbox"/>
2	<b>INSTRUCTION MANUAL</b> Is there an instruction manual accompanying the goods and/or services?  (Instruction Manuals are imperative to ensuring work method statements, operating procedures and training programs are up to date)	<input type="checkbox"/>	<input type="checkbox"/>
3	<b>MATERIAL SAFETY DATA SHEETS</b> Does the purchase require a MSDS? If so is one available? (all chemicals require MSDS's)	<input type="checkbox"/>	<input type="checkbox"/>
4	<b>WORK METHOD STATEMENTS/STANDARD OPERATING PROCEDURES.</b> Does the purchase comply with current statements and procedures? (if not, a new statement or procedures must be written)	<input type="checkbox"/>	<input type="checkbox"/>
5	<b>PERSONAL PROTECTION EQUIPMENT.</b> Does the purchase require new or modified PPE for staff? If so ensure stock is available prior to usage.	<input type="checkbox"/>	<input type="checkbox"/>
6	<b>NOISE AND VIBRATION:</b> Is the noise level greater than 85dba at operator level? If so look for alternate plant or substance where possible.	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>NOISE AND VIBRATION:</b> Is there any vibration at the worker level? If so look for alternate plant or substance where possible.	<input type="checkbox"/>	<input type="checkbox"/>
8	<b>TRAINING:</b> Will staff require training prior to use? If so ensure it occurs.	<input type="checkbox"/>	<input type="checkbox"/>
9	<b>CONSULTATION</b> Has consultation occurred with relevant stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>

**Sustainability Procurement Guidelines*****“Value For Money and the Sustainability Preference”***

Purchasing decisions should be made on the basis of *value for money*, rather than just the cheaper up-front purchase price. Where choices are made on the basis of cost, reasons for not purchasing recycled or environmentally preferable products may be required.

It is recognised that in some cases the selection of environmentally preferable products and materials may be less competitive. Manly Council may exercise a price preference of up to 10% to encourage the purchase and use of recycled or environmentally preferable products – the “sustainability preference”.

**Purchasing goals**

Wherever possible, Manly Council employees and contractors will pursue the following goals and adhere to the specified principles when purchasing products, materials and services.

**Zero Waste**

- Purchases shall be only made once it has been determined that the product or service is necessary.
- Purchasing decisions shall be made in the context of the waste hierarchy to reduce, reuse and recycle.
- **REDUCE** – Using less in the first place and avoiding waste. Examples of this include purchasing in bulk to reduce packaging and the purchase of printing equipment that prints double sided.
- **REUSE** - Using the same item more than once, and extending the useful life of products and equipment before replacing an item. Aim to re-use or repair an existing product. Ensure that new purchases are durable, have a long service life and are easy to maintain and upgrade.
- **RECYCLE** - Purchase products that contain recycled materials or those that have or can be re-manufactured.

**Zero Climate Damage**

- Purchase energy efficient products and materials by checking that the energy rating and efficiency features are the best available for the price.
- Purchase materials and products that are free of toxic or polluting materials.
- Purchase renewable energy and reduce the purchase of fossil fuels.
- Purchase goods that have not been transported long distances.

**Zero Habitat Destruction**

Purchase paper and wood products obtained from recycled, plantation, salvaged or renewable sources.

**Zero Pollution**

Purchase products and materials that will not release toxic substances that can pollute water, land or air at any stage of their life cycle.

**Zero Soil Degradation**

Purchase products, materials and services that will not degrade or pollute the soil, or result in erosion through their use.

**Ethical Standards Considerations**

Council is currently working on the preparation of Ethical Standard criteria to enable the consideration of sustainability principles across the triple bottom line – ie. social, economic and natural environments – and guide the procurement of goods and services.

**Environmental procurement checklist**

The following checklist has been prepared to allow officers of Council to assess proposed purchases against sustainability principles. Answers to some of the following questions will need to be sourced from the supplier and/or producer.

**Acquisition**

The environmental objective is to avoid/reduce all unnecessary forms of procurement. Some consideration may include:

- Do other departments or sections within Council have a product surplus?
- Is the product available for short term rental?
- Can the Product be shared with other departments or sections (who may already have the material)?
- Is the quality being purchased appropriate?
- Can the product be easily relocated to another site/area?
- Are parts and service available locally?
- Is the product suitably labelled with relevant environmental information (including disposal, spill procedures etc)?

**Waste Reduction**

The environmental target is to reduce waste in general, specifically waste to landfill. Consideration should be given to:

- What is the durability of the product?
- Is the product easy and economical to service and maintain?
- Is the product designed to reduce consumption and minimise waste?
- Is the product reusable?
- Can the product be technically and economically recycled?
- Are there recycling collection systems for the product? Are they locally situated?
- Is the product returnable to the supplier at the end of its useful life?

### **Packaging**

Unfortunately, packaging is hardly ever re-used and wastes scarce resources without adding much to a product's functionality. Some questions that should be asked include:

- Is the amount of packaging for the product necessary?
- Has consideration by the supplier been given to using bulk packaging?
- Can the packaging be reused or recycled?
- Can the product's packaging be sent back to the supplier for reuse?
- Are any recycled materials used in the product's packaging?

### **Material Source**

The environmental objective is to use as few materials as possible as even renewable materials can place a burden on the environment. The following should be considered:

- What is the percentage of recycled material?
- What is the percentage of post-consumer materials that can be reused and/or recycled?
- Is the wood in the product from a sustainable well-managed forest?

### **Energy Efficiency**

Energy efficiency is not just a cost issue. It has environmental impacts because producing energy consumes non-renewable resources. In Australia, most energy production also produces greenhouse gases. Consideration should be given to:

- Is the product as energy efficient as competitive products?
- Is a sleep/snooze mode available to conserve energy?
- Is the supply of electricity from rechargeable power sources?
- Are renewable fuels being used?
- Does this product require less energy to manufacture than competing ones?
- Are alternative technologies available which are more energy efficient?

### **Water Conservation**

As for energy above, water should be conserved not just to save Council money but also to help the nation's scarce water resource. Questions that may be asked include:

- Is less or recycled water being used during operation compared to competing products?
- Is less or recycled water being used during production of the product?
- Is less pollution being produced in operation than competing products?

### **Hazardous Materials – Use and Disposal**

The incorrect use of some materials can lead to land degradation and health and safety risks. Consideration should be given to:

- Is the product considered a hazardous material/substance?
- Is the product toxic to humans?
- Is it toxic to marine life?
- Is the product inflammable?
- Is the product biodegradable?
- Are the by-products of the product degradation safe for the environment?
- Are the products free of:
  - Banned substances?
  - Heavy Metals?
  - Volatile organic Compounds (VOC)?
  - Toxic Chemicals
- Is there any competitive product that uses fewer chemicals/pesticides?
- Does the product emit VOC's or other air pollutants?
- Are there special requirements for disposal (EPA Licence etc)?
- Are there special instructions for use of the product – to protect worker health and safety?

### **Service Provider Environmental Record**

The service provider's environmental record is sometimes the only thing that can be checked. Where competing products have the same environmental impacts, the environmental performance of the service provider can assist in deciding the issue. Some questions that can be asked include:

- Does the service provider produce a public environmental report?
- Does the service provider have an environmental policy or Environmental Management System(EMS)?
  - If the service provider has an EMS is it certified?
- Has the service provider developed an environmental management plan and set quantified objectives and targets for environmental improvement?
- Does the service provider have programs in place or planned for promoting resource efficiency?
- Is there evidence of environmental or waste audits?
- Does the service provider carry out life-cycle analysis of the products or services (and its

— packaging)?

Has any other established product verification process verified the environmental merits of the product?

Has the service provider's environmental record been checked to verify:

That it has complied with all environmental legislation and regulations?

That all environmental issues are satisfactorily addressed?

*(Information sourced from NSW Department of Public Works and Services, NSW Government Procurement Guidelines: Environmental Management, May 2000)*

## **Manly's Ethical Charter**

Council resolved to commit to the following Ethical Charter at the Planning and Strategy Committee Meeting of 14th February, 2005.

Council is committed to supporting the principles of Ecologically Sustainable Development (ESD) as defined in the Local Government Act 1993 and ethical business practices. Council believes that sustainability must be the guiding principle of our business, requiring policies that meet the needs and aspirations of the present generation without compromising the opportunity of future generations to fulfil their needs and aspirations. Council also supports the *Earth Charter* and recognise that it sets the grounding principles for sustainability.

We support and will act on the following principles in our services:

- **Equity and justice** - We will act fairly, seeking to ensure equity, tolerance and removal of discrimination and support democratic societies that are just, participatory, sustainable and peaceful.
- **Respect** - We will treat other people and the environment with respect and acknowledge and support the values of indigenous peoples and minorities.
- **Sustaining the environment** - We will act with care and caution towards the environment, protecting the biosphere, its biodiversity, and using its resources sustainably for present and future generations.
- **Creating and sharing sustainable prosperity** - We will seek to create and share prosperity in a way that helps sustain our business, the community and the environment, and support locally based businesses who share these ethics where possible.
- **Responsibility** - We will take all responsibility for our actions and for any harm or good we cause. We will account for our actions, evaluating our progress in implementing these principles, and seek to continually improve. We also commit to combat corruption in all its forms, and the obstacles to good governance. We will not associate with organisations who act in direct contradiction to these principles.

This Ethical Charter places a requirement on Council to give significant consideration to the effects our business and operations may have on local and global sustainability. It will be integrated into Council's key policies to guarantee implementation.

# SUBCONTRACTOR'S STATEMENT REGARDING WORKERS COMPENSATION, PAY-ROLL TAX AND REMUNERATION (Note 1)

**Workers Compensation**  
s175B *Workers Compensation Act 1987*

**Pay-roll tax**  
Part 5B s31G-31J *Pay-roll Tax Act 1971*

**Remuneration**  
ss127, 127A *Industrial Relations Act 1996*

Sub Contractor: \_\_\_\_\_ ABN: \_\_\_\_\_  
*(Business name)*

of \_\_\_\_\_  
*(Address of subcontractor)*

has entered into a contract with \_\_\_\_\_ *(Note 2)*  
*(Business name of principal contractor)*

ABN: \_\_\_\_\_ For work between: ...../...../..... and ...../...../..... *(Note 3)*  
*Date Date*

and/or Payment Claim Details: \_\_\_\_\_ *(Note 4)*

Nature of contract work: \_\_\_\_\_ *(Note 5)*

## DECLARATION

I, \_\_\_\_\_ a Director of / a person authorised by the subcontractor on whose behalf this  
*(delete as appropriate)*  
declaration is made, hereby state that the abovementioned subcontractor:

Is either  
A sole trader or partnership without workers or subcontractors *(Note 6)*.

OR

Has and will maintain in force valid workers compensation insurance, policy \_\_\_\_\_  
*(Policy Number)*

held with \_\_\_\_\_ as indicated on the attached Certificate of  
*(Insurance Company)*

Currency dated \_\_\_\_\_, in respect of work done in connection with the contract, during any period of the contract and has paid all workers compensation insurance premiums payable in connection with the contract *(Note 7)*.

Is Is not also a principal contractor in connection with the work under contract *(Note 8)*.

Has Has not been given a written statement by subcontractors in connection with the work.

Is Is not required to be registered as an employer under the *Pay-roll Tax Act 1971* \_\_\_\_\_.  
*(Pay-roll tax client No.)*

Has paid all pay-roll tax due in respect of employees who performed the work for the principal contractor, as required at the date of this statement *(Note 9)*.

Has paid all remuneration payable to relevant employees, for work done under the contract during the period outlined above *(Note 10)*.

**Signature** \_\_\_\_\_ **Full Name** \_\_\_\_\_  
*(please print)*

Position/Title \_\_\_\_\_ Dated \_\_\_\_\_

### WARNING

- Any subcontractor, who knowingly provides a principal contractor with a written statement that is false, is guilty of an offence (Maximum penalty 100 units or \$11,000).
- Any written statement will not relieve the principal contractor of liability if, at the time the written statement was provided, the principal contractor believed the written statement to be false.
- The principal contractor must retain a copy of any written statement for a period of not less than five years (Pay-roll tax), six years (Remuneration) or seven years (Workers compensation).
- **This statement must be accompanied by the relevant Certificate of Currency to comply with section 175B of the *Workers Compensation Act 1987* New South Wales**

## NOTES

1. This form is prepared for the purpose of section 175B of the *Workers Compensation Act 1987*, Part 5B section 31G-31J of the *Pay-roll Tax Act 1971* and section 127 of the *Industrial Relations Act 1996*. If this form is completed in accordance with these provisions, a principal contractor is relieved of liability for workers compensation premiums, pay-roll tax and remuneration payable by the subcontractor.
2. For the purpose of this statement, a principal contractor is a person (or other legal entity), who has entered into a contract with another person (or other legal entity), referred to as the subcontractor, and employees/workers of that subcontractor will perform the work under contract. The work must be connected to the business undertaking of the principal.
3. In order to meet the requirements of s127 *Industrial Relations Act 1996*, a statement in relation to remuneration must state the period to which the statement relates.

Section 127(6) *Industrial Relations Act 1996* defines remuneration as '*remuneration or other amounts payable to relevant employees by legislation, or under an industrial instrument, in connection with work done by the employees.*'

Section 127(11) of the *Industrial Relations Act 1996* states '*to avoid doubt, this section extends to a principal contractor who is the owner or occupier of a building for the carrying out of work in connection with the building so long as the building is owned or occupied by the principal contractor in connection with a business undertaking of the principal contractor.*'

4. Payment claim details – Where a subcontractor has entered into a payment schedule with a principal contractor they must identify the period or payment to which the statement applies.
5. An accurate description of the work covered by the contract must be included.
6. In completing the statement, a subcontractor declares that they are a sole trader or partnership without workers or subcontractors and is not required to hold workers compensation insurance.
7. In completing the statement, a subcontractor declares that workers compensation premiums payable up to and including the date(s) on the statement have been paid, and all premiums owing during the term of the contract will be paid.
8. It is important to note that a business could be both a subcontractor and a principal contractor, if a business 'in turn' engages subcontractors to carry out work. If your business falls within this category you should also obtain statements from your subcontractors.
9. In completing the statement, a subcontractor declares that all pay-roll tax payable relating to work undertaken as part of the contract has been paid.
10. In completing the statement, a subcontractor declares that all remuneration payable has been paid.

It is noted that definitions of employer, employee, remuneration, and specific provisions for employers of outworkers in the clothing trades are as defined in s127A of the *Industrial Relations Act 1996*.

11. Failure to complete this statement may result in the principal contractor withholding any payment due to the subcontractor. Any penalty for late payment under the contract does not apply to any payment withheld under this subsection. Subcontractors may wish to keep a copy of the statement for their own records.

For more information, please visit the WorkCover website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au), Office of State Revenue website [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au), or Office of Industrial Relations, Department of Commerce website [www.commerce.nsw.gov.au](http://www.commerce.nsw.gov.au). Copies of the *Workers Compensation Act 1987*, the *Pay-roll Tax Act 1971* and the *Industrial Relations Act 1996* can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).