	Recommendation	Completion Date set by OMBO	Completion Date where extended (OMBO letter 30/11/10)	Actual Completion Date	Comment	Additional Information
1	The Mayor tables this report in full for discussion at the open session of an ordinary meeting of Council within six weeks of the issuing of this report	15-Oct-10		11-Oct-10		11/10/10 OM Agenda
2	The elected Council reviews the performance of the General Manager in light of the information in this report.				24/3/11 present to CIWG (Closed) 10/03/11 GM circulated response to all Councillors 9/03/11 requested by Council to circulate response 14/2/11 Council discussed review in Closed Committee of OM 03/02/11 CIWG met 22/11/10 McArthur Briefed CWG 15/11/2010 McArthur appointment confirmed by Working Party	18/01/11 Provided response to rebiew questions 12/01/11 Met with Review Committee and accepted review questions. 10/1/11 Meeting being organised by Mayor 18/12/10 GM provided Comment on the Template 26/11/10 Provided Template to GM for comment 22/11/10 Review Template being prepared 8/11/10 OM Agenda (Closed)
3	The elected Council invites the Chief Executive, Division of Local Government, Department of Premier and Cabinet to conduct a further Promoting Better Practice Review of Manly Council in 2011 and ensures that the General Manager and staff fully and properly co-operate with the officers of the Division appointed to conduct the Review.			28-Oct-10	14/03/2011 Submitted completed docs to DLG 14/02/11 Document list received from DLG 28/10/10 Letter sent to the DLG	10/02/11 DLG by phone advised the Review Timetable - Document Audit Feb/March, Site Audit in April 25/11/10 DLG Wrote to confirm oral advice 16/11/10 DLG by phone message advised Review will be done in Feb/Mar 2011
4	The elected Council makes an unreserved written apology to Mr and Mrs Humphreys for the unfair treatment in relation to their development applications and section 96 applications, the unreasonable conduct of planning staff when assessing their applications and the Council's failure to respond to their complaints, for the unfair and punitive enforcement action taken against them in 2005 and 2006, and for the inconvenience, stress and efforts they had to make when dealing with Manly Council. This apology should be provided immediately following the Council meeting referred to in recommendation 7.1. The Council should provide a copy of the apology to the Ombudsman when it is sent to Mr and Mrs Humphreys.			13-Dec-10	24/12/10 - Ombudsman advised by Mayoral letter 13/12/10 - Legal Advice reported to Council seeking Legal advice	13/12/10 Council considered advice at its Ordinary Meeting 1/12/10 Mr Bret Walker SC Prepared Advice
5	The elected Council makes an unreserved written apology to the Peninsula Owners Corporation for Council's failure to respond to their communications in 2003 regarding the Notices of Determination for the section 96 application for DA468/00 and for the failure to properly investigate and respond to their complaints about non-compliance at 30-32 South Steyne Manly, for the General Manger's failure to provide them with the full facts relating to consent for DA468/00 and frank advice about Council's inability to enforce the removal of structures on the rooftop and for the inconvenience, stress and efforts they had to make when dealing with Manly Council. This apology should be provided immediately following the Council meeting referred to in recommendation 7.1. The Council should provide a copy of the apology to the Ombudsman when it is sent to the Peninsula Owners Corporation.			13-Dec-10	24/12/10 - Peninsula Owners issued with an apology by Mayoral letter 13/12/10 - Legal Advice reported to Council seeking Legal advice	13/12/10 Council considered advice at its Ordinary Meeting 1/12/10 Mr Bret Walker SC Prepared Advice

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6	The elected Council makes an ex-gratia payment to Mr and Mrs Humphreys to cover the costs of their legal fees incurred when they appealed against Order 38/05 issued on 12 May 2005 and for costs they incurred for the mediation conducted in 2006. Any dispute about the quantum of legal expenses should be referred to an agreed independent assessor to determine the quantum of compensation. The independent assessor could be drawn from a list of persons suggested by the Law Society of NSW. I further recommend that the elected Council make all reasonable efforts to make the ex-gratia payment within two months of the date of the Council meeting referred to in recommendation 7.1.			13-Dec-10	24/12/10 - Ombudsman advised by Mayoral letter 13/12/10 - Legal Advice reported to Council seeking Legal advice	13/12/10 Council considered advice at its Ordinary Meeting 1/12/10 Mr Bret Walker SC Prepared Advice
7	The elected Council requires the General Manager to provide each Councillor immediately with a copy of the former Department of Local Government's Promoting Better Practice Review report of Manly Council dated January 2006			04-Nov-10	4/11/10 By Mayoral Memo to councillors provided a copy of the document together with progress reports sent to the DLG	
8	The elected Council ensures its Audit Committee either conduct or oversight the conduct of an audit of the expenditure of Council's funds on legal advice and legal action and develop a plan to manage legal costs in accordance with the Council's Budget and Management Plan. A part of the audit should include reviewing the current arrangements for the provision of legal advice, the approval arrangements and the reporting obligations regarding the provision of legal advice and the taking of legal action. This audit should be conducted within three months of the date of the issuing of this report.	03-Dec-10	28-Feb-11	24-Mar-11	24/03/2011 Auditor reported to Audit Committee 10/02/11 O'CM Appointed by Internal Auditor to undertake the audit 24/12/10 Scope for EOI issued by Internal Auditor 29/11/10 Preaudit notice issued 15/11/10 Mayoral Memo by email to Internal Auditor	10/02/2011 Scheduled interviews with DGM, Planners, and Legals staff 24/11/10 Matter Considered by the Audit Committee 24/11/10 Included in 2011 Audit Program
9	The elected Council requires the General Manager to take immediate action to appoint a suitably qualified and experienced person to the position of internal auditor to properly implement the Council's internal audit charter and guidelines and to support the work of the Audit Committee.			01-Nov-09	Internal Auditor was appointed by the North Shore group of Councils	
10	The elected Council requires the General Manager to provide it with the annual data supplied to the Department of Planning at the end of July each year for the Local Development Performance Monitoring Report	01-Jul-11		14-Dec-10	14/12/10 DGM submitted 2009/10 DoP Data 9/11/10 DGM advised he has incorporated the data into his reporting format	14/12/10 DGM submitted 2009/10 DA data to the GM for distribution to Council
11	The elected Council requires the General Manager to provide it with an additional report to accompany the quarterly updates on the Management Plan that measures Council's quarterly performance against the mean gross determination times and other statistics published in the previous Department of Planning's Local Development Performance Monitoring Report	2nd Quarter Report		14-Dec-10	22/11/10 Statistical Mean and Median will be included in all standard GM monthly reports as from Dec 10 - 24/11	14/12/10 DGM submitted 2009/10 DA data to the GM for distribution to Council 24/11/10 Mean Gross Data against DoP 2008/09 published data has been integrated with standard reports
12	The elected Council requires the General Manager to implement recommendations in the report of May 2008 regarding improvements in the methods of collecting and verifying development application data that is used for the Department of Planning's Local Development Performance Monitoring Report	3rd Quarter		10-Jan-11	24/11/10 DGM is progressing with this recommendation	10/1/11 Statistical Data is automatically produced by the Authority Sydtem on DAs processed

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13	The elected Council and the senior executive work together to develop and implement a compliance and enforcement plan for the full range of its regulatory functions, including the appropriate measurement of performance against the plan, reporting obligations and the requirement for periodic review of the plan. The council should consider advice published by the NSW Government's Better Regulation Office when preparing its plan. This plan should be finalised within six months of the date of the issuing of this report.	03-Mar-11		14-Feb-11	03/02/11 Adopted by CIWG 03/02/11 CIWG Considered the Draft Documents for Council's adoption 27/1/11 Draft to Feb CIWG 13/12/10 Draft Received 4/11/10 In-Consult to assist. Councillors workshop in Feb 11	Documents: Compliance and Enforcement policy
14	The elected Council engages a suitably qualified and experienced external consultant to develop written guidelines for preparing planning assessment reports to ensure consistency in reporting in terms of format and content, and guidance on the interpretation of codes and planning instruments and the exercise of discretion by planning staff. In developing the written guidelines, the consultant should make reference to best practice guidelines for local Government and the Development Assessment Internal Audit Tool published by The Independent Commission Against Corruption in April 2010. I further recommend that the elected Council should ensure all relevant staff are trained in the use of the guidelines for preparing planning assessment reports. These guidelines should be implemented within three months of the date of the issuing of this report.	03-Dec-10	31-Jan-11	03-Feb-11	03/02/11 Adopted by CIWG03/02/11 CIWG Considered the Draft Documents for Council's adoption 10/1/11 Draft to Feb CIWG 13/12/10 Mayor Distributed Reviewed Darfts prepared by In-Consult to Councillors 13/12/10 Reviewed Drafts Submitted by In-Consult to the Mayor 29/11/10 In-Consult met with Working Group 4/11/10 In-Consult working with DGM	13/12/10 In-Consult submitted Reviewed Draft now with Councillors and DGM for Comment Document: Compliance and Enforcement policy Delegated planning report template Development Assessment Unit report template Manly Independent Assessment Panel charter Manly independent Assessment report template General conditions of consent document
15	The elected Council requires the General Manager to provide a report to the next ordinary meeting of Council regarding the implementation of Professor Sourdin's recommendations in her report on DA Processing at Manly Council.			08-Nov-10	8/11/10 Mayoral Minute to OM	8/11/2010 Attached to Mayoral Minute in OM Agenda
16	The elected Council develops and implements written procedures for assessing and investigating complaints alleging misconduct by staff, the General Manager and councillors, that include, but are not limited to, procedures in sections 12 to 14 of the Model Code of Conduct for Local Councils in NSW 2008 and section 5 of Guidelines for the Model Code of Conduct for Local Councils in NSW published by the former Department of Local Government in October 2008. I further recommend that these new written procedures be implemented within three months of the date of this issuing of this report.	03-Dec-10	31-Jan-11	03-Feb-11	03/02/11 Adopted by CIWG 03/02/11 CIWG Considered the Draft Documents for Council's adoption 10/1/11 Draft to Feb CIWG 22/12/10 Fraud Prevention submitted Draft Requested Fraud 3/11/10 Prevention & Governance to assist in the development gudelines and procedures (Related recommendation 7.17, 7.18, 7.19, 7.20)	22/12/10 Draft Received

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17	The elected Council conducts training for its members and staff on the new procedures for dealing with complaints alleging misconduct by staff, the General Manager and Councillors. I further recommend that the training be conducted within one month of the implementation of the new written procedures recommended in 7.16.	03-Jan-11	28-Feb-11		23/3/2011 Scheduled for 31/3 - Corporate Counsel and GM 15/11/2010 Fruad Prevention & Governance appointed 3/11/10 Fraud Prevention & Governance	10/1/11 Training Scheduled for Feb/March 2011 22/12/10 Draft Received
18	The elected Council conducts refresher training for members and staff regarding their obligations to comply with Manly Council's Code of Conduct adopted in September 2009. This training should be conducted by a person not associated with Manly Council and with expertise in Code of Conduct training. I further recommend that the training be conducted within three months of the date of issuing of this report.	03-Dec-10	28-Feb-11		23/3/2011 Scheduled for 31/3 to 4/4 15/11/2010 Fruad Prevention & Governance appointed 3/11/10 Fraud Prevention & Governance	10/1/11 Training Scheduled for Feb/March 2011
19	The elected Council and the senior executive work together to develop and implement a complaints management framework as recommended in the Australian Standard AS ISO 10002-2006 Customer satisfaction - Guidelines for complaints handling in organisations, the Ombudsman's Complaint Handlers Took Kit 2004 and the Complaints Management in Councils Practice Note No 9 which is a joint publication of the Division of Local Government, Department of Premier and Cabinet and the NSW Ombudsman. This framework should be finalised within six months of the date of the issuing of this report	03-Mar-11		14-Mar-11	14/3/2011 - Draft Final Report received to go to 29/3/11 meeting of CIWG 4/3/11 Mayor briefed by Consultants on final draft 23/2/11 Draft Reveived 15/11/2010 Fruad Prevention & Governance appointed 3/11/10 Fraud Prevention & Governance	22/12/10 Draft Received

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20	The elected Council engages a suitably qualified and experienced external policy consultant to revise the following policies and guidelines for adoption by the Council within six months of the date of issuing of this report: • Council's Compliance and Enforcement Policy and Guidelines of October 2009 • Council's draft Complaints Management Policy published in September 2008.	03-Mar-11		14-Mar-11	14/3/2011 - Draft Final Report received to go to 29/3/11 meeting of CIWG 4/3/2011 Mayor Briefrd by Consultants on Final Draft 21/02/11 Compliance and Enforcement Policy Adopted by Council 03/02/11 Adopted by CIWG 03/02/11 CIWG Considered the Draft Documents for Council's adoption 10/1/11 Draft to Feb CIWG 13/12/10 Mayor Distributed Reviewed Darfts prepared by In-Consult to Councillors 13/12/10 Reviewed Drafts Submitted by In-Consult to the Mayor 29/11/10 In-Consult Meet with Working Group 4/11/10 In-consult Fraud Prevention & Governance	22/12/10 Fraud Prevention submitted darft 13/12/10 In-Consult submitted Reviewed Draft now with Councillors and DGM for Comment
21	The elected Council requires its Audit Committee or the newly appointed internal auditor to audit the implementation of the recommendations for improving Council's records management processes as listed in Sine Solutions' November 2008 report within three months of the issuing of this report.	03-Dec-10	28-Feb-11	24-Mar-11	23/3/2011 - Auditor to report to the Auidt and Risk Committee of 24/3/11 23/2/11 Audit Completed - Report to the next Audit and Risk Committee 29/11/10 Preaudit notice issued 15/11/10 Mayoral Memo by email to Internal Auditor	13/12/10 Audit commenced 24/11/10 request considered by the Audit Committee 24/11/10 Included in 2011 Audit Program
22	The elected Council requires the General Manager to integrate into the performance management plans of all senior staff obligations for the management of complaints, correspondence handling and record keeping within three months of the date of the issuing of this report.	03-Dec-10	31-Jan-11	03-Feb-11	03/02/11 CIWG noted the Consultant's recommendtions 27/1/11 - Draft to Feb CIWG 29/12/10 - draft format submitted to Fraud Prevention by GM 15/11/2010 Fruad Prevention & Governance appointed 3/11/10 Fraud Prevention & Governance	

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23	The elected Council engages a suitably qualified and experienced external policy consultant to develop the following documents for adoption by the Council within six months of the date of issuing of this report: • A recruitment policy and procedures that includes measures to ensure that employees provide full, accurate and honest advice regarding their personal details and qualifications. • A performance management policy • Written correspondence handling procedures to support the Customer Service Charter.	03-Mar-11		14-Mar-11	23/3/11 Draft received on 14/3/2011 and will be considered by the CIWG on 29/3/2011 23/02/11 Draft received 15/11/2010 Fruad Prevention & Governance was appoint and confirmed by Working Party	
24	That at the time the Mayor notifies me of any action taken or proposed to be taken in consequence of this report that a copy of that notification be forwarded to the Minister for Local Government.			14-Oct-10	14/10/10 Letter sent to Mr Wheeler	