

Agenda

Extraordinary Meeting of Council

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

Monday 15 October 2012

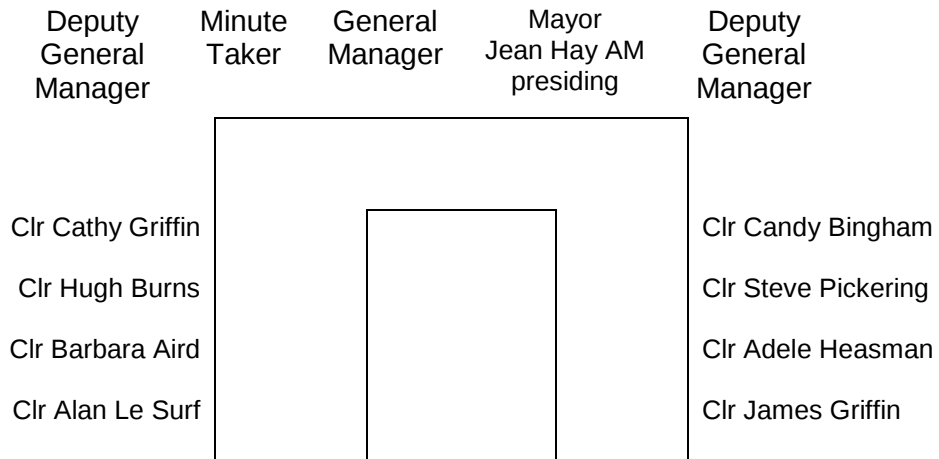
Commencing at 7.30pm for the purpose of considering items included on the Agenda.

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 Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au

Seating Arrangements for Meetings



Press

Public
Addresses

Public Gallery

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

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

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Mayoral Minute Report No. 10
SUBJECT: Free third hour for Residents and Ratepayers parking in Council Car parks
FILE NO:

In last month's Council elections, I ran my Mayoral re-election campaign on providing the council with strong civic leadership to achieve a positive vision for our residents and surrounding environment.

It is indeed humbling to receive the strong electoral mandate at the elections from the community that elected my team to the Council for the next 4 years. I now have the responsibility for the timely delivery of what I went to the election on.

In this Mayoral Minute, I would like the Council to introduce a system that gives each bonafide Manly residential household and ratepayer up to 3 continuous hours per day of free parking at Council's CBD carparks.

The provision of 3 hours free parking for Manly residents and ratepayers recognises the vital economic contribution our local residents make to the local economy. Our local businesses depend on this contribution to prosper in the face of a tough retail environment generally, and strong competition from other local centres.

The General Manager indicated to me that the proposed scheme is technically feasible.

RECOMMENDATION

I Move that:

1. the General Manager takes administrative steps to implement a system and scheme that permits each bonafide Manly residential household and ratepayer up to 3 continuous hours per day of free parking at Council's CBD carparks, and
2. the scheme to commence as soon as possible but by no later than the 3rd December 2012.

ATTACHMENTS

There are no attachments for this report.

OM151012MM_1

***** End of Mayoral Minute Report No. 10 *****

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 20
SUBJECT: Election of Deputy Mayor
FILE NO:

SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of the Mayor.

The election for Deputy Mayor will be held at the Extraordinary Meeting of Council on 15 October 2012.

REPORT

The Council is required to conduct an election to fill this position for the forthcoming term.

Term

Section 231(2) of the *Local Government Act, 1993* states that the person may be elected for the Mayoral term or a shorter term.

As Council is aware the current Mayoral term at Manly Council will be for 4 years. However, the practice has been to elect the Deputy Mayor for a one year term only.

Procedure

Clause 394 of the Local Government (General) Regulation 2005 provides that the Deputy Mayor is to be elected in accordance with Schedule 7 of the Regulation. The provisions of the Schedule are summarised as follows:-

1. A nomination for the Office of Deputy Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is **not valid unless** the nominee has indicated consent to the nomination **in writing**.

There is no prescribed form of "nomination paper". However, for convenience, "nomination papers" have been prepared and **distributed**.

2. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:-
 - (a) Preferential Ballot.
 - (b) Ordinary Ballot.
 - (c) Open Voting.

(Note: It has been Manly Council long-standing practice to have Open Voting.)

3. If the method is by Preferential or Ordinary Ballot, it shall be by secret vote.

Corporate Services Division Report No. 20 (Cont'd)

4. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

The primary difference between Ordinary Ballot/Open Voting and Preferential Ballot is:-

- (i) Preferential Ballot - **Only one ballot is taken** and Councillors are to mark their votes by placing the numbers "1", "2", "3" and so on, against the various names so as to indicate the order of their preference for the candidates. Preferences must be shown for all candidates (Clause 9 of Schedule 7).

The formality of a ballot paper under this part is to be determined in accordance with Clause 345 (1) (b) and (c) and (5) of the Local Government (General) Regulation, 2005. In essence, the ballot paper must:-

- (a) Be completed in accordance with the directions for the showing of preferences.
- (b) Be initialled by the Returning Officer or an Electoral Officer.
- (c) Not contain a mark or writing which would enable the voter to be identified.

If a candidate has an absolute majority of first preference votes (i.e. more than one half of the number of formal ballot papers), that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and that candidate's votes transferred to that candidate's second preferences. This procedure continues until a candidate receives an absolute majority.

- (ii) Ordinary Ballot/Open Voting - Separate and continuing ballots/votes are taken to exclude the candidate with the lowest vote.

When there are two candidates remaining, a ballot/vote is taken **to elect** the candidate with the higher number of votes.

Tied Candidates (Choosing by Lot)

If, on any count of votes, the number of votes cast for two candidates are equal and:-

- (a) those candidates are the only candidates in, or remaining in the Election - the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected; or
- (b) those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

If on any count the number of votes cast for three or more candidates are equal and the lowest number of votes on the count of the vote - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Summary of Procedure

A summary of the procedure is as follows:-

- (a) Councillors will be called upon by the Returning Officer to submit their nomination papers (in writing signed by two or more Councillors and with nominees written consent) **before 7pm on Monday, 15 October 2012.**

Corporate Services Division Report No. 20 (Cont'd)

- (b) Nominations received will be read to the Meeting by the Returning Officer and he will ask if any of the candidates so nominated wish to withdraw.
- (c) If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2005 as outlined above, and Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.
- (d) (i) If a Preferential or Ordinary ballot is required, ballot papers will be prepared and distributed to Councillors for marking:-
 - Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted.
- When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning Officer will announce the result to the meeting.
 - (ii) If the election is by Open Voting, then votes **to exclude candidates (if more than two)** and, where there are two candidates, votes to elect a candidate will be taken by show of hands.

When one candidate has a majority of votes the Returning Officer will declare this Councillor duly elected.

RECOMMENDATION

That:

1. Council elect a Deputy Mayor for the period to **October 2013**; and
2. Council determine the method of voting for the election of Deputy Mayor for the 2012/2013 term.

ATTACHMENTS

There are no attachments for this report.

OM151012CSD_12

***** End of Corporate Services Division Report No. 20 *****

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 21
SUBJECT: Appointment of Chairperson and Deputy Chairperson for Planning and Strategy
FILE NO:

SUMMARY

The purpose of this report is to appoint the Chairperson and Deputy Chairperson of the Principal Committee of Planning and Strategy.

REPORT

The Council has only one Principal Committee; the Planning and Strategy Committee. It meets in Committee-of-the-Whole (membership consists of all councillors) and on a monthly cycle.

The functions and responsibilities of the Planning and Strategy Committee are set out in the General Managers Report submitted to this meeting.

Under the *Local Government Act*, the Mayor is ex-officio Chairperson of all committees established by Council.

However it is the practice of Manly Council for the roles of Chair and Deputy Chair to be delegated to other Councillors.

RECOMMENDATION

That:

1. Council determine the voting method authorised in the report regarding the election of the Deputy Mayor report; and
2. Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to October 2013.

ATTACHMENTS

There are no attachments for this report.

OM151012CSD_13

***** End of Corporate Services Division Report No. 21 *****

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 22
SUBJECT: Declaration of Polls
FILE NO:

SUMMARY

The Mosman/Manly Returning Officer, Ms Suzanne Turner, declared the Polls for the positions of Mayor and Councillors for the election held on 8 September 2012, as follows:

REPORT

The Position of Mayor:

Jean Hay AM

Manly Councillors:

Barbara Aird
Candy Bingham
Hugh Burns
Cathy Griffin
James Griffin
Adele Heasman
Alan Le Surf
Steve Pickering

Inauguration of elected councillors took place on 8 October 2012.

RECOMMENDATION

That the results of the election be noted, and that Ms Suzanne Turner, the Mosman/Manly Returning Officer be thanked.

ATTACHMENTS

AT- 1 Declaration of Polls 4 Pages

OM151012CSD_3

***** End of Corporate Services Division Report No. 22 *****

ATTACHMENT 1

Corporate Services Division Report No. 22.DOC - Declaration of Polls
Declaration of Polls

Returning Officer for Mosman Region

PO Box 92, SPIT JUNCTION NSW 2088

Tel 02 9960-2288 Fax 02 9293 1347

Email RO.MosmanRegion@elections.nsw.gov.au



Mr Henry Wong
General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Dear Henry,

Please find attached copies of the Declaration for Mayor and Councillors.

If I can assist with any further information please do not hesitate to call.

Yours sincerely,

A handwritten signature in black ink that reads "Suzanne Turner".

Suzanne Turner
Returning Officer for Mosman

ATTACHMENT 1

Corporate Services Division Report No. 22.DOC - Declaration of Polls Declaration of Polls

LOCAL GOVERNMENT ELECTIONS – SATURDAY, 8 SEPTEMBER, 2012

Declaration of Councillor



LG.560

Council **MANLY**

*Ward (if applicable)

An election was held on Saturday, 8 September, 2012 to elect **8** Councillors.
(insert number)

The counting of votes resulted in the election of the candidates with the word 'Elected' next to their name, and I declare those candidates duly elected as Councillors until the next Council elections in September 2016.

Candidates	1st Preference Votes	Elected Candidates
BINGHAM, Candy	2925	ELECTED 3
KEEN, Lloyd	13	
MOONEY, Deborah	14	
BROXOM, Shelley	2	
CUTHILL, Stephen	10	
COULTER, Stephen	11	
AIRD, Barbara	3547	ELECTED 2
BURNS, Hugh	8	ELECTED 8
OHLBACK, Neil	41	
BURNS, David	6	
FRENCH, Jacqueline	4	
PRITCHARD, Rowan	3	
GRIFFIN, Cathy	1911	ELECTED 7
HITCHMAN, Kylie	13	
LE ROUX, Terry	6	
LAMBERT, Judy	13	
KITCHING, Will	13	
HAY, Jean	9307	
GRIFFIN, James	21	ELECTED 1

Quota: **2190**

A full copy of the election results may be viewed on the NSWEC website.

Suzanne Turner
RETURNING OFFICER'S NAME

Turner
RETURNING OFFICER'S SIGNATURE

13/9/12
DATE

*Note: Returning Officer to complete one declaration (LG.560) per ward.

ATTACHMENT 1

Corporate Services Division Report No. 22.DOC - Declaration of Polls Declaration of Polls

LOCAL GOVERNMENT ELECTIONS – SATURDAY, 8 SEPTEMBER, 2012

Declaration of Councillor



LG.560

Council **MANLY**

*Ward (if applicable)

An election was held on Saturday, 8 September, 2012 to elect **8** Councillors.
(Insert number)

The counting of votes resulted in the election of the candidates with the word 'Elected' next to their name, and I declare those candidates duly elected as Councillors until the next Council elections in September 2016.

Candidates	1st Preference Votes	Elected Candidates
HEASMAN, Adele	39	ELECTED 4
LE SURF, Alan	32	ELECTED 5
PICKERING, Steve	79	ELECTED 6
ROGERS, Daniel	10	
WHITTING, Craig	1558	
CHAPMAN, Michael	7	
SANSEY, Tania	3	
KENNY, Julian	2	
COLLINS, Patrick	3	
NAGEL, Dirk	34	
D'AMBROSIO Silvano	73	

Quota: **2190**

A full copy of the election results may be viewed on the NSWEC website.

Suzanne Turner

RETURNING OFFICER'S NAME

Suzanne Turner

RETURNING OFFICER'S SIGNATURE

13 9 12

DATE

*Note: Returning Officer to complete one declaration (LG.560) per ward.

ATTACHMENT 1

Corporate Services Division Report No. 22.DOC - Declaration of Polls Declaration of Polls

LOCAL GOVERNMENT ELECTIONS – SATURDAY, 8 SEPTEMBER, 2012

Declaration of Mayor



LG.561

Council **MANLY**

An election was held on Saturday, 8 September, 2012 to elect the Mayor.

The counting of votes resulted in the election of **Jean HAY** as Mayor.
and I declare them duly elected as Mayor until the next Council elections in September 2016.

Candidates	1st Preference Votes	Elected Candidate
WHITTING Craig	1775	
BINGHAM, Candy	3463	
AIRD, Barbara	3240	
HAY, Jean	9755	Elected
GRIFFIN, Cathy	1710	
Formal	19943	
Informal	582	
TOTAL	20525	

A full copy of the election results may be viewed on the NSWEC website.

Suzanne Turner

RETURNING OFFICER'S NAME

Suzanne Turner

RETURNING OFFICER'S SIGNATURE

13 \ 9 \ 12

DATE

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 23
SUBJECT: Adoption of Council's Policy Register
FILE NO:

SUMMARY

This report recommends re-adoption of the Register.

REPORT

The current Policy Register was provided to all Councillors forming part of the *Briefing Papers and Key Documents* provided during the induction period. A copy of the Register is also tabled.

There are 145 policies listed in the Register.

The Policy Register was last reviewed and adopted by Council in May 2011. The next periodic review will be undertaken in May 2013.

Schedule 1 lists all the policies that are currently in the Policy Register.

RECOMMENDATION

That:

1. the Report be received and noted; and
2. Council's Policy Register be re-adopted until the next periodic review is undertaken and presented to Council.

ATTACHMENTS

AT- 1 Schedule 1 5 Pages

OM151012CSD_10

***** End of Corporate Services Division Report No. 23 *****

Corporate Services Division Report No. 23.DOC - Adoption of Council's Policy Register
Schedule 1

Schedule 1

Policies in the Register

1	A05.	Access to Information Policy
2	A20.	Advertisements
3	A30.	Advertising
4	A40.	A-Frame Signs and Merchandise Offered for Sale
5	A55.	Asset Disposal Policy
6	A60.	Awards - Manly Civic Design
7	B10.	Banners - Display of Banners within Council Controlled Properties and Reserves
8	B20.	Beach Management
9	B80.	Builders' Rubbish Containers
10	C006.	Carbon Neutral
11	C012.	Cash Handling Policy
12	C014.	Charge Card Facility Policy
13	C015.	Child Protection Policy
14	C020.	Circuses - The Operation of Circuses with Exotic Animals in Manly
15	C030.	Circus - Limitation on Performances
16	C040.	Clean Air - Complaints
17	C050.	Clearing Of Shrubs and Undergrowth
18	C060.	Closed Circuit Television Protocol - Administration Building
19	C070.	Closed Circuit Television Protocol - Car Parks
20	C106.	Community Engagement
21	C108.	Community Gardens
22	C110.	Community Groups - Financial Assistance
23	C120.	Complaints Management Policy
24	C125.	Compliance and Enforcement Policy
25	C150.	Corner Splays - Acquisition of Corner Splays
26	C180.	Corporate Image Policy
27	C220.	Council Meetings - Availability of Agenda Papers to Public
28	C230.	Council Chamber - Seating Arrangements
29	C280.	Councillors - Reports from Council Officers
30	C300.	Cultural Policy

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**Corporate Services Division Report No. 23.DOC - Adoption of Council's Policy Register
Schedule 1**

Schedule 1

Policies in the Register

31	C320.	Charter of Political Reform
32	D010.	Debt Recovery - Warrants of Commitment - Authorisation of
33	D030.	Development Application - Fees For Heritage Buildings
34	D070.	Dogs - Urban Dog Management
35	D080.	Dinghies - Storage of Dinghies on Council Foreshores
36	D100.	Drainage Easements - Construction Over Drainage Easements
37	E05.	Use of Eggs from Non-Caged Hens
38	E10.	Election Campaigning - Federal, State and Local Government Elections
39	E20.	Elections – Poll of Electors to be held in conjunction with Ordinary and Extraordinary Elections of Council
40	E30.	Environmental Levy Component of Rate - Increase in Annual Contribution
41	E40.	Ethical Charter - Sustainability
42	F10.	Financial Assistance to Cultural Groups
43	F20.	Financial Reporting - Measures of Council Liquidity
44	F30.	Footpath Trading – Approval to Display Articles on Footpath
45	F40.	Foreshores – Public Right of Way – Ocean and Harbour Policy
46	G25.	Gathering Information
47	G30.	Graffiti Management Policy
48	G32.	Graffiti Reward Policy
49	H10.	Hire Boat Operations - Beaches and Reserves
50	H20.	Hoardings - Placing of Hoardings at Construction or Demolition Sites
51	H30.	Honorary Rangers
52	I18.	Internal Reporting Policy
53	I20.	Investment Policy
54	L05.	Late Night Venues 2005 Development Control Plan
55	L10.	Leases - Council Property - Maintenance of By Lessee/Licensee
56	L20.	Leases - Council Property - Payment of Rates and Charges by Lessee
57	L30.	Library - Borrowers Policy
58	L40.	Library - Commercial Sponsorship of Library Activities
59	L50.	Library - Statement on Freedom of Collection, Access, Use and Librarian's Role
60	L60.	Library - Local History

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Corporate Services Division Report No. 23.DOC - Adoption of Council's Policy Register
Schedule 1

Schedule 1

Policies in the Register

61	L90.	Loan Borrowing and Overdraft Policy
62	M10.	Manly Art Gallery and Museum - Acquisitions and Exhibitions Policy
63	M20.	Manly Art Gallery and Museum - Free Admission for Children on Organised Tours
64	M30.	Manly Art Gallery and Museum - Collection on Local History
65	M50.	Manly Art Gallery and Museum - Support for Local Artists
66	M61.	Manly After Midnight Policy
67	M63.	MIAP Protocol for Councillors
68	M65.	Mayor and Councillors' Remuneration Fees
69	N20.	Noise Complaints - General
70	N30.	Noise Complaints - Dogs
71	N40.	Nuclear Weapons - Abolition and World Peace
72	N50.	Notification to Precincts, Codes of Conduct and Meeting Practice, via Council News - Manly Daily for submissions in accordance with the Act and Council's policies
73	O06.	Outdoor Dining Areas
74	O10.	Overgrowth of Vegetation
75	P010.	Pamphlets & Leaflets - Distribution on Public Roads and in Shopping Centres
76	P020.	Parking Policy - Manly Central Business District
77	P051.	Payment of Expenses & Provision of Facilities to Mayor and Councillors
78	P055.	Performance Management Policy
79	P070.	Precinct Community Forums previously known as Precinct Committees
80	P080.	Pricing Policy Goods & Services
81	P090.	Printing and Stationery - Use of Recycled Paper
82	P100.	Property Acquisition Reserve Fund
83	P110.	Prosecutions - Withdrawal of Prosecutions
84	P130.	Public Liability Insurance
85	P140.	Public Sculpture Policy
86	P150.	Procurement Policy
87	R005.	Rainwater Tanks
88	R010.	Rates - Pensioners - Accrual of Rates and Charges and Writing off Interest
89	R020.	Reconciliation between Indigenous and Non-Indigenous Australians

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**Corporate Services Division Report No. 23.DOC - Adoption of Council's Policy Register
Schedule 1**

Schedule 1

Policies in the Register

90	R025.	Records Management Policy
91	R028.	Recruitment & Selection Policy
92	R030.	Recycling - Events and Promotions
93	R040.	Reserves - Exclusive Use for Private Functions
94	R050.	Reserves - Outdoor Furniture - Dedication
95	R060.	Revenue Policy
96	R065.	Risk Management Policy
97	R070.	Road Reserves- Outdoor Eating Areas - For the Purpose
98	R080.	Road Reserve - Lease for Parking as a Development Application Condition
99	R090.	Road Reserve Leases - Adjacent and Conjoining Parent Lot
100	R100.	Road Reserves – Driveways
101	R120.	Road Reserve Leases/Consents - Formula for Determination of Annual Rental/ Occupation Payment (the "Fee")
102	S005.	Saturated and Trans Fat Reduction Policy
103	S010.	Seawalls - Construction and Replacement
104	S015.	Section 94 Contributions Plan
105	S020.	Senior Citizens Centre
106	S030.	Shopping Trolleys - Impoundment
107	S040.	Signs - Council Projects - Displaying of Policy
108	S050.	Signs – Road Signs
109	S070.	Signs - A-Frame Signs and Merchandise Offered for Sale
110	S100.	Sister Cities - Policy on Visits to Council by Overseas Tourists
111	S105.	Siting of Microwave Base Stations Manly
112	S110.	Skateboards & Bicycles on The Corso - Control of
113	S135.	Smoke Free Zones in Manly
114	S150.	Special Events (Road Closures) Traffic and Transport Management Plan
115	S160.	Sponsorship - Council Activities and Events
116	S170.	Sport and Recreation Facilities in Manly - Guiding Principles
117	S180.	Stalls - Constituent interviewing by Local Members
118	S190.	Stormwater Control
119	S200.	Strata Subdivision - New and Old Buildings - Carparking

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Schedule 1

Policies in the Register

120	S210.	Strata Subdivision - Old Buildings
121	S215.	Sustainable Investment Policy
122	S240.	Swimming Pools - Fencing
123	S250.	Swimming Pools (Private) - Leaking
124	T010.	Telecommunications and Radio Communications Development Control Plan
125	T020.	Applications from Telecommunications or Radio Communications Providers for Infrastructure
126	T050.	Tourism Policy
127	T060.	Trading Activities - Hawking & Vending on Public Reserves, Road & Public Places
128	T069.	Tree Management Policy
129	T070.	Tree Preservation Order
130	T080.	Trees - Lopping for Electricity Transmission Lines
131	T085.	Trees - Significant Tree Policy
132	T090.	Trees - Lopping for Views
133	T100.	Trees - Removal of Ficus Varieties
134	T110.	Trees - Ringbarking, Poisoning, Root Damage
135	T115.	Triple Bottom Line Reporting
136	U10.	Unemployment Relief Schemes
137	U50.	Unstructured Recreational Policy
138	V10.	Vehicular Crossings and Layback Openings
139	V20.	Vehicle Crossing Construction - Colour of Concrete
140	V30.	Vehicle Crossings - Maintenance of Unpaved Crossings
141	V40.	Vehicle Crossings/Driveways - Non Standard
142	W10.	Warringah Freeway and Public Transport - Manly Warringah
143	W20.	Waste Minimisation - Functions and Events in Manly
144	W30.	Water Courses - Piping of Water Courses
145	W75.	Work Health & Safety Policy

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TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 24
SUBJECT: Adoption of General Manager's Delegation
FILE NO:

SUMMARY

Under Section 380 of the *Local Government Act*, Councils are required to review and adopt the General Manager's Delegation following a Council general election.

This report recommends the readoption of the current instrument.

REPORT

The following is the current Instrument of Delegation of the General Manager, which was prepared by independent legal advice and adopted by the Council:

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.

Corporate Services Division Report No. 24 (Cont'd)

8. Authorisation of:

- (a) expenditure for goods and services beyond \$300,000,
- (b) general expenditure, including contract payments beyond the value of \$200,000,
- (c) investments on behalf of Council beyond \$1,000,000,
- (d) loan repayments beyond \$500,000, and
- (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

RECOMMENDATION

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

- 1. The *Local Government Act 1993* (NSW); and
- 2. The *Environmental Planning and Assessment Act 1979* (NSW); and
- 3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
- 4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

- 1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
- 2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
- 3. Major unique items where no policy, practice or code of the Council exists.
- 4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
- 5. Adoption of Council policies and codes or any variation to the policies and codes;
- 6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
- 7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.

Corporate Services Division Report No. 24 (Cont'd)

8. Authorisation of:

- (a) expenditure for goods and services beyond \$300,000,
- (b) general expenditure, including contract payments beyond the value of \$200,000,
- (c) investments on behalf of Council beyond \$1,000,000,
- (d) loan repayments beyond \$500,000, and
- (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

ATTACHMENTS

There are no attachments for this report.

OM151012CSD_14

***** End of Corporate Services Division Report No. 24 *****

TO: Extraordinary Meeting of Council - 15 October 2012
REPORT: Corporate Services Division Report No. 25
SUBJECT: Establishment of Council's Special Purpose Advisory Committees 2012-2016
FILE NO:

SUMMARY

The purpose of this report is to provide Council with information on the recommended process to establish the new Council's Special Purpose Advisory Committees.

REPORT

Background

The work of the Council is assisted and supported by a number of internal and external advisory committees. These committees are generally organised by functions or projects and can be either policy or operational in their nature.

Committees are an integral part of Council's Community Engagement strategy. Committees assist Council as they:

- tap into expertise from the community;
- assist Council to build partnerships with other agencies and stakeholder groups;
- bring stakeholder advice and new perspectives to Council;
- encourage creative thought and ideas;
- assist different stakeholders groups with different values to work better together and towards agreed desirable community objectives; and
- can assist Council to evaluate options on a range of issues and projects including giving feedback on exhibited plans and documents in relation to the expertise / focus area of each committee.

Most of the committees listed in this report have community representation, however, Council also participates in a number of Statutory committees, as a stakeholder or as a contributory member with particular expertise.

Suggested Process to Form Special Purpose Committees for the 2012-2016 Council Term

On the weekend of 22nd and 23rd September 2012, all Councillors attended the Manly Councillor's Induction Workshop where the establishment of Committees was discussed.

The following is a summary of committees proposed for the 2012/2016 term:

	2008-2012 Committees	Proposed Name
1	Access	Access and Mobility
2	Art and Culture	Art and Culture
3	Audit and Risk	Audit and Risk
4	Harbour Foreshores and Coastline Management	Coastal Environments
5	Human Services Planning and Policy	Social Policy
6	Landscape Management and Urban Design	Public Domains
7	Community Environment	Environment & Sustainable Futures

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

8	Community Safety	Community Safety and Place Management
9	Heritage	Heritage and Local History
10	Manly Scenic Walkway	Manly Scenic Walkway
11	Manly Sister cities	Manly Sister Cities
12	Playground Management	Playground Management
13	Sports Facilities	Sports and Recreation Facilities
14	Sustainability and Climate Change	Environmental & Sustainable Futures
15	Sustainability Economic Development and Tourism	Sustainable Development and Economic Development
16	Sustainable Transport	Sustainable Transport
17	Waste Management	Waste Management
18	Traffic	Traffic
19	Meals on Wheels	Meals on Wheels
	SHORELINK (External)	SHORELINK (External)
	Sydney Coastal Council (External)	Sydney Coastal Council (External)
	Kimbriki Subcommittee (External)	Kimbriki Subcommittee (External)
	Manly Lagoon Catchment Management Advisory Committee (Stakeholder Committee)	Manly Lagoon Catchment Management Advisory Committee (Stakeholder Committee)

Next Steps

Councillors agreed that the formation of committees be further workshoped before the calling of Expressions Of Interest (EOI) for community members.

RECOMMENDATION

That:

1. the report be received and noted;
2. the formation of Special Purpose Advisory Committees be discussed at the next Councillor Strategic Workshop scheduled for 24 October 2012;
3. the outcomes of the workshop be the basis for calling of Expressions Of Interest (EOI) from the community to fill community positions available on the Special Purpose Advisory Committees; and
4. a further report with recommendations be submitted to the November Ordinary meeting to formalise the establishment of Special Purpose Advisory Committees and appointment of community members for the new term of Council.

ATTACHMENTS

AT- 1 Council's Standard Special Purpose Advisory Committee Terms of Reference 7 Pages

OM151012CSD_11

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

ATTACHMENT 1

Corporate Services Division Report No. 25.DOC - Establishment of Council's Special Purpose Advisory Committees 2012-2016

Council's standard special purpose committee Terms of Reference

Manly Council insert name of committee

*This Special Purpose Committee has been established under the
Local Government Act,1993*

The Status of the Committee is purely advisory

Terms of Reference

1. Title

The Committee shall be known as the < insert the name of the committee > (hereinafter called the Committee).

2. Role and Objectives

2.1 This is a Special Purpose Committee, convened by < insert either Council or General Manager as relevant >, to provide a forum for discussion and recommendation on issues relevant to Manly Council to.....< insert the objectives of the Committee>

2.2 The role of this Committee is purely advisory. The Committee is to work within the framework of the Community Strategic Plan and does not deal with day to day operational matters.

3. Management

A. Membership of Committee

The Committee shall consist of:

2 Councillor representative (and the Mayor ex officio);

<Insert number> Community representatives.

The Community members shall serve on the Committee in a voluntary capacity.

Membership of the Committee shall be reviewed in September 2010.

The quorum for the Committee is < insert the number here that is half the membership plus one > members.

This Committee meets < insert meeting frequency e.g. up to 6 times a year >.

B. Absence from Meetings

A Committee member absent from three (3) consecutive Committee meetings without approval of the Committee shall forfeit his/her place on the committee.

C. Resignation from the Committee

Any member of the Committee may, by notice in writing addressed to the

ATTACHMENT 1

Corporate Services Division Report No. 25.DOC - Establishment of Council's Special Purpose Advisory Committees 2012-2016

Council's standard special purpose committee Terms of Reference

Committee, resign his/her office as a member.

D. Notification of Vacancies

The Committee shall notify the Council promptly of any vacancy occurring in its membership, whether it is through death, absence or resignation from the Committee. The Committee shall submit to the General Manager within 28 days the name of a person considered by the Committee to be suitable for appointment for the General Manager's concurrence. All newly appointed members must participate in a committee induction process as soon as possible following their appointment to the committee so that they are aware of the proper conduct of meetings.

4. Duties of Officers

A. Chairperson

The duties of the Chairperson are to:

- Direct meetings according to the Terms of Reference, and Council's Code of Meeting Practice;
- Facilitate the discussion of items on the agenda in a timely manner;
- Facilitate the moving of recommendations and voting by committee members;
- Ensure all committee members have the opportunity to participate in the meetings;
- Determine the agenda for the meetings in consultation with Council's Secretariat;
- It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

B. Secretariat

The duties of the Secretariat are to:

- Provide professional advice and administrative support. Keep all minutes and conduct the correspondence;
- Keep a record of attendance for every member of the committee;
- Call all meetings of the Committee.
- Forward copies of minutes to all Committee Members and to the General Manager of Council as soon as practicable;
- Attend to such housekeeping matters as booking meeting rooms and arranging refreshments in accordance with standard protocols;
- The Council Staff will not preside at Committee meetings, nor will they be eligible to vote.

C. Members

The duties of the members are to:

- Attend and participate in meetings (as well as induction, planning sessions and relevant training);
- Work co-operatively with other members in achieving the objectives of the Committee;
- Contribute ideas and suggestions relating to items on the agenda;
- Adhere to the Code of Meeting Practice and show respect for the points of view

ATTACHMENT 1

Corporate Services Division Report No. 25.DOC - Establishment of Council's Special Purpose Advisory Committees 2012-2016

Council's standard special purpose committee Terms of Reference

proffered by all members of the Committee;

- Provide advice and recommendation to Council on items relating to the agenda;
- Action and follow up on relevant recommendations provided by the Committee and resolved by Council;
- It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

5. Meetings

- A **QUORUM** shall comprise a majority of members on the Committee. A scheduled meeting must be adjourned if a quorum is not present within half an hour after the time designated for the holding of the meeting, or at any time during the meeting. In either case, the meeting must be adjourned to a time, date and place fixed by the Chairperson, or, in his or her absence, by the majority of the members present;
- This is an Advisory Committee, and it is unlikely that there will be a need for voting, however, should that eventuality arise, each member of the Committee shall have one vote and decisions of the Committee shall be by simple majority. In the event of the votes and the members being equal the Chairperson of the meeting shall have a casting vote in addition to his/her deliberative vote;
- Council Secretariat and staff will attend meetings but have no voting rights, and provide administrative support and professional advice, as determined by the General Manager;
- The Committee must ensure that full and accurate minutes of the proceedings of its meetings are kept;
- Items may only be raised under General Business if the permission of the Chairperson is obtained before the meeting starts, and each such item is to have a recommendation;
- Meetings shall be conducted in accordance with Council's Code of Meeting Practice as it relates to Committees, including disclosure of interests;
- The first item on the agenda for all Committee meetings (after apologies and requests for leave of absence) shall be the declaring of pecuniary and non-pecuniary interests:
 - A member of a Committee who has a pecuniary and or a non-pecuniary interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
 - The member must not take part in the consideration or discussion of the matter, and must leave the room until the matter under discussion is concluded.
 - The member must not vote on any question relating to the matter.
- A disclosure made at a meeting of a Committee must be recorded in the minutes of the meeting.

6. Working Groups

- The Committee may appoint any number of Working Groups at any time to

ATTACHMENT 1

Corporate Services Division Report No. 25.DOC - Establishment of Council's Special Purpose Advisory Committees 2012-2016

Council's standard special purpose committee Terms of Reference

investigate any matter or thing to which the Committee may require information or to organise and manage, subject to the control of the Committee, any activity which may be considered by the Committee to be essential to the objectives of the Committee.

- Each Working Group appointed shall have Terms of Reference and a fixed term.
- The Working Group must ensure that full and accurate minutes of the proceedings of its meetings are kept and completed within 2 weeks of the meeting and then reported to the next available Committee meeting.

7. Minutes, Communications and Reporting

- The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.
- The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Staff Servicing Officer and if any error in the minutes is confirmed, the Staff Servicing Officer shall arrange to make the appropriate changes.
- Minutes will be completed within 2 weeks of the Committee meeting and then reported to the next available Council Meeting.
- All agendas shall be published on Council's website prior to the meeting.
- All minutes shall be published on Council's website within 5 days of adoption by Council.
- Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

8. Insurance

Council shall effect personal accident insurance on Committee members together with legal liability cover, Voluntary Workers, cash in transit and personal property insurance cover.

Note: Legal liability cover will only be provided to members of the Committee and voluntary workers whilst they are acting within the scope of their duties for and on behalf of Council.

9. Statutory Requirements

The Committee shall ensure that the *Local Government Act 1993* and related Regulations, all other statutory provisions and all Council's Codes and Policies relating to its activities are at all time strictly observed.

10. Dissolution

- All committees are automatically dissolved from the date of the quadrennial election.

ATTACHMENT 1

Corporate Services Division Report No. 25.DOC - Establishment of Council's Special Purpose Advisory Committees 2012-2016 Council's standard special purpose committee Terms of Reference

..... General Manager

..... Chairperson

Addendum:

Secretariat:

insert name of Secretariat staff

Name(s) Of Councillor Representative:

insert names of councillors

Name(s) of Community Representative:

insert names of community representative .