



FREEDOM OF INFORMATION ACT 1989

Section 14(1)(b) and (3)

SUMMARY OF AFFAIRS of MANLY COUNCIL

As at 8th June, 2010

The policy documents held by Council which are available for inspection are:-

Planning

LEP

Manly Local Environmental Plan 1988 as Amended

L.E.P. Map

DCPs

Manly Development Control Plan (DCP) for the Residential Zone 2007 and Associated Residential Density Sub-zone maps

- Appendix Map A Penguin & Bandicoot Residential DCP

Manly DCP for the Business Zone 1989: Amendment 5

Manly DCP for The Corso (Part A, Part B North Side & Part B South Side)

Manly DCP for the Industrial Zone 1991

Manly DCP for Energy Efficient Buildings 1998

Manly DCP for Backpacker Accommodation 1998: Amendment 1

Manly DCP for Landslip and Subsidence 2001

Manly DCP for Waste Minimisation and Management 2000

Manly DCP for Notification 1999: Amendment 2

Manly DCP for Access incorporating the Manly Access Policy

Manly DCP for Advertising Signs 1993

Manly DCP for Childcare Centres 2004

Manly DCP for Manly Cove

Manly DCP for Telecommunications & Radiocommunications

Manly DCP for Late Night Venues 2005 with minor amendments Feb 2008

OTHER

Manly Section 94 Contributions Plan

Manly Council Paving Design Guidelines - Feb 2002

Manly Lagoon Floodplain Management Study June 1996 (Extract)

Manly Town Centre Urban Design Guidelines 2002

Balgowlah Shopping Centre Urban Design Controls 1999

a) Balgowlah Shopping Centre Urban Design Plan 1999 - Main Document

b) Balgowlah Shopping Centre Design Plan 1999 - Appendix

Manly Code for the Protection against Termite Attack 1996

Manly Specification for Stormwater Drainage 2003

a) Manly Specification for On-site Stormwater Management 2003 - Main Document

b) Specification for On-site Stormwater Management 2003 Appendix Maps

Manly Specification for Civil Infrastructure, Development & Subdivisions 2003

Manly Council Contaminated Lands Policy 2003

Other Documents

Annual Community Report
Annual Report
Annual Budget
Auditors Report
Code of Conduct
Code of Meeting Practice
Social Plan 2004-2009 Needs Assessment
Social Plan 2004-2009
Sustainability Strategy 2006
Local Air Quality & Greenhouse Action Plan
Land Register
Management Plan
Manly After Midnight
Manly Andrew "Boy" Charlton Swim Centre Annual Report
Manly Code of Respect
Plans of Management

- Community Land
- Keirle Park
- Seaforth Oval
- Ocean Beach
- Tania Park

State of the Environment Report
Register of Investments
Returns of the Interests of Councillors, Designated Persons and Delegates
Returns as to Candidates' Campaign Donations
Business Paper Agendas (Excluding Closed Committee)
Business Paper Minutes (Excluding Closed Committee)

Policies

Access to Information Guidelines
Access to Information Policy
Accounts - Available Working Capital
Advertisements
Advertising
A-Frame Signs and Merchandise Offered for Sale
Armoured Vehicles – Provision for Parking
Awards - Manly Civic Design

Banners - Display of Banners within Council Controlled Properties and Reserves
Beach Management
Beaches and Reserves - Commercial Filming - Conditions and Charges
Blasting Permits
Boat Building in Residential Areas
Builders' Rubbish Containers

Carbon Neutral
Caretakers – Residential Caretakers in Council Buildings
Circuses - The Operation of Circuses with Exotic Animals in Manly
Circus - Limitation on Performances

Clean Air - Complaints
Clearing of Shrubs and Undergrowth
Closed Circuit Television Protocol – Administration Building
Closed Circuit Television Protocol – Carparks
Clubs and/or Organisations - Remission of Rates
Committees - Appointment of Councillors
Committees - Section 355 Committees - Audit Fees
Community Engagement Policy
Community Groups - Financial Assistance
Complaints Management Policy
Compliance & Enforcement Policy
Consultation – Community Consultation Protocol
Corner Splays - Acquisition of
Corner Splays - Council to Meet Costs
Corner Splays - Notification on Certificates
Corporate Image
Council and Committee Meetings - Length of Meetings
Council Meetings - Availability of Agenda Papers to Public
Council Chamber - Seating Arrangements
Council Letterhead - Council Committees and Areas of Activity - Signing of Correspondence
Councillors - Committee Membership Not Appointed by Council
Councillors - Personal Accident Insurance - Authorisation to Attend Functions
Councillors - Reports from Council Officers
Cultural Policy
Charter of Political Reform

Debt Recovery - Warrants of Commitment - Authorisation of
Development Application Approval
Development Application - Fees for Heritage Buildings
Development Control Plan - Residential Zone
Dog Management – Urban Dog Management
Dinghies - Storage of Dinghies on Council Foreshores
Donations - Items of Park Furniture
Drainage Easements - Construction Over

Election Campaigning – Federal, State & Local Government Elections
Elections – Poll of Electors to be Held in Conjunction with Ordinary and Extraordinary
Elections of Council
Environmental Levy Component of Rate - Increase in Annual Contribution
Ethical Charter - Sustainability

Financial Assistance to Cultural Groups
Financial Reporting - Measures of Council Liquidity
Footpath Trading

Garbage Charges - Surf Clubs, Scout and Guide Halls in Council Reserves
Garbage Containerisation Service - Size of Containers
Gathering Information
Graffiti Management Policy
Graffiti Reward Policy

Hire Boat Operations - Beaches and Reserves

Hoardings - Placing Of Hoardings at Construction or Demolition Sites
Honorary Rangers

Independent Assessment Panel
Insurance - Premsure - Elected Representatives

Late Night Venues 2005 – Development Control Plan
Leases - Council Property - Maintenance of by Lessee/Licensee
Leases - Council Property - Payment of Rates & Charges by Lessee
Library -Borrowers Policy
Library - Commercial Sponsorship of Library Activities
Library - Statement on Freedom of Collection, Access, Use and Librarian's Role
Library - Local History

Manly After Midnight Policy
Manly Art Gallery & Museum - Acquisitions and Exhibitions Policy
Manly Art Gallery & Museum - Free Admission for Children on Organised Tours
Manly Art Gallery & Museum - Collection on Local History
Manly Art Gallery & Museum - Presentation of Paintings Purchased from Funds Raised by
Former Ladies Auxiliary
Manly Art Gallery & Museum - Support for Local Artists
Manly Art Gallery & Museum - Waiving of Fees
Manly Code of Respect
Mayor and Councillor's Remuneration Fees
MIAP Protocol for Councillors

Neighbourhood Watch and Safety House Scheme
Noise Complaints - Dogs
Noise Complaints - General
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
Nuclear Weapons - Abolition and World Peace

Open File Policy (see Access to Information)
Overgrowth of Vegetation
Outdoor Dining Areas

Pamphlets & Leaflets - Distribution on Public Roads and in Shopping Centres
Parking - Policy - Manly Central Business District
Parking – Issuing of Designated Parking Permits
Parking – Provision for Designated Parking Spaces for Armoured Vehicles
Parking Permits – Manly Life Saving Club Inc/ Manly Community Centre
Parks and Reserves - Use of by Junior Sports
Payment of Expense & Provisions of Facilities to Mayor & Councillors
Poll of Electors to be Held in Conjunction with Ordinary and Extraordinary Elections of
Council
Precinct Community Forums previously known as Precinct Committees
Pricing Policy Goods & Services
Printing and Stationery - Use of Recycled Paper
Property Acquisition Reserve Fund
Prosecutions - Withdrawal of
Public Liability Insurance

Public Sculpture Policy
Purchasing & Tendering Policy

Rainwater Tanks
Rates - Pensioners - Accrual of Rates & Charges & Writing Off Interest
Reconciliation between Indigenous and Non-Indigenous Australians
Records Management Policy
Recycling - Events and Promotions
Reserves - Exclusive Use for Private Functions
Reserves - Outdoor Furniture – Dedication
Revenue Policy
Road Reserves - Outdoor Eating Areas - Licensing of
Road Reserve - Lease for Parking as a Development Application Condition
Road Reserve Leases - Adjacent and Conjoining Parent Lot
Road Reserves - Driveways
Road Reserve Nature Strips
Road Reserve Leases/Consents - Formula for Determination of Annual Rental/Occupation
Payment (the "Fee")

Seawalls - Construction and Replacement
Section 94 Contributions
Senior Citizens' Centre
Shopping Trolleys - Impoundment
Signs - Council Projects - Displaying of
Signs - Direction
Signs - A-Frame Signs and Merchandise Offered for Sale
Signs - Public Telephones
Sister Cities - Policy on Visits to Council by Overseas Tourists
Siting of Microwave Base Stations Manly
Skateboards & Bicycles on The Corso - Control of
Skateboards, Bicycles and Rollerskates on The Ocean Beach Walkway
Smoke Free Zones in Manly
Smoking - Council Owned Buildings
Solar Hot Water Installations (Development Applications)
Special Events (Road Closures) Traffic and Transport Management Plan
Sponsorship - Council Activities and Events
Sport and Recreation Facilities in Manly - Guiding Principles
Stalls - Constituent Interviewing by Local Members
Stormwater Control
Strata Subdivisions - New and Old Buildings - Car Parking
Strata Subdivisions - Old Buildings
Sustainable Investment Policy
Swimming Centre, Manly - Complimentary Season Passes to Elite Athletes
Swimming Pools - Fencing of
Swimming Pools (Private) – Leaking
Sydney Water

Telecommunications and Radio Communications Development Control Plan
Telecommunications and Radio Communications Providers for Infrastructure - Applications
Tenders - Lobbying of Councillors
The Corso Development Control Plan
Tourism Policy

Trading Activities - Hawking & Vending on Public Reserves, Roads & Public Places
Tree Preservation Order
Trees - Lopping for Electricity Transmission Lines
Trees - Lopping for Views
Trees - Removal of "Ficus" Varieties
Trees - Ringbarking, Poisoning, Root Damage
Trees - Significant Tree Policy
Triple Bottom Line Reporting

Unemployment Relief Schemes

Vehicular Crossing and Layback Openings
Vehicle Crossing Construction - Colour of Concrete
Vehicle Crossings - Maintenance of Unpaved Crossings
Vehicle Crossings/Driveways - Non Standard
Vehicle Crossings - Payment for Pavement of Road Shoulders
Vehicle Crossings to Private Property – Temporary Construction in Asphalt - Payment by Owners
Vehicle Crossings - Use of Uni-Pave Concrete Blocks

Warringah Freeway and Public Transport - Manly Warringah
Waste Minimisation - Functions and Events in Manly
Water Courses - Piping of
Wentworth Street Redevelopment - Access to Corso Properties

SECTION 2 - Statement of Affairs

Refer attached copy.

SECTION 3 - Contact Arrangements

Enquiries may be directed to the Access to Information Officer by telephone (02) 9976 1500 between the hours of 8.30 am and 5.00 pm Monday to Friday or in writing to:

The General Manager
Attention: Access to Information Officer
Manly Council
PO Box 82
MANLY NSW 1655

Email: records@manly.nsw.gov.au
Web: www.manly.nsw.gov.au

* * * * *



FREEDOM OF INFORMATION ACT 1989

Section 14(1)(b) and (3)

STATEMENT OF AFFAIRS of MANLY COUNCIL

As at 8th June, 2010

Structure and Functions:

Manly Council is a statutory body deriving authority from the Local Government Act 1993 and other Acts enacted by the Parliament of New South Wales. The Local Government Act 1993 and Regulations made under it, set out what a council must do, may do, and must not do; responsibilities and rights of elected representatives and council staff; and the powers of the Mayor and the legal relationship which exists between the elected representatives, council staff and those persons living and working in the council area.

Section 7 of the Local Government Act 1993 defines the purposes of the Local Government Act as follows:

- (a) To provide a legal framework for an effective, efficient, environmentally responsible and open system of Local Government in New South Wales;
- (b) To regulate the relationships between people and bodies comprising the system of Local Government in New South Wales;
- (c) To encourage and assist the effective participation of local communities in the affairs of Local Government;
- (d) To give councils:
 - 1. The ability to provide goods, services and facilities, and carry out activities, appropriate to the current and future needs of local communities and of the wider public.
 - 2. The responsibility for administering some regulatory systems under this Act.
 - 3. A role in the management, improvement and development of the resources of their area;
- (e) To require councils to have regard to the protection of the environment in carrying out their responsibilities.

The Council's Charter is defined under Section 8 of the Local Government Act 1993 which states -

"A council has the following charter:

- 1. To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- 2. To exercise community leadership.
- 3. To exercise its functions with due regard for the cultural and linguistic diversity of its community.
- 4. To promote and to provide and plan for the needs of children.
- 5. To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

6. To have regard to the long term and cumulative effects of its decisions.
7. To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.
8. To facilitate the involvement of councillors, members of the public, users of facilities and services, and council staff in the development, improvement and co-ordination of local government.
9. To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
10. To keep the local community and the State Government (and through it, the wider community) informed about its activities.
11. To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.
12. To be a responsible employer."

Council's structure is outlined in the following:

Division	Group
General Manager's Unit	
	Customer Service Management
	Governance
	Legal Advising
Civic Services	
	Civic Services
	Urban Services
	Facilities
Corporate Services	
	Administration Services
	Finance Services
	Human Resource Management
	Technology Infrastructure
Environmental Services	
	Audit & Support Services
	Development Control
	Planning
	Regulatory Services
	Waste Services
	Cleansing Services
Planning & Strategy	
	Strategic Planning
Human Services & Facilities	
	Community Services
	Culture & Information Services

Functions and Finance:

Manly Council has approximately 329 full-time and 65 part time staff. The Income and Expenditure for the financial year 2008/2009 was:-

Total Expenditure	\$	52,628,000
Total Income	\$	57,141,000

Manly Council has the functions conferred or imposed on it by or under the Local Government Act 1993. These functions can be broken down into six major categories:-

- (a) Service Functions, which include, for example, provision of community health, recreation, education, and information services with some development and assistance, infrastructure maintenance, maintenance of parks and reserves, street cleaning and garbage disposal, etc.
- (b) Regulatory functions, which include approvals for buildings, temporary structures and movable dwellings; water supply, sewerage, storm water drainage; management of waste; community land; public roads; and other specified activities. Orders may be issued by Council to a person to do or refrain from doing a thing as specified under the Act. Building certificates in relation to a whole or part of a building may be issued by Council.
- (c) Auxiliary functions, includes resumption of land and powers of entry and inspection.
- (d) Revenue functions, including rates, charges, fees, borrowings and investments.
- (e) Administrative functions, which include employment of staff and reporting requirements by management plans, financial reporting and annual reports.
- (f) Enforcement functions, which include proceedings for breaches of the Act; prosecution offences and recovery of rates and charges.

Manly Council also has functions conferred or imposed on it by or under other Acts or laws. These functions include requirements under:-

Building Code of Australia 2005;
Child Protection (Prohibited Employment) Act 1998;
Coastal Protection Act 1979;
Commission for Children and Young People Act 1998;
Community Land Development Act 1989;
Companion Animals Act 1998;
Contaminated Land Management Act 1997 & Amended Act 2008;
Conveyancing Act 1919;
Dividing Fences Act 1991;
Environmental Planning and Assessment Act 1979;
Environmental Planning and Assessment Regulation 2000;
Environmental Protection Legislation Amendment Act 2002;
Fire Brigades Act 1989;
Fisheries Management Act 1994;
Fisheries Management Amendment Act 2006;
Freedom of Information Act 1989;
Food Act 2003;
Food Regulation 2004;
Health Records and Information Privacy Act 2002;
Heritage Act 1977;
Impounding Act 1993;
Impounding Regulations 1998;
Industrial Relations Act 1996;

Land and Environment Court Act 1979;
Library Act 1939;
Liquor Act 1982;
Local Government Act 1993;
Local Government (General) Regulation 2005;
Noxious Weeds Act 1993;
Noxious Weeds Regulation 1993;
Occupation Health & Safety Act 2000;
Pesticides Act 1999;
Police Offences Act 1901 (as amended);
Prevention of Cruelty to Animals Act 1979;
Privacy and Personal Information Protection Act 1998;
Privacy and Personal Information Protection Regulations 1999 and 2000;
Protection of the Environment Act Operations Act 1997;
Protection of the Environment Act Operations Regulations 1998 and 2000 - Environmental;
Public Health Act 1991;
Public Health (General) Regulation 2002;
Public Health (Microbial Control) Regulation 2000;
Public Health (Skin Penetration) Regulation 2000;
Public Health (Swimming Pools and Spa Pools) Regulation 2000;
Recreation Vehicles Act 1983;
Road Transport (Safety and Traffic Management) Act 1999;
Roads Act 1993;
Roads (General) Regulation 2000;
Rural Fires Act 1997;
State Emergency and Rescue Management Act 2000;
State Emergency and Rescue Management Regulation 2001;
State Emergency Service Act 1989;
State Records Act 1998;
State Records Regulation 1999;
Strata Schemes (Freehold Development) Act 1973
Strata Schemes (Leasehold Development) Act 1986;
Swimming Pools Act 1992;
Swimming Pools Regulation 2008;
Threatened Species Conservation Act 1995;
Unclaimed Money Act 1995;
Unhealthy Building Land Act 1990;
Unhealthy Building Land Regulation 1991;
Water Management Act 2000;
Water Management Amendment Act 2008.

Arrangements for Community Participation:

Meetings of Council and its Principle Committees where all members are Councillors are all open to the Press and the public. Members of the public are not permitted to take part in debate, but Council has a policy designed to involve the community in Council's affairs with specific opportunity given for a citizen to present a verbal submission at the Meeting, providing the submission is on an item that is to be debated by Council at that Meeting. Written submissions may also be provided by members of the public and will be taken into account in Council reports and in Council's determinations. Further to this, Council also provides a Public Forum at the commencement of each Ordinary Meeting for 15 minutes offering up to five people to address Council for a maximum of 3 minutes on any subject.

Manly Council supports a system of 9 Precinct Community Forums throughout the Manly Council area. All residents, property owners and people who work in the area are encouraged to participate by joining their local Precinct Community Forum. This system was established by Council in 1990 to assist communication and obtain involvement of residents. All matters which have a potential to affect a Precinct area are referred to the Community Forum for their comments. The 9 Precinct Community Forums meet monthly and their comments regarding items on the Agenda are included for the information of Councillors.

The Community can also become involved in decision making in the following ways:-

- Council also has a number of Special Purpose Committees, which include citizen representatives.
- Making an appointment to speak with The Mayor, Councillors, General Manager or Council Staff.
- Writing, telephoning or use of Council's website (www.manly.nsw.gov.au).
- Joining local Bush Regeneration, Volunteer, Library, Senior Citizens, Playgroup or Youth Council groups.

Documents Held:

The categories and types of documents held by Council include:-

- (a) Accounting records;
- (b) Applications;
- (c) Approvals, such as development and building approvals, and other approvals under the Local Government Act and EP&P Act;
- (d) Agendas;
- (e) Brochures;
- (f) Certificates;
- (g) Codes;
- (h) Electronic based records/data;
- (i) Manuals;
- (j) Minutes;
- (k) Personnel files;
- (l) Plans, including roadwork, traffic management, landscape, urban design and drainage;
- (m) Planning documents, including LEP and DCPs;
- (n) Property files;
- (o) Reports;
- (p) Rate records;
- (q) Strata Plans;
- (r) Subdivisions;
- (s) Surveys
- (t) Subject files, including policy documents

Under the Local Government Act 1993 Section 11 prescribes that a council and committee of which all the members are Councillors must, during or at the close of the meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at or submitted to, the meeting.

This does not apply for correspondence or reports that:

- (a) relate to a matter that was received or discussed; or
- (b) were laid on the table at or submitted to, the meeting when the meeting was closed to the public.

Under Section 12 of the Local Government Act, 1993, everyone is entitled to inspect the current version of the following documents free of charge:-

Council's Code of Conduct;
 Council's Code of Meeting Practice;
 Annual Report
 Annual Financial Reports;
 Auditors Report;
 Management Plan;
 EEO Management Plan;
 Council's Policy Concerning the Payment of Expenses Incurred by, and the Provision of Facilities, to Councillors;
 Council's Land Register;
 Register of Investments;
 Returns of the Interests of Councillors, Designated Persons and Delegates;
 Returns as to Candidates' Campaign Donations;
 Business Papers for Council and Committee Meetings (but not including Business Papers for matters considered when a meeting is closed to the public).
 Minutes of Council and Committee Meetings, but restricted (in the case of any meeting or part of a meeting that is closed to the public) to minutes of:

- (a) the recommendations of the meeting, other than recommendations concerning the proposed acquisition of land at a public auction; and
- (b) such other matters as the Council or Committee resolves should be made public.

 Any Codes referred to in this Act;
 Register of Delegations;
 Annual Reports of bodies exercising delegated Council functions;
 Local Policies adopted by Council concerning approvals and orders;
 Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals;
 Records of Building Certificates;
 Plans of land proposed to be compulsorily acquired by the Council;
 Leases and Licences for use of public Land classified as Community land;
 Plans of Management of Community Land;
 Environmental Planning Instruments, Development Control Plans, and Plans made under Section 94AB of the Environmental Planning and Assessment Act 1979 applying to land within the Council's area;
 Statement of Affairs, Summary of Affairs, and Register of Policy Documents required under the Freedom of Information Act 1989.
 Departmental Representative Reports presented at a meeting of the Council in accordance with Section 433.

Public Access to Information held by Manly Council:

Access to Information

Council has a policy of open government and a particular reference of this policy is that Council files are accessible to the public except for those involving legal proceedings or personal privacy or which maybe subject to the provisions of the Privacy and Personal Information Protection Act,

1998. Under this policy, files may be inspected and copies may be taken of some documents upon payment of an appropriate photocopying fee.

Freedom of Information

Requests under the Freedom of Information Act for access to documents held by Council must be made by written application accompanied by the approved fee.

Application forms can be found on Council's website: www.manly.nsw.gov.au/Council/Council-Forms or at the Customer Service Counter at Town Hall, Belgrave Street, Manly.

Applications should be referred to:

The General Manager
Attention: Access to Information Officer
Manly Council
PO Box 82
Manly NSW 1655.

Or

by email to records@manly.nsw.gov.au

Enquiries may be directed to the Access to Information Officer by telephone (02) 9976 1500, between the hours of 8.30 am and 5.00 pm Monday to Friday.

Documents may be inspected at 1 Belgrave Street, Manly. An appointment will be required for the inspection of documents under the Freedom of Information Act.

Requests for amendment of documents about personal affairs should also be made as per the above requirements for submitting an application form for access to documents.

* * * * *