

Agenda

Planning and Strategy Committee

Notice is hereby given that a meeting of the Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 4 November 2013

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

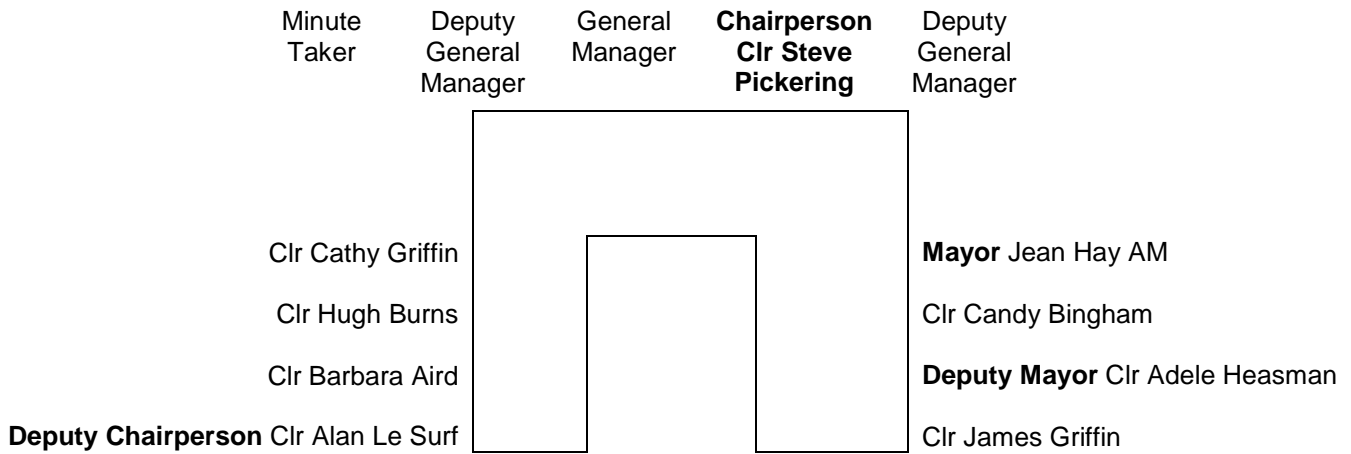
Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes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



Chairperson: Clr Steve Pickering
Deputy Chairperson: Clr Alan Le Surf

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

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Item For Brief Mention Report No. 14
SUBJECT: Items for Brief Mention
FILE NO: MC/13/127340

1. Tabled Documents

	Date	Author	Subject
1.	4 Oct 13	Bill Gillooly AM Secretary General Local Government NSW	LGNSW Annual Financial Accounts
2.	10 Oct 13	The Hon Gladys Berejiklian MP Minister for Transport NSW Government	Response to Council's letter regarding ferry fares
3.	21 Oct 13	The Hon Brad Hazzard MP Minister for Planning & Infrastructure Minister Assisting the Premier on Infrastructure NSW NSW Government	Changes made to the Planning Bill 2013
4.	22 Oct 13	Bruce Wright Executive Officer Local Government Grants Commission	Details of Manly Council's 2013-14 Grant calculations
5.	30 Oct 13	Cr Keith Rhoades AFSM President Local Government NSW	Local Government Referendum contributions – full refund for NSW councils

RECOMMENDATION

1. That the tabled documents be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS04112013IBM_1.DOC

***** End of Item For Brief Mention Report No. 14 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Report Of Committees Report No. 33
SUBJECT: Minutes for adoption by Council - Special Purpose Advisory Committee without recommendations of a significant nature.
FILE NO: MC/13/127845

The following Special Purpose Advisory Committee meeting minutes are tabled at this meeting:

- i) Manly Arts Festival Working Group – 17 October 2013

RECOMMENDATION

That the minutes of the following Special Purpose Advisory Committee meetings be adopted:

- i) Manly Arts Festival Working Group – 17 October 2013

ATTACHMENTS

There are no attachments for this report.

PS04112013RC_2.DOC

***** End of Report Of Committees Report No. 33 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Report Of Committees Report No. 34
SUBJECT: Minutes for adoption by Council - Community Safety and Place Management Advisory Committee - 10 October 2013.
FILE NO: MC/13/127254

This report was dealt with at the Community Safety and Place Management Advisory Committee meeting of 10 October 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting, together with the minutes for formal adoption by Council.

ITEM 3 CONFIRMATION OF MINUTES OF MEETING AND MATTERS ARISING

**3.1 Committee Actions Update Report:
Manly Court House Renovation:**

Feedback has been received that following renovations the courthouse should be open for business on 6 January. It has also been ascertained that there will only be one court and one Magistrate, which is down from the previous operation of two courts. This is apparently due to decisions made by the Chief Magistrate in response to budget constraints. Committee raised concerns about this downgrade and the serious negative impacts on police and victims and general delays in justice. All not guilty matters will now have to be heard at the Downing Centre instead of Manly. The concern expressed is that this will be extremely time consuming and costly to all other parties involved. Feedback will be sought from Mike Baird MP before further representations are made.

RECOMMENDATION

That the minutes of the Community Safety & Place Management Advisory Committee meeting on 10 October 2013 be adopted including the following items:

ITEM 3 CONFIRMATION OF MINUTES OF MEETING AND MATTERS ARISING

**3.1 Committee Actions Update Report:
Manly Court House Renovation:**

The Committee recommends to the General Manager that the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS04112013RC_1.DOC

***** End of Report Of Committees Report No. 34 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Report Of Committees Report No. 35
SUBJECT: Minutes for adoption by Council - Heritage & Local History Advisory Committee
- 2 October 2013.
FILE NO: MC/13/127862

This report was dealt with at the Heritage & Local History Advisory Committee meeting of 2 October 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting, together with the minutes for formal adoption by Council.

ITEM 5 Local Heritage Assistance Fund Applications

Two applications were received, from: (1) Ray Stead, on behalf of St Andrews Presbyterian Church, 56 Raglan Street, Manly and (2) Kate Jones, 1 Griffiths Street, Fairlight.

RECOMMENDATION

That the minutes of the Heritage & Local History Advisory Committee meeting on 2 October 2013 be adopted including the following items:

ITEM 5 Local Heritage Assistance Fund Applications

The Heritage and Local History Committee decided to recommend to the General Manager that:

- i) The grant application from St Andrews Presbyterian Church be supported and \$1,000 grant be approved; and
- ii) The grant application from K Jones of 1 Griffiths Street be supported and \$500 grant be approved.

ATTACHMENTS

There are no attachments for this report.

PS04112013RC_3.DOC

***** End of Report Of Committees Report No. 35 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Environmental Services Division Report No. 34
SUBJECT: Development Applications Being Processed During November 2013.
FILE NO: MC/13/123257

SUMMARY

Development Applications currently being processed during November 2013.

REPORT

The following applications are currently being assessed by the Town Planners.

361	2001	87 Ellery Parade	Section 96 Modification - Part 5 - deletion of one (1) residence
372	2005	11 Fairlight Crescent	Section 96 Modification - Part 5
507	2005	31 Boyle Street	Section 96 Modification - Part 3
456	2006	41B Castle Circuit	Section 96 Modification
473	2006	87-95 Balgowlah Road	Section 96 Modification
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
500	2007	63 Peronne Avenue	Section 96 Modification
384	2008	110-112 Bower Street	Section 96 Modification
385	2009	4 Prince Edward Road	Section 96 Modification
14	2010	1 Barrabooka Street	Section 96 Modification - Part 4
225	2010	6 Old Sydney Road	Section 96 Modification
158	2011	61 Woodland Street	Section 96 Modification
277	2011	374-378 Sydney Road	Section 96 Modification - Part 4
146	2012	8 Jackson Street	Alterations and additions
187	2012	18 Kempridge Avenue	Section 96 Modification
209	2012	43 The Crescent, Manly	Section 96 Modification
234	2012	92 The Corso	Section 96 Modification - Part 2
243	2012	19 Edgecliffe Esplanade	Section 96 Modification
280	2012	62 Pittwater Road	Amended Plans - Demolition of existing structure, Construction of a three (3) storey dwelling including 21 short term accommodation units
297	2012	102 Bower Street	Demolition & 5 storey RFB with 6 units
12	2013	14A Addison Road	Removal of rear fence and replacement
17	2013	20 Magarra Place	Demolition and new 2 x 2 storey dwelling with attached double garages, new driveway, landscaping, front balconies, front and rear terraces
32	2013	61 Francis Street	Partial demolition and new 2 storey rear addition
44	2013	27 Fairlight Street	Demolition and new 3 storey multi dwelling development including 2 units, 2 double garages, front courtyard and rear decks
64	2013	32 Denison Street	Alterations and additions
66	2013	63 Griffiths Street	Demolition of existing dwelling and new 2X2 new dwellings
81	2013	17 Central Avenue	Demolition of existing, construction of building containing one (1) retail shop, twenty (20) residential units and sixteen (16) car parking spaces

Environmental Services Division Report No. 34 (Cont'd)

94	2013	323 Sydney Road	Demolition of existing, construction of a three (3) storey boarding house with thirteen (13) rooms, caretakers unit, three (3) motorcycle spaces and three (3) bicycle spaces
99	2013	65 Curban Street	Alterations and additions
108	2013	8 Clavering Road	Alterations and additions
119	2013	135 Griffiths Street	Demolition of existing dwelling, construction of a three (3) level boarding house containing sixteen (16) self contained rooms, a caretakers unit, a communal room and carparking for two (2) vehicles.
122	2013	11 Fisher Street	Demolition of the existing dwelling, construction of a two (2) storey dwelling with basement garage, decks, new lap pool and landscaping.
124	2013	35 Bonner Street	Alterations and additions to an existing dwelling including internal alterations, re clad the exterior and replacement of the tile roof with a metal roof
129	2013	23 Ponsonby Parade	Alterations and additions to an existing dwelling including ground floor front addition, first floor front and rear addition, rear deck with pergola and front patio
137	2013	26 Waterview Street	Demolition of existing dwelling, construction of a new single storey dwelling with double garage, rear alfresco area, new driveway and landscaping.
143	2013	30 Ricard Street	Alterations and additions to an existing dwelling including second storey addition, swimming pool, internal alterations, rear ground floor addition, front and rear balcony, front fence and gate
151	2013	41 Wanganella Street	Alterations and additions to existing dwelling including first floor addition and decks
153	2013	9 Laura Street	Boundary Realignment of the existing three (3) lots
155	2013	106 Darley Road	Five (5) lot Strata Subdivision of approved Townhouse and Sixteen Lot Strata Subdivision of approved Apartments
156	2013	2 Redman Street	Alterations and additions to an existing dwelling including the enclosure of the first floor deck
158	2013	1-5 The Corso	Change of use / New Use
159	2013	13 Ashburner Street	Alterations and additions to an existing dwelling including a first floor addition at the rear
160	2013	161 Woodland Street	Alterations and additions to an existing dwelling including a rear extension, double carport, swimming pool and landscaping
162	2013	25A Cliff Street	Detached secondary dwelling within the front setback
164	2013	1A Gordon Street	Alterations and additions to an existing dwelling with modifications to internal layout (level 2 and level 3) including relocation of the kitchen and master bedroom and partial enclosure of existing terrace
169	2013	123 Sydney Road	Alterations and additions to existing dwelling
170	2013	206 Condamine Street	Change of use to a 24 hour, 7 day indoor fitness Studio

Environmental Services Division Report No. 34 (Cont'd)

171	2013	2 Baltic Street	Demolition of existing, construction of a new two (2) storey dwelling with a double garage, front fence, rear balcony and alfresco area
172	2013	25 Castle Circuit	Construction of a two (2) storey dwelling including a double garage, front decks, rear deck, side deck with pond, swimming pool, driveway, front fence, tree removal and landscaping
173	2013	31 High Street	Alterations and additions to an existing dwelling including ground floor front addition, first floor front and rear addition, rear deck with pergola and front patio
176	2013	17 Francis Street	Alterations and additions to an existing building including side foyer addition and a roof addition over the existing deck
177	2013	Balgowlah Road	Upgrade of 'Boy Charlton' Swim Centre
178	2013	17 Allenby Street	Alterations and additions to an existing dwelling including garage forward of the building line, new front porch, rear extension, decks, swimming pool and landscaping
179	2013	5 Bower Street	Demolition of structure, construction of a three (3) storey dwelling including garage, front terrace, balcony, rear patio, driveway and landscaping
180	2013	15 Suwarrow Street	Constructions of a new two (2) storey dwelling including double garage, detached rear gazebo and driveway
183	2013	36 Beatty Street	Removal of the existing retaining walls, steps and terrace and construction of new retaining walls with glass balustrades, new timber deck with spa, new steps, new boundary fences, tree removal and landscaping
184	2013	41 Edgecliffe Esplanade	Alterations and additions to existing dwelling including replacement and extension of the first floor balcony, pergola, privacy screens, internal alterations, swimming pool, spa, deck, replace carport with double garage and front fence
185	2013	19 Allenby Street	Removal of the existing rear garage and swimming pool, construction of a new swimming pool. A new front garage, shed, landscaping, rear deck with steps and pergola
187	2013	1 Woodland Street	Alterations and additions to an existing dwelling including conversion of an existing garage to a bedroom and store room with new windows and doors and an outdoor fireplace on the rear terrace
188	2013	95 West Esplanade	Alterations and additions to an existing RFB including the construction of vergolas to the balcony areas of Units 501 and 502
189	2013	7-9 Marine Parade	Alterations and additions to an existing building including internal alterations of three (3) new windows - Unit 3
190	2013	60-62 The Corso	Eight (8) Lot subdivision of an existing building

Environmental Services Division Report No. 34 (Cont'd)

191	2013	118 Wanganella Street	Alterations and additions to an existing Child Care Centre including rear addition, internal alterations, new play area, skylights, extension of roof to the rear, new path and retaining walls to the side of the building - Punchinello child care Centre
192	2013	7 South Steyne	Alterations and additions to an existing RFB including internal and external access between Units 15 & 16
195	2013	11 Dobroyd Road	Alterations and additions to an existing dwelling including a first floor addition
196	2013	75 Fairlight Street	Partial demolition, extensive alterations and additions to an existing two (2) storey dwelling including the increase in height of the floor levels, construction of detached garage on boundary, carport, front and rear decks, swimming pool and landscaping
197	2013	47 Beatrice Street	Alterations and additions to an existing dwelling including side addition to the first floor, modification to floor plan layout, new attic structure with water closet and dormer windows
198	2013	57 Alexander Street	Alterations and additions to an existing dwelling including first floor addition, rear deck swimming pool, detached cabana building, front tandem double carport in front setback and landscaping
199	2013	Manly Cove Launch Club - East Esplanade	Alterations and additions to an existing building including deck, bi-fold doors, sink and bench
200	2013	21 High Street	Alterations and additions to an existing dwelling including demolition of the existing hardstand, excavation under the front of the existing dwelling to create a ramp, basement garage and storage area

The following applications are with Lodgment & Quality Assurance for advertising, notification and referral to relevant parties.

21/2013 28 Belgrave St, MANLY 2095
Alterations & Additions to Dwelling

143/2007 21 Seaforth Cr, SEAFORTH 2092
Section 96 to modify approved Alterations and Additions to the rear of the existing dwelling including new cabana, swimming pool and landscaping works – involving lift, extend garage to double garage, change store room to media room and stairs to boundary planter box – Part 3

385/2009 4 Prince Edward Rd, SEAFORTH 2092
Section 96 Modification

158/2013 1 The Corso, MANLY 2095
Not a DA see DA0141/2013

193/2013 106 Griffiths St, BALGOWLAH 2093
Strata Subdivision of existing building into four (4) lots

194/2013 538-540 Sydney Rd, SEAFORTH 2092
Change of use to cafe (food and drink premises) including fitout and signage

Environmental Services Division Report No. 34 (Cont'd)

286/2012 9 Jellicoe St, BALGOWLAH HEIGHTS 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including first floor addition, rear extension, double garage and decks – involving extension of basement, excavation, retaining walls, modification to deck, window and layout - Part 2

216/2012 Wharves and Jetties, MANLY 2095

AMENDED PLANS - Alterations and additions to the existing Manly Wharf Hotel including the extension of the awning to the eastern verandah, roll up blinds and the extension of operational hours of the eastern deck to midnight (12.00am)

80/2011 2 Montauban Av, SEAFORTH 2092

Section 96 to modify approved Alterations and additions to an existing dwelling including rear addition, deck, retaining walls and landscaping - involving deletion of the detached rear deck from the consent - Part 2

244/2012 2-8 Darley Rd, MANLY 2095

Section 96 to modify approved Change of use to a Refreshment Roo(Restaurant) including bar service, wood-fire pizza oven, ten (10)m outdoor seats and signage - involving the modification of condition ANS09 to change the hours of operations to 10.00am to 11.00pm Monday to Sunday - Part 3

201/2013 90 North Steyne, MANLY 2095

Four (4) Lot Strata Subdivision of an existing Residential Flat Building

202/2013 8 Tutus St, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling including a rear ground floor addition, relocation of garage and driveway, new entry path, tree removal, partial enclosure of existing rear first floor deck and extension of the deck

203/2013 3 Ogilvy Rd, CLONTARF 2093

Alterations and additions to an existing dwelling including first floor addition, rear extension with deck, garage extension, swimming pool and front fence with gates

204/2013 17 Carlton St, MANLY 2095

Alterations and additions to an existing row house including a rear addition and deck

221/2012 38 Abernethy St, SEAFORTH 2092

Section 96 to modify approved Alterations and additions to an existing dwelling including second floor addition, rear deck to the ground floor and first floor, new double garage and demolish the existing carport - involving complete reconfiguration of the second floor to incorporate a double garage, extension of the lower ground floor deck, side extension to the ground floor with internal alterations and new driveway- Part 2

76/2013 42 Eurobin Av, MANLY 2095

Section 96 to modify approved Alterations and additions to an existing dwelling including side and rear addition to the ground floor, side addition to the first floor, front balcony, front terrace, garage extension, bike storage, new front fence, single carport and landscaping - involving the deletion of condition ANS02 in relation to the setback on the western boundary – Part 2

205/2013 9 Moore St, CLONTARF 2093

Alterations and additions to an existing dwelling including rear extension, deck with an awning, privacy screens, front fence, pergola, internal alterations, swimming pool and landscaping

206/2013 91 Gurney Cr, SEAFORTH 2092

Demolition of the existing boatshed and construction of a new building

Environmental Services Division Report No. 34 (Cont'd)

- 207/2013 167 Pittwater Rd, MANLY 2095
Change of use to a Recreational Facility (Indoor Gymnasium), fitout and signage - Shop 1

- 141/2013 1 The Corso, MANLY 2095
Section 96 to modify approved Change of use to food and drink premises and shop fit out – Shop 1B – involving modification to the internal layout and signage – Mint – Asian Salad Bar - Part 2

- 209/2011 70 Bower St, MANLY 2095
Section 96 to modify approved Alterations and additions to dwelling house including replacement of garage and rear balcony – involving retention of the existing garage, delete proposed garage from the consent and reconfigure the stairs and landscaping – Part 2

- 208/2013 64 The Corso, MANLY 2095
Alterations to the existing shopfront, internal fitout and signage – O’Neill (Surf Apparel)

- 39/2013 3A Lauderdale Av, FAIRLIGHT 2094
Section 96 to modify approved Demolition of existing structure, construction of two (2) semi-detached x two (2) storey dwellings with double garage stackers, side courtyards, side and rear terraces to the top floor and Torrens Title Subdivision – involving a double full width crossover and layback, modification of retaining walls, modification to the eastern side access, extension of the proposed lower ground floor and deletion of condition 15 (2PT04) in relation to enclosure of the carport – Part 2

- 209/2013 38-42 The Corso, MANLY 2095
Internal alterations to Unit 9, change a windows to a doors, convert the roof top laundry to bathroom and convert the roof top to a deck

- 210/2013 4 Belgrave St, MANLY 2095
Operation of a “Pedicab” business within the Manly Area

- 211/2013 8-28 The Corso, MANLY 2095
Amendment of existing Strata Plan including the relocation of car parking spaces and storage areas relating to Lots 7, 14, 37 and 51

- 212/2013 9 Harvey St, SEAFORTH 2092
Construction of a new two (2) storey dwelling including double garage with storage area, rear decks, first floor balconies, swimming pool and spa within the front setback, alfresco area, new driveway, new crossover and landscaping

The following applications **were determined** by the Manly Independent Assessment Panel on 17 October 2013.

MIAP Report No. 65.....**Approved**
Shop 22 & Shop 23 Manly Wharf - DA167/13
East Esplanade, Manly

MIAP Report No. 66.....**Approved**
2A Gilbert Street, Manly - DA337/2011
Section 96 (AA) Modification

MIAP Report No. 67.....**Approved**
5 Marine Parade, Manly - DA138/13

MIAP Report No. 68.....**Approved**
38 Rosedale Avenue, Fairlight - DA144/13

Environmental Services Division Report No. 34 (Cont'd)

MIAP Report No. 69.....Approved
53 Fairlight Street, Fairlight - DA35/12
Section 96 (1A) Modification

MIAP Report No. 70.....Approved
8 King Avenue, Balgowlah - DA165/13

MIAP Report No. 71.....Approved
54 Bower Street, Manly - DA103/13

MIAP Report No. 72.....Approved
106-106A Darley Road, Manly - DA89/13 - Section 96 (1) Modification
St Paul's College, Manly

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report

PS04112013ESD_2.DOC

***** End of Environmental Services Division Report No. 34 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Environmental Services Division Report No. 35
SUBJECT: A List of Current Appeals Relating to Development Applications
FILE NO: MC/13/123256

SUMMARY

A list of current appeals relating to Development Applications during November 2013.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
126/2011	Class 1 10800/2013	4	West Street	16/10/13	Maddocks	First call over 6 November 2013
50/2013	Class 1 10633/13	121	North Steyne	16/8/13	Pikes & Verekers	S34 Conference adjourned to 31 October 2013
130/2012	Class 1 10615/13	133-139	Pittwater Road	13/8/13	Houston Dearn O'Connor	S34 Conference adjourned to mid November 2013
119/2013	Class 1 10586/2013	135	Griffiths Street	31/7/13	HWL Ebsworth	S34 Conference adjourned to 4 November 2013
297/2012	Class 1 10540/13	102	Bower Street	16/7/13	Pikes & Verekers	S34 Conference terminated, hearing date to be set
94/2013	Class 1 10529/13	323	Sydney Road	11/7/13	Marsdens	Hearing 19 & 20 November 2013
507/2005	Class 1 10315/13	31	Boyle Street	1/5/13	Maddocks	Hearing 26 November 2013
280/2012	Class 1 10369/13	62-64	Pittwater Road	29/5/13	Houston Dearn O'Connor	Hearing 28 & 29 October 2013
216/2012	Class 1 10304/13		Manly Wharf Hotel	26/4/13	HWL Ebsworth	Hearing 18 & 19 November 2013

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report

PS04112013ESD_1.DOC

***** End of Environmental Services Division Report No. 35 *****

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Corporate Services Division Report No. 26
SUBJECT: Service Request Apps
FILE NO: MC/13/124750

SUMMARY

This report discusses the integration of Free to Use Apps that capture and report user initiated service requests with Council's existing customer service portal.

REPORT

At its 14 October 2013 meeting, Council requested a report on the technical feasibility of integrating mobile Apps such as *Snap Send Solve App* with Council's customer service request portal.

Council is familiar with and aware of *Snap Send Solve* and other similar free to use Apps that assist and improve user experience when making and reporting a service request to their local Councils. These Apps provide notifications to Councils, usually via email, and in our case, they are captured in TRIM, Council's records management system, and are then acquitted through our enterprise CRM system.

Our existing enterprise CRM system provides the most cost effective way to aggregate and process residents' requests that come in by letters, phone, web, email, and now Apps.

In relation to Apps, given *Snap Send Solve* is a mature and a stable product, a web link to that App may be provided on Council's portal once legal arrangements to do so are in place – by mid-November is the estimated timeframe.

RECOMMENDATION

That the report be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS04112013CSD_1.DOC

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

TO: Planning and Strategy Committee - 4 November 2013
REPORT: Corporate Services Division Report No. 28
SUBJECT: Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors
FILE NO: MC/13/127613

SUMMARY

This report recommends the exhibition of the policy on *Payment of Expenses and Provision of Facilities to Mayor and Councillors*.

REPORT

Council's policy on *Payment of Expenses and Provision of Facilities to Mayor and Councillors*, was last adopted at the Planning and Strategy Meeting of 5 November 2012.

Section 252(1) of the *Local Government Act 1993*, provides that within five (5) months after the end of each year, Council is required to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

Where a Council is to adopt or amend its policy, Section 253(1) requires that public notice be given allowing at least 28 days for the making of public submissions. Council must publicly exhibit the *Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy* before they annually adopt the policy, even if the policy is not amended or the amendments are not substantial.

Section 253(4) then requires that a copy of the policy be forwarded to the Director General within 28 days of its adoption.

After reviewing this policy it is considered that Council's policy substantially meets the requirements of the legislation and the guidelines issued in October 2009 by the Division of Local Government, in relation to the payment of expenses incurred and the provision of facilities to the Mayor and Councillors. However some minor amendments have been included in the attached draft policy to provide current wording relating to technology provisions.

It is recommended that Council give notice of its intention to adopt the *Payment of Expenses and Provision of Facilities Policy* pursuant to Section 253(3) of the *Local Government Act 1993*, and publicly exhibit it for 28 days.

RECOMMENDATION

That:

1. Pursuant to Section 253 of the *Local Government Act 1993*, Council gives public notice of its intention to adopt the policy on *Payment of Expenses and Provision of Facilities to the Mayor and Councillors*; and
2. the policy be exhibited for 28 days and adopted if no submissions are received.

ATTACHMENTS

AT- 1 Revision of Payment of Expenses and Provision of Facilities 12 Pages

PS04112013CSD_3.DOC

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

ATTACHMENT 1

Corporate Services Division Report No. 28.DOC - Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors Revision of Payment of Expenses and Provision of Facilities

P51. Payment of Expenses and Provision of Facilities to Mayor and Councillors

Title:	Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy
Policy No:	P51
Keywords:	Payments, Expenses, Facilities, Benefits, Travel, Mayor, Councillors, Equipment, Private Use, Accommodation, Spouse
Responsible Officer:	Executive Manager, Corporate Services

PART 1 INTRODUCTION

1. Preliminary

This policy is in accordance with the requirements of the *Local Government Act 1993* and may be cited as the "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy".

1.2 Purpose and Authority---Policy Objectives

The purpose of this policy is to allow for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

This policy will also apply as applicable to NSW Council administrators in the event of their appointment.

1.3 Legislative and other Government Policy Provisions

1. This policy is made under the *Local Government Act 1993* ("the Act"), including sections 252 to 254. The Act requires that Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.
 - The Local Government (General) Regulation 2005 ("the Regulation").
 - Division of Local Government, Department of Premier and Cabinet Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW" (October 2009).
 - Department of Local Government Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 08/24 – Mis-use of Council Resources
 - Council's Code of Conduct
 - ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources
 - Other relevant publications.
2. Clause 403 of the Regulation states that a policy under section 252 of the Act must not include any provision enabling Council:

ATTACHMENT 1

Corporate Services Division Report No. 28.DOC - Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors

Revision of Payment of Expenses and Provision of Facilities

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by Council available for the exclusive or primary use or disposition of a particular Councillor other than the Mayor.

1.4 Reporting

Section 428(2) (f) of the Act requires a council to include in its Annual Report:

- Council's policy on the provision of facilities for, and the payment of expenses to Councillors.
- Total amount of money expended during the year on providing those facilities and paying those expenses.

Clause 217(1)(a) and (a1) of the Regulation requires Council to include in the Annual Report the total cost of expenses and provision of facilities for the Mayor and Councillors, specifically:

- details (including the purpose) of overseas visits undertaken during the year by Councillors while representing Council
- cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in Councillors homes
- cost of telephone calls including mobiles, home located landlines, facsimile and internet services
- attendance of Councillors at conference and seminars
- interstate visits and cost of travel, accommodation, etc
- overseas visits and cost of travel, accommodation, etc
- spouse/partner/accompanying person expenses
- care and other related expenses

1.5 Monetary Limits

The payment of expenses and provision of equipment and facilities is limited by the budget allocations made for Councillor expenses each year in the adopted Estimates which are included and exhibited as part of Council's Community Strategic Plan, or as otherwise indicated in this policy.

Any claim submitted to Council for reimbursement must be approved by the General Manager. The General Manager will assess the appropriateness of the claim and shall have regard to the budget allocations.

1.6 Dispute Resolution

Any dispute by a Councillor relating to the administration of this policy must be made in writing to the General Manager detailing the grounds of the dispute.

All such disputes will be referred to the Full Council for determination and resolution.

PART 2 FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Mayor

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In addition to those facilities provided to the Councillors below, the Mayor is entitled to receive the benefit of:

- use of the Mayoral office;
- a mobile telephone for use for in relation to official duties;
- administrative services associated with office of the mayor;
- cost of transport to official functions (if required);
- provision and maintenance of mayoral chain and robes.

2.2 Councillors

The Councillors, including the Mayor and Deputy Mayor are to receive the benefit of:

- use of official council stationery;
- postage of official correspondence - all mail is to be directed through the Council's own mailing system;
- meals/refreshments prior to Council and Committee Meetings;
- cost of transport to official functions (if required) when deputising for the Mayor
- an electronic access card for parking in the Whistler Parking Station seven (7) days per week;
- provision of a laptop personal computer (on loan), a modem, a printer and support services from Council IT staff;
- provision of a broadband internet service to the Councillor's residence;
- reimbursement of a Councillor's own residential telephone service OR mobile telephone service - for reasonable expenses incurred by Councillors for telephone calls made in the performance of their duty, up to a maximum of \$100 per month and subject to below.

Provided that:

- a) Councillor's telephone numbers in respect of which a claim is made are made available to the public;
- b) claims for reimbursement are made no later than three (3) months after the account is due for payment;
- c) claim for payment of telephone calls are to be certified as being substantially incurred on council business;
- d) copy of telephone account to be provided;
- e) maximum claim for telephone service(s) is limited to \$50.00 per month where calls have not been itemised. Where the account exceeds \$50.00, maximum claim will be \$100.00 per month provided telephone calls made in the performance of their duty are itemised on the account;

Attendance at political fundraising functions are considered to be a personal interest and not covered in the policy.

2.3 Spouse/Partner/Accompanying person

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Council may from time to time hold functions or civic events where Councillor's spouses, partners or accompanying person are also invited. In these instances, Council shall meet the cost of meals and refreshments.

2.4 Private Use of Equipment and Facilities

Council acknowledges that incidental private use of equipment and facilities may occur from time to time and such use is not subject to compensatory payment. The General Manager shall determine the standard and quality of equipment provided. However, Councillors must not obtain more than incidental private use of facilities.

2.5 Unauthorised use of Council Facilities, Equipment and Services

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

2.6 Return of Equipment and Facilities by Councillors

Councillors are required to return all Council issued equipment to Council after the completion of the Councillors term of office or at the cessation of their civic duties.

Councillors may choose to purchase Council equipment previously allocated to them at the cessation of their duties. Items will be offered at the written down value at the time of purchase.

PART 3 ANNUAL FEES

3.1 Mayor and Councillors

The Councillors are paid an annual fee (s248), and in addition the Mayor receives an annual allowance (s249). Members fees and the Mayoral allowance are set by resolution of Council in accordance with the determination of the Local Government Remuneration Tribunal for the category of Council each year, and do not form part of this policy.

At Council's Meeting held on 27th July 1998, Council resolved as follows:

"That in respect of future determinations by the Local Government Remuneration Tribunal, Council, as policy, set the Mayor and Councillor remuneration fees at the maximum level determined by that body."

A councillor may elect by agreement with Council to forgo part of their fees under s248 or 249 in return for contributions paid to a complying Superannuation Fund (see Australian Tax Office Interpretive Decision (ATO ID 2007/205)). (Cnl 18/02/2008)

PART 4 PAYMENT OF EXPENSES FOR MAYOR AND COUNCILLORS

4.1 Transport

In addition to the payment of annual fees in accordance with sections 248 and 249 of the Act, Councillors are entitled to claim "mileage" allowance for use of private vehicles to drive between their place of residence and the Council Chambers, inspections within the area of the Council undertaken in compliance with a resolution of the Council, meetings which Council has

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endorsed the Councillor's membership, civic receptions hosted by Council, or meetings or functions approved by the Mayor or General Manager, and return. "Mileage" rates will be paid at the then current rate set by the appropriate Local Government Industrial Award or equivalent.

Other out of pocket expenses associated with travel by motor vehicle such as parking fees and road toll charges may be claimed, noting that the driver is personally liable for all traffic or parking fines while travelling in private or council vehicles on Council business.

Reimbursement is subject to a formal claim being lodged not later than three (3) months after the expense was incurred.

Alternatively, Councillors may travel by taxi and use a Councillor issued Taxi charge-card.

4.2 Conferences and Seminars

4.2.1 Who May Attend Conferences and Seminars

Councillors may be nominated to attend conferences, seminars and similar functions by:

- the Council, through resolution duly taken;
- the Mayor acting under delegated authorities, and
- subject to budget requirements.

In addition the Mayor may nominate a substitute attendee for functions within the Council area or general Sydney Metropolitan Area or on those occasions where the Mayor is unable to be in attendance.

4.2.2 What Conferences and Seminars may be Attended

The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

- Local Government Annual Conferences (Federal and State);
- special "one-off" conferences called by Local Government Associations;
- annual conferences and congresses of the major industry associations and professions in local government;
- seminars which further the training and development efforts of the Council and within the budget framework.

4.2.3 Overseas Travel

The cost of overseas travel for purposes such as conferences and delegations to friendship communities shall not be met by Council. In extenuating circumstances, any agreement to meet the costs of overseas travel either in whole or in part, shall be specifically resolved by a meeting of Council and subject to a detailed report to Council on all aspects of the trip relevant to Council business within three (3) months of the completion of the travel.

4.2.4 Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

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4.3 Expenses Incurred

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business, being to and from the periodical conferences and seminars of local government related organisations (generally as listed above) at which attendance has been approved.
- (b) the travel is undertaken with all due expedition, and by the shortest route and the most practicable and economical transport;
- (c) only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- (d) out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;
- (e) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (f) the claim is made not later than three (3) months after the expenses were incurred, and upon an approved claim form, supported by appropriate receipts and tax invoices.
- (g) any expenses in relation to Council related business should only be incurred by Councillors in accordance with the provisions of this policy. All claims shall be submitted for approval by the General Manager or his delegate.

4.4 Payment In Advance

The Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance.

An allowance for estimated "out-of-pocket" expenses may be paid to an attendee in advance upon request.

Any advance payments are subject to a reconciliation statement accompanied by tax invoices/receipts, verification of expenses and the refund of any unexpended amount being submitted within ten (10) days of the close of the conference, seminar or function.

4.5 Categories of Payment or Reimbursement

Subject to nomination in accordance with the provisions of Clause 4.4, the categories of payment or reimbursement are as follows:

(a) Travel

All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train. Where trains are used, the Council will provide first class travel, including a sleeping berth where necessary.

Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle subject to prior approval from the General Manager. Persons using private vehicles will be paid the "mileage" allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

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Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.

(b) Accommodation

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

(c) Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.

(d) Spouse/Partner

All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

PART 5 INSURANCE - COUNCILLORS

Councillors are to receive the benefit of insurance cover for:

a) Personal Injury

Whilst ever on Council business, world-wide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses other than that covered by travel insurance taken out in respect of the travel on approved council business. Full details of personal accident insurance are available in Council's Insurance Manual held by the Risk Manager.

b) Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as councillors, provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

c) Public Liability

For matters arising out of Councillors performance of civic duties or exercise of their functions as councillors provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff

d) Councillors and Officers Liability

For matters arising out of Councillors performance of civic duties or exercise of their functions as councillors provided the performance or exercise of the relevant civic duty or function is *authorised under the Act, was carried out in good faith and is* in the opinion of Council bona fide

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and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

PART 6 LEGAL ASSISTANCE FOR COUNCILLORS

6.1 Legal Assistance for Councillors

In the event of:

1. An enquiry, investigation or hearing by any of:

- The Independent Commission Against Corruption
- The Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- The NSW Police Force
- The Director of Public Prosecutions; or
- The Local Government Pecuniary Interest and Disciplinary Tribunal
- Council's Conduct Review Committee/Reviewer

into the conduct of a Councillor provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the body makes a finding substantially favourable to the Councillor, or

2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall, providing the body makes a finding substantially favourable to the councillor, reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- a. the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis;
- b. the Councillor's performance or exercise of the civic duty or function was, in the opinion of Council, bona fide and/or proper.
- c. the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's solicitors will be paid, ie any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's solicitors will not be reimbursed.
- d. In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct.
- e. In the case of a pecuniary interest misbehaviour matter, legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

Despite the above, Council in its absolute discretion may refuse any or part of a reimbursement.

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3. Defamation proceedings, or other proceedings arising from the making of public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

6.2 General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- i. The statement was made or the act was done in relation to discharging the functions of civic office;
- ii. The Councillor concerned was acting in good faith; and
- iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

Then Council will indemnify or reimburse the Councillor for:

- i. All legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- ii. Any other loss, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceedings **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any moneys that may or are recouped by the Councillor on any basis.

6.3 Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must:
 - (a) Be in written or electronic form;
 - (b) Include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - (c) Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

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3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to claim, notify and forward to Council's insurer any information in relation to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied
4.
 - (a) If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in-turn notify the Councillor concerned in written or electronic form of that view.
 - (b) If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause 4(a), the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated the President for the being of the Law Society of NSW or the President of the NSW Bar Association.
6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
 - In the case that the claim is accepted by Council's insurer it will have sole carriage of the matter and Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
 - If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the Insurers the General Manager in consultation with Council's solicitors will take what ever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
 - If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
 - (a) Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - (b) Accounts being considered and approved by the General Manager prior to payment; and
 - (c) All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.

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8. Notwithstanding the provisions of paragraphs 2(b) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed.

[Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.]

6.4 Exclusion from Policy

This policy will not apply to:

1. any action in defamation taken by a Councillor or Council staff member as plaintiff in any circumstances as Council will not meet these costs.
2. costs incurred by a Councillor or Council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation as Council will not meet these costs.
3. any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:
 - a) the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
 - b) the statement:
 - i. is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefings; and
 - ii. is in accordance with the Local Government (General) Regulation 2005 (Meetings) and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
 - iii. does not breach any other law.

PART 7 MISCELLANEOUS MATTERS

7.1 SCOPE

This policy applies to all Councillors who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

7.2 DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy.

7.3 IMPLEMENTATION

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This policy will be implemented without delay once adopted by Council.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7.4 MONITORING AND BREACHES

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

7.5 REPORTING

No specific reporting is required by this policy.

7.6 POLICY REVIEW

Within 5 months after the end of each year, Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office: s.252(1), Local Government Act 1993. Accordingly, this policy is subject to annual review, with each such review being conducted strictly within 5 months after the end of each year.

Council must give public notice of its intention to adopt or amend this policy, allowing at least 28 days for the making of public submissions. In addition, before adopting or amending the policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment. (Note. Council need not give public notice of a proposed amendment to this policy if Council is of the opinion that the proposed amendment is not substantial. See s.253, Local Government Act 1993.)

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

7.7 RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005
DLG Guidelines on Payment of Expenses and Provision of Facilities to Mayor and Councillors
DLG Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 08/24 – Mis-use of Council Resources
ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources.

7.8 RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

PART 8 REVISION SCHEDULE

Minute No	Date of Issue	Action	Report / Source	Author	Checked by
	16 August 2004	Policy adopted by	Policy No.		

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**Corporate Services Division Report No. 28.DOC - Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors
Revision of Payment of Expenses and Provision of Facilities**

		Council	M70		
OM15/07	19 February 2007	Policy revised	DLG Circular 06/57		
OM19/08	18 February 2008	Minor amendment to CI 3.1	CSD Report No 3		
OM198/08	8 December 2008	Minor amendment to CI 2.2	CSD Report No 28		
OM182/09	14 December 2009	Compliance with DLG Circular 9/36 and Guidelines	CSD Report No 32		
OM 207/10	8 November 2010	Minor revision only	CSD Report No	DGM PPI	
PS53/11	2 May 2011	Periodic Review	CSD Report No	Secretariat, Corporate Services	Manager, Administration
OM206/11	14 November 2011	No change, policy Adopted by Council.	CSD Report No. 45	Office Manager Corporate Services	Manager, Administration
PS/OM	5 November 2012	No change, policy Adopted by Council	CSD Report	Manager Administration	Legal / General Counsel team
PS/OM 11/13	4 November 2013 & OM	Periodic Review – Minor Revisions	CSSD Report	Manager Administration	Legal / General Counsel team