



Agenda

Ordinary Meeting

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

Monday 24 July 2006

Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

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

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

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Playground tender: corner Fromelles and Baranbali Avenues, Seaforth *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

Civic Services Division Report No. 1

Tenders - Purchase of Major Plant - Tender No. 06/08 - Supply & Delivery of One (1) Garbage Compactor - Tender No. 06/08 - Sale of Plant No. 625 by Tender *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

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

TO: Ordinary Meeting - 24 July 2006
REPORT: Mayoral Minute Report No. 12
SUBJECT: Section 104 Action
FILE NO:

My fellow Councillors will be aware that at an extraordinary meeting of Council on October 31st 2005, the following recommendation was passed by Council:

That Council, with the support of the Community and working with the Police, commence proceedings under section 104 of the Liquor Act with a view to the adoption of an earlier closing regime consistent with the recommendations of the Manly After Midnight Working Party.

Councillors will be aware from a press release and subsequent media reports that Manly Council has now officially submitted a complaint under Section 104 of the NSW Liquor Act, claiming the Steyne Hotel in Manly presents undue disturbance to the quiet and good order of the local neighbourhood.

Under Section 104 of the Act, community groups, local authorities and individual residents have the right to complain to the Liquor Administration Board about the manner in which licensed premises operate or the impact of patrons' behaviour once they have left those licensed premises.

The complaint from Manly Council against the Steyne Hotel is supported by the Local Police and contains 50 separate reports from community groups, individuals and Council cleansing staff.

The process now is that the Liquor Administration Board will review the complaint and then bring all parties together for a mediated conference to discuss the concerns raised in the complaint.

The Liquor Administration Board then has a range of actions available to them. After the conference, the Board could simply decide to take no action, it could adjourn proceedings, issue an official warning or impose conditions on the licensed premises.

These conditions could range from a limit in the number of patrons allowed in, a restriction in trading hours or a requirement for the licensee and staff to undergo advanced training in the responsible service of alcohol.

My preference is for earlier closing, consistent with the Manly After Midnight recommendations and the DCP for Late Night Venues.

I'm sure my fellow Councillors would agree that the concerns of residents should officially be put on record. They are frustrated at having to put up with the anti-social behaviour that results from people abusing alcohol well into the early hours of the morning.

I firmly believe it is our duty to make sure we are doing everything we can to get the balance right for the people of Manly.

Mayoral Minute Report No. 12 (Cont'd)

There have been some gains over the last twelve months with improved late night transport, increased police presence, additional Closed Circuit TV cameras and patrolling by Council's night rangers.

However, the weekend of July 15th and 16th for example, was marked by many unsavoury incidents and several arrests; it reminds us that much more still needs to be done.

Besides this Section 104 initiative, further actions in regards to the implementation of the Manly After Midnight recommendations include:

- Refinement of the Late Night Transport Strategies (A further meeting of stakeholders is to be held on July 24th)
- Dealing with non-compliance in trading hours by late night food establishments
- Providing an improved amenity in the Corso / CBD precinct which includes the current Corso Upgrade

RECOMMENDATION

That the Mayoral Minute be noted.

ATTACHMENTS

There are no attachments for this report.

OM240706MM_1

***** End of Mayoral Minute Report No. 12 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Mayoral Minute Report No. 13
SUBJECT: Hop Skip and Jump to Biodiesel
FILE NO:

Manly Council has a long tradition of being a local government leader on matters of environmental significance. Our policies and strategies seek to protect our natural resources, encourage sustainability and educate our community on environmental issues.

Over the years our residents and ratepayers have consistently demonstrated a concern for our natural environment on a local, national and global scale.

With that in mind, it is appropriate that we, as their elected representatives, look to new initiatives that are in keeping with these concerns.

Councillors recently received a briefing on the emerging benefits of Biodiesel. This fuel is produced from biomass – plant oil and animal oils - and is a renewable, sustainable alternative to traditional fuel sources. Biodiesel is non-toxic and burns cleaner and can be used in existing infrastructure as it is interchangeable with Diesel fuel.

The use of Biodiesel has already been trialed by Councils in Newcastle, Camden and Leichardt with positive results in terms of a reduction in fuel emissions.

Ironically, it is waste oils collected from local Manly restaurants that are used in the production of Biodiesel for these other areas.

It has been suggested that Council's free community bus service would be an ideal showcase to trial the use of Biodiesel fuel. One of the aims of the "Hop Skip & Jump" service is to create cleaner air by cutting down on gas emissions and the use of biodiesel fuel is entirely in keeping with the service's slogan of 'cleaner, healthier, happier'.

Our most recent State of the Environment report indicates that gas emissions and public transport systems are two of the predominant concerns amongst our community when it comes to air quality. By showcasing the use of biodiesel fuel, Council would be demonstrating our commitment to listening to our community and responding to their concerns.

I believe Manly Council has been presented with an opportunity to cement our place as a leader on environmentally friendly practices and I encourage my fellow Councillors to support this initiative

RECOMMENDATION

That the General Manager progress to the Hop Skip and Jump service to accept a Biodiesel blend fuel with a view to expanding the usage to other fleet vehicles.

ATTACHMENTS

There are no attachments for this report.

OM240706MM_2

***** End of Mayoral Minute Report No. 13 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Notice of Motion Report No. 10
SUBJECT: Government Policies on Dealing with Alcohol Problems in Society
FILE NO:

Councillor Aird will move:

That Manly Council calls on the Federal Government (including the Treasurer, Peter Costello, the Minister for Health, Tony Abbott and shadow ministers) to seriously consider the issue of alcohol taxation, particularly differential taxation (i.e. a regime of taxes that rise with alcohol content) as a strong part of it's mix of policies on dealing with alcohol problems in society.

Note: International research (through a five-year review of world literature on anti-alcohol programs sponsored by the World Health Organisation) has found that the most effective curbs are not school education or a focus on treatment, but rather, a regime of taxes – that rise the alcohol content – minimise harm and offset the health costs of alcohol abuse.

Facts:

- There are around 4,000 premature deaths per year in which alcohol has played a role.
- The annual cost of alcohol-related harm is just under \$8 billion
- A third of fatal car accidents involve alcohol
- Two thirds of alcohol consumed is consumed by people drinking at levels well above recommended risk.

ATTACHMENTS

There are no attachments for this report.

OM240706NM_1

***** End of Notice of Motion Report No. 10 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Notice of Motion Report No. 11
SUBJECT: Implementation of Manly After Midnight
FILE NO:

Councillor Morrison will move:

1. That Council re-affirm it's resolution of 7 November 2005 regarding the Manly After Midnight implementation which states:
 - "1. That Council acknowledge that some aspects of the implementation of the Manly After Midnight (MAM) Policy may require a phased and measured approach.
 2. That Council request Police and the Liquor Accord to work with late night take away premises, towards a "Late Night Food Accord".
 3. Council officers use their discretion regarding late night food outlets while the courts decide the future of hotel closing times.
 4. That Council recognize that the above clauses do not conflict with the MAM Policy.
 5. That Council allow late night take away premises to apply for new Development Applications consistent with clauses 1-5."
2. That the General Manager investigate as a matter of urgency the advice from the NSW Police dated 12/7/06 that "Manly Council and the Police have agreed to enforce trading hours" and report to Council at the next Ordinary Meeting (21 August 2006).

ATTACHMENTS

AT- 1 Letter from NSW Police 12 July 06 1 Page
AT- 2 Council Resolution 7 Nov 05 1 Page

OM240706NM_2

***** End of Notice of Motion Report No. 11 *****

ATTACHMENT 1

Notice of Motion Report No. 11 - Implementation of Manly After Midnight
Letter from NSW Police 12 July 06

12th July 2006



NSW POLICE

www.police.nsw.gov.au

1314 43 408 013 100

Manly

Dear Business Owner,

As a part of our continuing efforts to combat anti-social behaviour and alcohol related crime, in line with the Code of Respect initiative within the Manly area, Manly Council and Police have agreed to enforce Trading Hours.

This enforcement will begin, at the commencement of business on Friday the 14th July 2006. Police and Council will be monitoring compliance from traders with respect to their individual trading hours, should any breaches be detected, action will be taken. The below mentioned penalty details are listed for your advanced warning;

'Development Not Carried Out In Accordance With Consent' – Penalty \$600

Your registered business, trading hours are as follows,

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Police and Council have the power to enforce closing of any business. Failure to comply with opening and closing times as per Development Applications (DA), may result in prosecution.

The opening of outlets outside of actual approved trading hours only hampers the ability of police to enforce Move Along Directions and often leads to confrontations between intoxicated customers and police. There is also the issue of unsightly rubbish that results from the late night purchase of food.

Manly Police and Manly Council have agreed that enforcement and action is now the only option to combat this problem. Your support and compliance is sought.

Yours Faithfully,

Corinne Whitfield

Manly Crime Prevention Officer

NSW Police

Manly Police Station 3 Belgrave St Manly NSW 2099

Tel (02) 9977 9499 Fax (02) 9977 9420

ATTACHMENT 2

**Notice of Motion Report No. 11 - Implementation of Manly After Midnight
Council Resolution 7 Nov 05**

LAND USE MANAGEMENT COMMITTEE

7 NOVEMBER 2005

The **Amendment** was declared **Lost**.

FORESHADOWED AMENDMENT (Murphy / Daley)

1. That Council acknowledge that some aspects of the implementation of the Manly After Midnight (MAM) Policy may require a phased and measured approach.
2. That Council request Police and the Liquor Accord to work with late night take away premises, towards a "Late Night Food Accord".
3. That Council officers use their discretion regarding late night food outlets while the courts decide the future of hotel closing times.
4. That Council recognize that the above clauses do not conflict with the MAM Policy.
5. That Council allow late night take away premises to apply for new Development Applications consistent with clauses 1-5.

For the Foreshadowed Amendment: Councillors Hay, Heasman, Cant, Murphy, Daley, Morrison and Norek.

Against the Foreshadowed Amendment: Councillors Lambert, Pedersen, Aird, Evans and Macdonald.

The **Foreshadowed Amendment** became the **Motion** and was put and declared **Carried**.

RESOLVED: (Murphy / Daley)

1. That Council acknowledge that some aspects of the implementation of the Manly After Midnight (MAM) Policy may require a phased and measured approach.
2. That Council request Police and the Liquor Accord to work with late night take away premises, towards a "Late Night Food Accord".
3. Council officers use their discretion regarding late night food outlets while the courts decide the future of hotel closing times.
4. That Council recognize that the above clauses do not conflict with the MAM Policy.
5. That Council allow late night take away premises to apply for new Development Applications consistent with clauses 1-5.

For the Resolution: Councillors Hay, Heasman, Cant, Murphy, Daley, Morrison, Pedersen and Norek.

Against the Resolution: Councillors Lambert, Aird, Evans, and Macdonald.

LAND USE MANAGEMENT

The Mayor vacated the Chair and Councillor Lambert resumed the Chair and presided over the Land Use Management meeting.

TO: Ordinary Meeting - 24 July 2006
REPORT: Notice of Motion Report No. 12
SUBJECT: Amendment of Council's Purchasing and Procurement Policy to include a Service Provider Environmental Questionnaire
FILE NO:

Councillor Lambert will move:

Consistent with a corporate commitment to Triple Bottom Line reporting and the Ethical Charter, Manly Council's Purchasing and Procurement Policy be amended to include a Service Provider Environmental Questionnaire to be completed by those providing quotations, specifications or tenders for goods or services valued at \$50,000 or above.

Using the final section of Appendix C to the Policy as a basis for the questionnaire, it be designed as follows:

**SUPPLIER ENVIRONMENTAL QUESTIONNAIRE
 For Goods or Services over \$50,000**

MANLY COUNCIL is committed to reinforcing environmental preservation and improvement. In the interests of achieving these goals MANLY COUNCIL is encouraging tenderers to develop and implement environmentally responsible initiatives. **All else being equal, preference will be given to those bids which comply with Council's various environmental and sustainability policies.**

The Supplier Environmental Questionnaire is to be completed by the service supplier. It is considered as part of the supplier's product and is subject to the same laws and regulations as the rest of the supplier's product. (Additional information in typed or printed form may be provided. Please indicate this on the form, next to the relevant question).

Please remember to sign the declaration at the end of this form.

Company environmental information.

<p>Does your organisation produce a public environment report? Yes [] No [] If Yes, please attach.</p>
<p>Does your organisation have an environment policy or Environmental Management System (EMS)? Yes [] No [] If Yes, please attach</p> <p style="text-align: right;">Is the EMS certified Yes [] No []</p>
<p>Has your organisation prepared an environmental management plan and set quantified objectives and targets for environmental improvement? Yes [] No []</p>
<p>Does your organisation have programs in place or planned for promoting resource efficiency? Yes [] No [] If Yes, please specify</p>

Notice of Motion Report No. 12 (Cont'd)

<p>Does your organisation undertake environmental and/or waste audits? Yes [] No []</p>	
<p>Does your organisation carry out life-cycle analysis of its products or services (and the packaging)? Yes [] No []</p>	
<p>Has any other established product verification process verified the environmental merits of the product? Yes [] No [] If Yes, please specify</p>	
<p>Has your organisation's environmental record been checked to verify:</p>	
<p>That it has complied with environmental legislation and regulations?</p>	<p>Yes [] No []</p>
<p>That all environmental issues are satisfactorily addressed?</p>	<p>Yes [] No []</p>

I declare that all information on this form is true and correct.

.....
 (Signature of person making declaration)

.....
 (Position)

Dated:

Background Information

Increasingly within the corporate sector supply chain considerations are being included in Triple Bottom Line operating and reporting. State agencies in some states (e.g. Victoria) also require a sustainability declaration from service providers tendering for supply of goods or services to those agencies. These supply chain aspects of sustainable operations are also being adopted at the Local Government level.

The Environmental Questionnaire proposed is modeled directly on a similar survey already in use at Marrickville Council, and has been adapted to reflect the Service Provider Environmental Record considered in Manly Council's Purchasing and Procurement Policy adopted at the Ordinary Meeting of 21 November 2005.

Whilst the survey is considered only where other aspects of a tender are equal between potential goods/service providers, completion of the survey is an important tool in enhancing environment and sustainability awareness across the supply chain, and at the same time enhances staff capacity to more accurately assess this aspect of the provider's credentials.

ATTACHMENTS

There are no attachments for this report.

OM240706NM_3

***** End of Notice of Motion Report No. 12 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Notice of Motion Report No. 13
SUBJECT: Late-Night Music in the Corso
FILE NO:

Councillor Norek will move:

That Manly Council invite Rockdale Deputy Mayor Bill Saravanovski to address Council on the success of the adoption by Rockdale Council of the policy of piping music into late-night trouble spots to disperse loiterers and aggressive drunks with a view to adoption of a similar late-night strategy in the Corso by Manly Council.

Background

In a plan trialled with success in US and UK, Rockdale Council has recently begun using Barry Manilow's Greatest Hits to get rid of late-night troublemakers. The success has been widely reported in Australian television and newspaper reports.

Rockdale Deputy Mayor Bill Saravinovski has said decision to pipe Manilow's Greatest Hits into Brighton-le-Sands around the beachfront after 10pm from July was due to "nuisance" behaviour. Hoons have been gathering in the city for some years according to the Deputy Mayor "They are driving away business from local restaurants and intimidating our residents and we want them out of our city. Enough is enough," he said.

Saravinovski has promised all types of classical music and generally, "music that doesn't appeal to these people." The Council also has The Mills Brothers, Nat King Cole, Vic Damone, Doris Day, Frankie Laine, Patti Page, Johnnie Ray and Dean Martin in the potential line-up to croon away problems.

The same strategy has been used in Australia before when the Warrawong Westfield shopping mall in Wollongong used crooner Bing Crosby's albums to disperse troublesome teens.

Councillor Norek asserts that it is a very cost-effective strategy that has resulted in success in Rockdale troublespots which have marked similarities to experiences in the Corso and surrounds late at night, and we have also have successful overseas experience in hindsight.

ATTACHMENTS

There are no attachments for this report.

OM240706NM_4

***** End of Notice of Motion Report No. 13 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Notice of Motion Report No. 14
SUBJECT: Update Regarding Spit Bridge Widening
FILE NO:

Councillor Daley will move:

That Council receive a full briefing and update from the RTA regarding the status of the Spit Bridge two lane widening and that all conditions as set out in the motion carried in council on the 7th March 2005 relating to DA 134/03 are being followed.

ATTACHMENTS

There are no attachments for this report.

OM240706NM_5

***** End of Notice of Motion Report No. 14 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Item For Brief Mention Report No. 8
SUBJECT: Items for Brief Mention
FILE NO:

1. Reports:

Council resolved at the Planning & Strategy Committee Meeting of 10 April 2006 to write to the Valuer General's office in regard to the new land valuations for Manly. The attached response dated 18 July 2006 has been received.

2. Minutes Of Meetings:

- i. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 15 JUNE 2006
- ii. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 15 JUNE 2006
- iii. MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 7 JUNE 2006.
- iv. MANLY PUBLIC ART COMMITTEE MINUTES OF MEETING HELD ON 24 MAY 2006.
- v. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 19 JUNE 2006
- vi. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 14 JUNE 2006
- vii. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE NOTES OF MEETING HELD ON 22 JUNE 2006
- viii. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 12 JULY 2006
- ix. SHOROC EXECUTIVE MINUTES OF MEETING HELD ON WEDNESDAY 21 JUNE 2006

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

3. a. Manly Arts Festival Committee held on 7 June 2006

Item Number: 4 Business Arising from Previous Minutes

The Recommendation of the Committee was to:

That the event F Rock be included in the 2006 Manly Arts Festival.

General Managers note:

F Rock Event organisers have been advised of Council's policy on Sponsorship of Events 6. (ii) as a condition of event approval; - Council does not permit any alcohol or tobacco sponsorship for events.

Item For Brief Mention Report No. 8 (Cont'd)**b. Manly Visitor and Community Board held on 22 June 2006****Item Number: 6 Report from Aurora on VIC Operation**

The Recommendation of the Committee was to:

That the recommendation above go to Council for consideration and action.

General Managers note:

That the report on VIC by Aurora Consulting be circulated as an attachment to the Agenda to Councillors for their consideration.

RECOMMENDATION

1. That the attached letter be received and noted.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being **2(i) to 2(ix)**, as listed above, be **adopted**.
3. That in relation to all matters of a substantial nature listed in item 3 above, being 3(a) to 3(b), be adopted as per the recommendations of the Committees.

ATTACHMENTS

AT- 1 Response from Valuer Generals office 18 July 2006 2 Pages

OM240706IBM_1

***** End of Item For Brief Mention Report No. 8 *****

Office of the New South Wales Valuer General

Mr Ross Fleming
Chief Financial Officer
Manly Council
PO Box 82
MANLY NSW 1655

Ref: LPI 1217

18 July 2006

Dear Mr Fleming

I refer to your letter dated 28 June 2006, concerning the variations in land values from the 1 July 2002 general valuation, within the Manly Local Government Area (LGA) as a consequence of the 1 July 2005 general valuation.

The *Valuation of Land Act 1916* (the Act) provides the statutory basis for determining land value, which is defined as the market value of the land, assuming it is vacant. The land values are determined as at 1 July of the valuing year and reflect property market conditions at that time. In determining land value, qualified valuers take into consideration such factors as recent local sales, nearby development, views and outlook, public amenities and constraints on use. Importantly, the potential impact that the land value may have on rates or land tax is not considered during the valuation process.

As you are aware, the Act provides for new rating valuations to be issued to councils at the discretion of the Valuer General, which must be undertaken at least every 4 years. Manly Council receives rating valuations every 3 years.

A comparison of land values with the land values of other properties is not taken into account. The valuation extends solely to the subject land value in comparison to sales and not to any other land value.

The variances in land values from suburb to suburb is the direct result of the market forces within the Manly LGA. The Valuer General is required under the Act to capture these market movements, which will ensure that the land value parity between properties is equitable. Over time, some streets, due to changing circumstances, will increase or decrease in comparison to other streets, suburbs and individual properties.

Most land is valued using the "component method" of valuation, where properties are placed together and valued in groups called components. The properties in each component are similar or are likely to change in value in a similar way.



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GOVERNMENT OF NEW SOUTH WALES



Department of Lands

Office of the New South
Wales Valuer General is part
of the New South Wales
Department of Lands

**Item For Brief Mention Report No. 8 - Items for Brief Mention
Response from Valuer Generals office 18 July 2006**

Within each component, at least one representative property is selected and valued individually each year to measure how much the value has changed from the previous year. This change in value is then applied to all properties within the component to determine their new value. Sample valuations are then checked to confirm that market evidence supports the new values.

Before undertaking representative valuations, valuers will inspect and analyse a large number of both improved property and vacant land sales in a locality to gain an in depth understanding of what is happening in the real estate market. This information and the valuers expertise and experience are then applied to value the representative properties.

The current land value system of mass valuation is considered reliable and equitable. It is structured on the basis of a template of similar mass valuation systems utilised throughout many western countries.

In 2004-05, the New South Wales Ombudsman undertook an extensive investigation of the New South Wales Valuation System. The resulting report "Improving the Quality of Land Valuations Issued by the Valuer General" provided a number of recommendations to assist in further improving the valuation system. The majority of these recommendations have now been implemented.

Should landowners have concerns with the valuation of their property, Part 3 of the Act, provides an objection process that gives landowners the opportunity to have their valuation reviewed. The objection process is the appropriate way to respond to landowners' concerns regarding the accuracy of their valuation. During the objection process, the grounds on which an objection has been lodged are examined by a senior valuer, independent of the original valuation process. In the event that the objection is allowed, the land value for that property is redetermined and a review is undertaken of the land values for the surrounding locality to ascertain if any other values need to be reascertained. The objection process is an important part of ensuring that the valuations provided are accurate.

Unlike the mass appraisal process, as described above, the assessment of an objection is an individual land value verification of the subject property.

The method of valuation is not taken into consideration during the objection process. When land values are reviewed the matter of concern is whether the value is correct in relation to the market evidence.

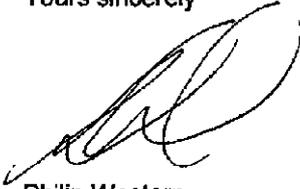
ATTACHMENT 1

**Item For Brief Mention Report No. 8 - Items for Brief Mention
Response from Valuer Generals office 18 July 2006**

I have been advised that the last date to object to the 1 July 2005 land valuation for the Manly LGA was 21 April 2006. The Act provides the Valuer General with the authority to consider whether there are sufficient valid reasons to accept an out of date objection. These are considered on a case by case basis.

Thank you for raising the concerns of the Manly Council with me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Western', written in a cursive style.

**Philip Western
Valuer General**

TO: Ordinary Meeting - 24 July 2006
REPORT: General Managers Division Report No. 20
SUBJECT: Traffic Management issues for area bounded by Balgowlah Rd, Pittwater Rd, Pine St and Pacific Pde
FILE NO:

SUMMARY

At the Planning and Strategy Committee meeting held on 12 December 2005, Council resolved:

“That, in relation to item 1xii) Manly Traffic Committee - Minutes of Meeting held on 28th November 2005, Council adopt the Traffic Committee's recommendation on item 108/05 and request a further report be brought back to Council on:

- a) Impacts of the new roundabout on the western access to Golf, Rolfe and Alexander Streets and Pacific Parade.
- b) Impacts of the possible limitation of access to the new fruit market on these streets.
- c) Assessment of impacts of full closure of the western end of each of the four streets identified.
- d) Pedestrian impacts in the vicinity of the Manly Swimming Pool.”

This report seeks to address these issues and makes recommendations to Council.

REPORT

A. Impacts of the new roundabout on the western access to Golf, Rolfe, Alexander Streets and Pacific Parades.

The roundabout at Kenneth and Balgowlah which was approved under the Balgowlah/Fairlight LATM Scheme will have NO added traffic impacts on Golf, Rolf, Alexander Streets or Pacific Parade because access to these streets from Kenneth Road or north bound traffic in Balgowlah Road beyond Kenneth will remain physically separated by a traffic median barrier in Balgowlah Road which extends over the section and across Golf, Rolfe and Alexander Streets at their intersections with Balgowlah Road, and closure in the case of Pacific Parade.

B & C. Impacts of the possible limitation of access to the new fruit market on these streets and impacts of the full closures of the western end of each of the 4 streets identified (being Golf Parade, Rolfe St, Alexander Pde and Pacific Pde).

As far as the limitation of access to the new fruit market on the adjacent road network, no access restrictions were placed on the new fruit market by either the RTA or Council's previous Traffic Engineer. i.e. vehicles exiting the new fruit market can turn either left or right onto Pittwater Rd, eliminating any issue from Golf Pde residents that there would be an increase in traffic in Golf Pde from the new fruit market.

The impacts of full closures of the western end of Golf Pde, Rolfe St, Alexander Pde and Pacific Pde will result in all residential traffic movements within these streets using either Pine St, Alexander St east of Collingwood and Rolfe St east of Collingwood, and Collingwood St for ingress and egress.

The left turn from Collingwood St into Golf Pde, which is an acute angle, would need to be made two-way and would become a difficult intersection for motorists to negotiate.

General Managers Division Report No. 20 (Cont'd)

The following table provides information on a comprehensive traffic Volume, Speed and Classification survey of all the streets within the precinct these include Golf Pde, Rolfe St, Alexander St, Pacific Pde between Balgowlah Rd and Collingwood St.

Street	Section	AADT Traffic Volumes (vehicles per day)		AADT (Comb) Total	85 th %'ile Speed Km/h
		East Bound	West Bound		
Golf Pde	Balgowlah Rd to Collingwood St	253	51	304	41.5 km/h
Rolfe St	Balgowlah Rd to Collingwood St	243	82	325	41.0 km/h
Rolfe St	Collingwood St to Pittwater Rd	663	392	1055	32.0 km/h
Alexander St	Balgowlah Rd to Collingwood St	241	94	335	44.5 km/h
Alexander St	Collingwood St to Pittwater Rd	466	277	743	38.0 km/h
Pacific Pde	Balgowlah Rd to Collingwood St	250	84	334	44.5 km/h
Pine St	Smith St to Pittwater Rd	800	592	1392	38.0 km/h

The above traffic volume and speed counts have revealed that there are extremely low traffic volumes and speeds in that particular road network, with no evidence of any "rat running" through the area. Therefore, there is no justification from a traffic engineering view point to implement any additional road closures or traffic control devices in any of the streets listed at this stage.

D. Pedestrian impacts in the vicinity of Manly Swimming Pool.

Improving pedestrian safety was the top objective and priority in the design of the Balgowlah/Fairlight LATM scheme, which resulted in the installation of a 40Km/h speed limit and a 3 tonne limit on all traffic utilising Balgowlah Road. These are also reinforced with calming measures along the route. Additionally, the scheme incorporated pedestrian crossing facilities along this route, particularly in the vicinity of the entrance to both the swim centre and LM Graham Reserve. Hence, the issue of pedestrian safety along this section of the network is already more than adequately facilitated. As such, there are no additional measures recommended on this issue.

RECOMMENDATION

It is recommended that Council not consider any road closures, changes to any existing traffic conditions or additional traffic control devices in the traffic precinct bounded by Balgowlah Rd, Pittwater Road Pacific Pde and Pine St.

ATTACHMENTS

There are no attachments for this report.

OM240706GMO_2

***** End of General Managers Division Report No. 20 *****

TO: Ordinary Meeting - 24 July 2006
REPORT: Corporate Services Division Report No. 18
SUBJECT: SHOROC Incorporation
FILE NO:

SUMMARY

To consider a proposal from the Shore Regional Organisation of Councils (SHOROC) to adopt the draft constitution and support the move to become an incorporated association.

REPORT

SHOROC was launched in 1994 and currently is the only ROC in Sydney not incorporated. The Councils, Manly, Mosman, Pittwater and Warringah have supported SHOROC for the last 12 years in its advocacy of the interests of the residents of the northern beaches.

SHOROC has a proud record of innovative achievements, including-

- Working in partnership with the Sporting Union to provide joint funding of sports fields improvements.
- Gaining accreditation from the World Health Organisation as a safe community
- Overseeing the joint waste and recycling service arrangements through Kimbriki
- Examining opportunities for joint cooperation in sharing resources

SHOROC's history of co-operation and collaboration as a community of Council's will continue to prosper as an incorporated association as it continues to face regional challenges.

The **attached** briefing note and constitution prepared by SHOROC has been sent to each SHOROC Council for consideration. It provides self explanatory information on the benefits of incorporating SHOROC and explains the role for SHOROC as a corporation.

RECOMMENDATION

That Manly Council

1. endorse the draft constitution set out in the attachment; and
2. support the move towards Incorporation of SHOROC.

ATTACHMENTS

AT- 1 Council Briefing Note & Constitution 14 Pages

OM240706CSD_1

***** End of Corporate Services Division Report No. 18 *****

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ATTACHMENT

Council Briefing Note



COUNCIL BRIEFING NOTE

SHOROC Incorporation

Purpose

This is a request for consideration and approval of the attached draft *Constitution* to enable SHOROC to become an incorporated association.

The SHOROC Executive Committee (Mayors and General Managers) supports the move to incorporation. At its meeting on 16 February 2006, the Executive Committee provided in principle endorsement for the draft *Constitution* and requested that a formal proposal be submitted to individual member councils for consideration and final approval.

Background

For some time the notion of incorporation of SHOROC has been considered a necessary step to allow the organisation to advocate for the region and to seek funding in its own right for projects that have a regional basis. Because we are not an incorporated association, all applications for funding under State or Commonwealth programs must be submitted by a member council on behalf of SHOROC. This can be confusing for government agencies as SHOROC is often requesting support for regional projects from the same funding pool as individual councils. This is also the case in respect of receiving and acquitting government funds and entering into contracts with consultants, etc.

Other Sydney Metropolitan Regional Organisations of Councils (ROCs) have been incorporated for some time. Western Sydney ROC (WSROC) has been a Company Limited by Guarantee since August 1991; Southern Sydney ROC (SSROC) became an incorporated association two years ago; and Northern Sydney ROC (NSROC) incorporated during 2005.

The Benefits of Incorporation

Incorporation will enable SHOROC to:

- Create a legal entity that represents the mutual interests of councils, but respects the rights of individual councils;
- Enter into and enforce contracts in its own right, where all councils agree;
- Meet state and federal guidelines for the receipt of grant monies to benefit the region;
- Become a more effective lobbying vehicle for its members by representing a united regional position which has unanimous Board support;
- Give power to the Board to make a decision in supporting and resourcing priority regional projects; and agreeing on a regional position in order to advocate for meaningful government support and investment in the region;
- Provide a certain amount of limited liability* to SHOROC members;
- Continue regardless of changes to SHOROC membership.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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Corporate Services Division Report No. 18 - SHOROC Incorporation
Council Briefing Note & Constitution

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Council Briefing Note

*Members of an incorporated association have *limited liability*. In general terms, this means that they are only liable for the amounts each member owes the association in respect of their membership. For most associations this means the fees or subscriptions due to the association. Members of the management committee of an association also have limited liability for the debts of an association as long as they follow accepted business and community standards.

Respecting the Individuality of Member Councils

The SHOROC mission has always been to value the individuality of member councils while cooperating to achieve a better deal for the community through networking, resource sharing and lobbying.

In drafting the new Constitution, we have protected the rights of member councils to retain their individuality, in particular when advocating on important regional issues. We have ensured that this is reflected in the document and SHOROC would require a UNANIMOUS Board decision, i.e. when at least four elected members, one representing each member council, agree.

The SHOROC President will not speak on behalf of individual councils, but will represent positions where member Councils have adopted a UNANIMOUS decision of SHOROC.

Examples of how this 'guiding principle' has continued to work for our region include:

- SHOROC Executive Committee decision to disband the Health Services Committee because Councils could not agree on a regional position in relation to the new hospital site. It was agreed that individual councils would continue to advocate on behalf of their constituents.
- The recent decision NOT to support a combined ROC's position opposing the introduction of the *Environmental Planning & Assessment Amendment Bill 2006*, giving the Minister for Planning sweeping new powers. As not all member council's endorsed the combined ROCs position, SHOROC withdrew its support without prejudice. Of course, SHOROC's decision in this matter did not prevent individual councils expressing a particular view or elected members attending the local government rally outside Parliament House.

Member councils should also be reassured that the new Board will continue to serve their best interests as it will be structured in exactly the same way as the existing Executive Committee, comprising representation by the Mayor and the General Manager of each member council.

Conclusion

The requirements for SHOROC to become incorporated are not onerous, principally because SHOROC already follows the procedures of an incorporated association, and the process could be completed within a few weeks upon unanimous approval of the *Constitution*.

Councils will need to have confidence in their new Board (and their Mayor and General Manager as council representatives on the Board) to identify and support priority regional projects, make decisions relating to expenditure and/or regional positions adopted by the Board from time to time, with unanimous support from all members as provided for in the draft *Constitution*.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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Council Briefing Note

All decisions relating to regional positions, priority projects and the SHOROC budget will continue to be reflected in the Board Meeting Minutes and reported back to individual councils in a timely manner.

The SHOROC Executive Director would welcome an opportunity to attend a council meeting to address any concerns you may have in relation to the roles, responsibilities and aspirations of the organisation.

Recommendation:

That Council endorses the draft *Constitution* and supports the move towards Incorporation of SHOROC.

Prepared by Margie Brown
SHOROC Executive Director

Attachment to Report of Warrigah Council Meeting held on 4 July 2006

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**CONSTITUTION OF THE
SHORE REGIONAL ORGANISATION OF COUNCILS INCORPORATED**

1. Name

The name of the Organisation is the Shore Regional Organisation of Councils Incorporated (SHOROC Inc.), hereunder referred to as "the Organisation".

2. Objectives

- i. To consider the needs of the local government areas and advance the interests of its members and their constituencies.
- ii. To facilitate a co-operative approach to the problems, opportunities and challenges of the region and to projects which benefit the region.
- iii. To foster co-operation amongst members on issues of mutual concern, or to further joint interests and resources sharing.
- iv. To act as an advocate to the State and Commonwealth Governments or public bodies on issues of concern on behalf of members where councils have adopted a unanimous decision of SHOROC.
- v. To submit to the Commonwealth and New South Wales Governments requests for financial assistance, policy changes and additional resources for the region and members.
- vi. To collectively represent members on bodies that may influence the operations of the State, region and the communities of individual Councils.
- vii. To strengthen the role of local government in regional affairs.

3. Membership

- i. Membership of the Organisation is composed of, but not restricted to, the following Councils:

Manly Council
Mosman Council
Pittwater Council
Warringah Council
- ii. A register of members will be kept at the principal place of administration of the association.
- iii. Another Council may become a member of the Organisation by unanimous resolution of the Board.

ATTACHMENT 1

Corporate Services Division Report No. 18 - SHOROC Incorporation Council Briefing Note & Constitution

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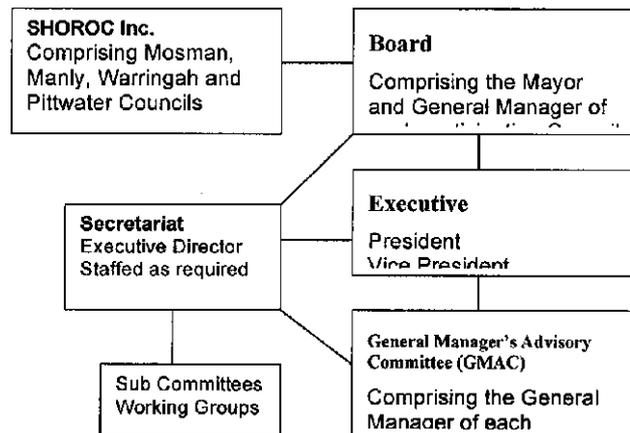
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ATTACHMENT

Constitution of the Shore Regional Organisation of Councils Incorporated

ORGANISATIONAL STRUCTURE



4. Board Representation

- i. A member Council will be represented on the Board by its delegates as follows:

The Mayor and the General Manager
- ii. The office of delegate shall become vacant if the delegate:
 - (a) ceases to hold office at his/her Council;
 - (b) is absent from three consecutive meetings of the Board without having obtained leave of absence from the Board; or
 - (c) is replaced by his/her Council at any time.
- iii. Where the office of a delegate becomes vacant, the Council shall appoint another delegate.
- iv. Where the Mayor of a Council is unable to attend a meeting of the Board, the Council may only be represented by the Deputy Mayor; in the Deputy Mayor's absence a Council may be represented by a Councillor duly appointed by the Mayor for the purpose of being an alternative delegate.
- v. Where the General Manager of a Council is unable to attend the meeting of the Board, the Council may be represented by another senior representative of the Council duly appointed by the General Manager for the purpose of being an alternative delegate.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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Corporate Services Division Report No. 18 - SHOROC Incorporation Council Briefing Note & Constitution

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Constitution of the Shore Regional Organisation of Councils Incorporated

5. Role of the Board

Delegates to the Organisation shall collectively be known as the Board.

The role of the Board shall be to:

- i. Make broad policy decisions within the objectives of the Organisation and with the unanimous support of all member Councils.
- ii. Advocate on regional matters where councils have adopted a unanimous decision of SHOROC
- iii. Adopt annual estimates of revenue and expenditure on the advice of the General Managers Advisory Committee (GMAC), having regard for the business plan.
- iv. Approve additional resources for priority regional projects from time to time as recommended by the GMAC;
- v. Monitor the performance of the Organisation

6. Role of the President

- i. The President shall preside at all meetings of the Board.
- ii. The President, unless otherwise directed by resolution of the Board shall:
 - a) Chair meetings of the Board.
 - b) Act as spokesperson for the Organisation representing one voice on regional issues where councils have adopted a unanimous decision of SHOROC
 - c) Exercise leadership and give direction to the Organisation.
 - d) Represent the Organisation to other Agencies and Governments.
 - e) Present the Organisation and its decisions in a positive way to the community, media, government and other interested groups.
 - f) Together with the GMAC authorise the expenditure of funds provided within the adopted budget.
 - g) Call special Board meetings as required.

7. Executive of the Board

- i. The Board shall elect a President and a Vice President from its membership; such offices only being filled by elected representatives. Elections shall be conducted twelve (12) monthly in accordance with the provisions of the Local Government Act 1993 and regulations for the election of Mayor and Deputy Mayor.
- ii. The Executive of the Board shall be the President and the Vice President.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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**Corporate Services Division Report No. 18 - SHOROC Incorporation
Council Briefing Note & Constitution**

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Constitution of the Shore Regional Organisation of Councils Incorporated

8. Role of the Executive

Between meetings of the Board the role of the Executive shall be to determine matters relevant to the Board's responsibility in circumstances where:

- ii. in the opinion of the Executive the matter is such that it must be determined prior to the next ordinary meeting of the Board, and
- iii. it would be impractical to convene an extraordinary meeting of the Board.

This role does not have the authority to vary the adopted SHOROC Business Plan and Budget or to review a regional position where councils have adopted a unanimous decision of SHOROC.

9. Role of the General Manager's Advisory Committee (GMAC)

The Organisation shall appoint a GMAC, comprising the General Manager of each member Council. One of the General Managers shall be appointed as Chairman. The role of this Committee will be to:

- i. Advise on administrative and planning matters.
- ii. Exercise general supervision of the Organisation's staff and resources including the authorisation of expenditure within the budget approved by the Board.
- iii. Submit reports and recommendations to the Board for policy decision.
- iv. Prepare and submit a Business Plan to the Board for adoption.
- v. Have general supervision of projects and activities in the Business Plan.

10. Board Meetings

- i. The Board shall meet at least every three months and the meeting held during November shall be the Annual General Meeting. Special meetings of the Board shall be held as and when required upon notice by the President.
- ii. The Financial Statements and Annual Report of the Organisation shall be submitted to a meeting of the Organisation to be held not later than 30 November each year.
- iii. Meetings shall be held, in turn, at an office of each member Council or as decided by the Board.
- iv. Each member Council and delegate shall be notified of Board meetings not less than seven days before each meeting. In the case of Special Board meetings, 48 hours notice shall be given.

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- v. The Secretary shall send minutes of each Board meeting to each member and delegate not more than fourteen days after the meeting.
- vi. At every Board meeting the President shall preside but if he/she is not present the Vice President shall preside or if he/she is not present the members shall elect a Chairperson to preside at that meeting.
- vii. Any elected representative of a member Council may attend and speak at a Board meeting. Any senior officer of a Council that is a member may also attend and speak at Board meetings with the consent of a delegate of his/her Council and the President or meeting Chairperson.
- viii. A Special Board meeting may be called by:
 - (a) The President
 - (b) Notice signed by three Board delegates
- ix. Business conducted at a Board meeting shall consist of:
 - Matters of which due notice has been given.
 - Matters which the President determines to be of urgency.
 - Consideration of recommendations, reports and correspondence which are consistent with the objectives of the Organisation.

11. Board Voting

- i. At Board meetings each delegate, and each bona fide alternative delegate representing a delegate, shall be entitled to vote. Each member Council shall therefore have two votes.
- ii. The President shall have both a deliberative vote and, in the event of equality of votes, a casting vote.
- iii. The election of the Executive being the positions of:
 - (a) President
 - (b) Vice PresidentShall be conducted in accordance with the provisions of the Local Government Act for the election of Mayor and Deputy Mayor.
- iv. A unanimous vote is when at least four elected members, one representing each member council at the meeting, agree.
- v. All votes must be given personally and there is no provision for voting by proxy.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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Constitution of the Shore Regional Organisation of Councils Incorporated

12. Quorum

- i. A quorum at a Board meeting shall consist of a number being half the number of delegates plus one.
- ii. A quorum of a Sub-Committee of the Board shall be a majority of members appointed.

13. Procedure

The procedure at a Board meeting shall be in conformity as far as possible with the procedure for meetings of Council and Committees as prescribed by regulations made under the Local Government Act 1993, as amended, and in accordance with standing orders adopted by the Organisation which are not in conflict with the above.

14. Disciplining of Delegates

- i) A complaint may be made to the Board if any person that is a delegate of the Board:
 - a) has persistently refused or neglected to comply with a provision or provisions of the rules;
 - b) has persistently and wilfully acted in a manner prejudicial to the interests of the organisation.
- ii) On receiving such a complaint, the Board:
 - a) must cause notice of the complaint to be served on the delegate concerned; and
 - b) must give the delegate at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint; and
 - c) must take into consideration any submissions made by the delegate in connection with the complaint.
- iii) The Board may, by resolution, dismiss the council delegate from membership of the Board or suspend the delegate from membership of the Board if, after considering the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- iv) If the Board dismisses or suspends a delegate, the President must, within 7 days after the action is taken, cause written notice to be given to the delegate of the action taken, of the reasons given by the Board for having taken the action and of the delegate's right of appeal under Article 15.

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Constitution of the Shore Regional Organisation of Councils Incorporated

15. Right of Appeal of Disciplined Delegate

- i) A delegate may appeal to the Board in general meeting against a resolution of the Board under Article 14 within 7 days after notice of the resolution is served on the delegate, by lodging with the Executive a notice to that effect.
- ii) The notice may, but need not, be accompanied by a statement of the grounds on which the delegate intends to rely for the purposes of the appeal.
- iii) On receipt of a notice from a delegate under Clause (i), the Executive must notify the Board, which is to convene a general meeting within 28 days after the date on which the Executive received the notice.
- iv) At a general meeting of the Board convened under Clause (iii):
 - a) the Executive and the delegate must be given the opportunity to state their respective cases orally or in writing, and
 - b) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- v) If at the general meeting the Board passes a special resolution in favour of the confirmation of the resolution the resolution is confirmed.

16. Dispute Resolution

- i. Disputes between delegates (in their capacity as members) of the Board, and disputes between delegates and the Board, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.
- ii. At least seven days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

17. Powers of the Organisation

- i. The Organisation shall, for the mutual benefit of the member Councils have power, in accordance with this Constitution, to:
 - a) Make submissions to the Australian and New South Wales Government or any department of those Governments, or other organisations, in respect of the areas of the member Councils;
 - b) Carry out the objectives of the Organisation; and
 - c) Receive funds in respect of the:
 - i. Staffing of the Organisation;
 - ii. Carrying out of projects or studies agreed by the Organisation;
 - iii. For any purpose that may be authorised by the Organisation.

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- ii. These powers shall not affect the right of an individual Council acting in its own right on any matters.
- iii. The control, regulation, maintenance and management of the exercise of these powers is vested in the meetings of delegates in accordance with the constitution subject to any delegation of authority which may have been granted.
- iv. By resolution, and within limits defined in such resolution, to authorise the Executive, a member Council representative, a staff member or a properly appointed sub-committee consisting either whole or in part of elected representatives, staff or other persons to exercise or perform on behalf of the Organisation any power, authority, duty or function, the Organisation, by resolution reserves for itself.

18. Staff

The Organisation shall have the power to appoint such staff as the Organisation may require from time to time.

19. Advisory Sub-Committees

- i. The Board may, from time to time, appoint any number of Committees in connection with any work, activity or object of the Organisation.
- ii. The Board shall have the power to co-opt any person to assist and/or comprise a Sub-Committee.

20. Secretariat Office

The Office of the Organisation shall be at such place as the Organisation may from time to time appoint.

21. Financial Year

The Organisation's financial year shall commence on 1 July and terminate on 30 June of the following year.

22. Finance

- i. The Organisation shall determine, prior to 31st May each year, an Annual Budget which will include:
 - a) the amount of proposed expenditure by the Organisation;
 - b) the amount in hand available for such expenditure; and
 - c) any additional amount required to be raised to meet such expenditure.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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- ii. In the event of any expenditure not covered by the Annual Budget, the Organisation shall prepare a statement show:
 - a) the amount and nature of the extraordinary expenditure.
 - b) the amount in hand available to meet the expenditure after allowing for estimated ordinary expenditure for the balance of the year; and
 - c) any additional amount required to be raised to meet extraordinary expenditure.
- iii. The financial contribution by member Councils towards costs of the Organisation shall be equal or as otherwise agreed as adopted by unanimous decision of SHOROC
- iv. The Organisation shall pay monies received by it to a bank account held in the name of the Organisation and shall use such monies for the purpose of, and subject to, the terms of the Constitution.
- v. All accounts shall be operated upon in such manner and by such persons as the organisation shall from time to time determine.
- vi. The accounts of the organisation shall be kept according to the same principles as the accounts of a member Council and in such books and form as are approved by the auditors to the Organisation.
- vii. (a) The Organisation shall appoint an auditor who shall annually audit the accounts of the Organisation.

(c) The audited accounts shall be presented to a meeting of the Organisation prior to 30th November each year.
- viii. The assets and income of the Association shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

23. Annual Report

The Organisation shall submit an Annual Report to each of the member Councils with the notice of the Annual General Meeting.

24. Co-operation

For the purpose of performing any powers, duties or functions, the Organisation may make use of the services of an employee of a member Council if the prior approval of the Council's General Manager is obtained.

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25. Termination of Membership

A Council may withdraw from membership of the Organisation on giving six months notice of termination to the Organisation. When such termination takes effect, no contribution shall be refunded, no funds will be distributed and the Constitution remains in force between the remaining members of the Organisation.

26. Amendments

This Constitution may be altered from time to time by unanimous resolution passed at a meeting of the Board.

27. Amalgamation

Where it furthers the objects of the Organisation to amalgamate with any one or more other organisations having similar objects, the other organisation(s) must have rules prohibiting the distribution of its (their) assets and income to members; and must be exempt from income tax.

28. Termination of the Organisation

Upon termination of this Organisation the debts and liabilities of the Organisation shall be discharged out of the assets of the Organisation. The balance of the assets shall be shared equally by the member Councils remaining immediately before the termination of the Organisation.

29. Members' Liabilities

The liability of a member of the Organisation to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the termination of the Organisation is limited to the amount, if any, unpaid by the member in respect of membership of the Organisation.

30. Common Seal

The common seal of the Organisation is kept in the custody of the public officer. The common seal must only be affixed to an instrument with the authority of the Executive.

31. Custody of Books

Except as otherwise provided by these rules, the public officer must keep in his/her custody or under his/her control all records, books and other documents relating to the Organisation.

32. Inspection of Books

The records, books and other documents of the Organisation must be open to inspection, free of charge, by a member of the Organisation any reasonable hour.

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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Corporate Services Division Report No. 18 - SHOROC Incorporation
Council Briefing Note & Constitution

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Constitution of the Shore Regional Organisation of Councils Incorporated

Constitution adopted _____ 2006.

Signed on behalf of
MANLY COUNCIL

Mayor Dr Peter Macdonald

Mr Henry Wong, General Manager

Signed on behalf of
MOSMAN COUNCIL

Mayor Denise Wilton

Mr Viv May, General Manager

Signed on behalf of
PITTWATER COUNCIL

Mayor Alex McTaggart

Mr Mark Ferguson, GM

Signed on behalf of
WARRINGAH COUNCIL

Mr Dick Persson, Administrator

Mr Stephen Blackadder, General Manager

Attachment to Report of Warringah Council Meeting held on 4 July 2006

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TO: Ordinary Meeting - 24 July 2006
REPORT: Corporate Services Division Report No. 19
SUBJECT: Road Reserve Leases/Consents - Policies and Formula for Determination of Annual Rental of use of Council's Road Reserves
FILE NO:

SUMMARY

Council has received a request from a resident of Bligh Crescent, Seaforth, for a review of the formula used by Council in determining the annual rental/occupation payment for the use of Council Road Reserves.

This Report recommends that Council continue with the current Policy until all remaining "Road Reserve Leases" have been converted to Road Consents.

REPORT

Leaseholder's Submission

Following the receipt of the new Valuer General's land valuations base dated July 2005, a resident at Bligh Crescent, Seaforth has written to Council objecting to the formula Council uses for determining the rental for Road Reserve Leases. The resident contends that because some residents blocks of land are small while others are large, with the Valuer General's valuations not consistent, some adjoining land holders have different "valuations" per square metre. He contends that because of the resultant different "valuation" per square metre, which is used as a basis for determining road reserve rentals, the road reserve rents will vary for similar land parcels, even though the land is used for the same purpose.

Background and Council Policies

Council at its Ordinary Council Meeting of 22 July 2002 considered a similar request for a review of the formula used for Road Reserve Lease. This Report, a copy of which is attached, was fairly comprehensive including a review of Council's adopted Policies on Road Reserves. Council at that meeting resolved:

1. That the following amendment be included in Clause 1 of Councils policy of 20th July 1993 to clarify the formula for the purpose of the Road Reserve lease calculations to mean:

"Adjoining" land for the purpose of the formula for the calculation of rental, means the total area land/s to include the leased areas as valued by the Valuer Generals valuation.

Further, that such amendment apply for all leases renewed from 31st December 2001.

2. That Council apply the formula adopted on 29th July 1993 with the adopted amendment above, for all applications for new leases and renewed leases of the Council's Road Reserves.

Council considered at that meeting that the existing formula was reasonable, but that a change be made to include the area of the land to be leased into the calculation, so that the area of land to be divided into valuation of the land would be greater and thus result in a lower dollar per square metre value.

Corporate Services Division Report No. 19 (Cont'd)**Current Formula**

The formula for calculating the annual rental was adopted by Council on 20th July 1993, and whilst slightly different depending on the purpose of the lease, is calculated using the VG land valuation of the adjoining land divided by the total area of the land, multiplied by a percentage factor (indexed each year according to CPI).

$$\begin{aligned} \text{Valuation of Property / Area of Property} &= A \text{ (value per sq.m.)} \\ A \times \text{area to be leased} &= B \text{ (value of leased area)} \\ B \times \% \text{ (depending on purpose of lease)} &= C \text{ (annual fee)} \\ C + 10\% \text{ GST} &= \underline{\text{Annual Lease Fee}} \end{aligned}$$

Currently leases/consents are calculated as follows: (Based on 2006/2007 adopted fees and charges)

Car Parking (Carports/Slab/Garage)	1.1991% of VG for leased area 1 – 50m ² or 2.3632% of VG for leased area > 50m ²
Access / Driveway (Stairs/Structure)	0.6171% of VG for leased area 1-100m ² or 1.1991% of VG for leased area > 100m ²
Gardens/Landscape (Fenced or Unfenced)	1.1991% of VG for leased area 1-100m ² or 2.3632% of VG for leased area >100m ²
Minimum Charge	\$327.00 pa

Previously road reserve approvals for the use of Council land were executed as a lease under Section 153 of the Roads Act. This section provided that the lease had to be for a period of five years and may be terminated at any time and for any reason; and that any proposed structure on the road reserve may only be a temporary structure.

Generally Council increased the road reserve lease payment by CPI each year, and then reviewed the lease payment at the renewal date based on the then current Valuer Generals valuation of the adjoining land. However because these leases were for 5 years, the lease expiry date often did not coincide with the 3 yearly Valuer General's revaluation cycle.

Council now issues the road reserve approvals as a Consent under Section 138 of the Roads Act which provides more flexibility in reviewing the annual occupation payment. Clause 2(d) of the Consent Agreement provides that where there has been a new Valuer General's valuation of the adjoining land, the annual fee shall be increased by the same percentage as the percentage increase in the Valuation. In the event there is no variation to the Valuer General's valuation the increase is to be the same as the Consumer Price Index (all groups) Sydney.

Council has approximately 150 Road Reserve Leases – the majority of which have been converted to "Consents" under S.138. However there are still 39 road reserve leases which will be changed over to a "Consent" at the expiration of the current lease – that is, 7 to be converted in 2006, 27 in 2007 and 5 in 2008.

Up until 30 June 2006, any Road Reserve Leases which have expired have now been converted to a "Consent" and the annual lease/occupation payment based on the July 2002 land valuations. Council is now in receipt of July 2005 base date valuations from the Valuer General, effective for rating purposes as from 1 July 2006.

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Council at the Planning and Strategy Committee Meeting of 10 April 2006 (Corporate and Support Services Division Report No 6) was informed that there had been an average increase of approximately 49% in the total land valuations for Manly from July 2002 to July 2005. However average valuation increases varied considerably for each suburb, with increases ranging from 33% to 64% in some suburbs. It was noted in that Report, that the average increase in valuation from the July 1999 to July 2002 valuation was in the order of 36% with increases for each suburb more evenly distributed.

Council has no control over how the Valuer General arrives at his valuation of land in Manly. However land owners can object to their valuation should they so desire, and the Valuer General proscribes the method for doing this.

It could be argued that Council should review the formula when a Road Reserve Lease expires and the renewed Consent is calculated based on the then current Valuer General's land valuation, as this could result in the annual lease/occupation payment increasing by more than CPI. However it must be remembered that the Occupier of the land is benefiting from the use of the Road Reserve area as they have exclusive enjoyment of that land. In most instances, depending on the total of the occupied area, the increase usually only amounts to several dollars a week. I am not aware of any other objections from road reserve lease/consent holders when Council has moved from a prior base date valuation to the most current base date valuation in calculating the annual payments.

Other options for valuing Road Reserves could be to adopt a "Municipal Wide" value per square metre, or contract a Valuer to value each Road Reserve parcel. These options have their own inherent problems, in that adopting a "Municipal Wide" or "Suburb Wide" value per square metre does not reflect the accrued benefit that the land owner receives from the exclusive use of the parcel of land subject to the lease. Contracting an independent valuer to value every individual road reserve area would take considerable time and at a cost to the other ratepayers of Manly (who receive no benefit from the lease/consents), unless of course the individual lease holder agreed to pay for the independent valuation. These valuations would have to be carried out each triennium in conjunction with the Valuer General's re-valuation of Manly.

In the case of the Objector, the current road reserve lease commenced in January 2002, and will expire on 30 November 2006. The total land parcel is approximately 229.3 square metres, made up of freehold land area of 164.4 sq.m., plus a waterways lease of approx. 40 sq.m., plus the road reserve area of 24 sq.m. On the road reserve area stands a substantial two car garage.

The current annual rental based on the 1999 land valuation of \$429,000 was \$580.17 or \$11.10 per week for two car parking spaces. If the road reserve lease was calculated on the 2002 land valuation of \$619,000 the rental would increase by \$226.00 (or 38.9%) to \$806.00 per annum (or \$15.40 per week).

The following table shows the annual rent charged for the road reserve lease:

Year	Lease Fee	% Increase
2002	\$529.10	
2003	\$543.80	2.77%
2004	\$549.31	1.01%
2005	\$563.61	2.59%
2006	\$580.17	2.93%

Corporate Services Division Report No. 19 (Cont'd)**Conclusion**

Council leases/consents to the use of portions of unmade road reserves to owners of adjoining properties for various purposes, such as carports and garages, elevated structures and driveways, and landscaping. Most would relate to carports and garages as the residents are not able to access or construct these structures on their own land. This provides the adjoining landholder a benefit through the exclusive use of Council land, as the ability to conveniently park vehicles off the street in some of the more inaccessible areas of Manly, does add value to a property. There are also future financial benefits in the event that the property were to be sold, in having access to available parking space at the property.

It is therefore considered that although there may be variances both within and between different suburbs in the Valuer General's land valuations, this still provides a reasonably consistent and independent basis for assessing the value of road reserve parcels for the purpose of leasing to private individuals.

As previously advised to Council there appears to be some major variations in the increase in land values throughout Manly, both within and between suburbs, in the July 2005 base date valuations from the 2002 values. It is for this reason that it is recommended that Council **not** apply the increase in the 2005 valuations in the formula for assessing both current and new road reserve lease/consent rentals at this time.

It will be recommended that in order to be consistent and provide some equity in the charging of the annual lease/occupation payments that Council continue to use the July 2002 land valuations for adjoining land in calculating the annual occupation/lease payment for all current Road Reserve Consents; that as the remainder of the Road Reserve Leases expire they be converted to Road Reserve Consents; and that all applications for new road reserve Consents be based on the July 2002 land valuations of the adjoining land.

When all of the current Road Reserve Leases have been changed over to Road Reserve Consents, (which will be completed by February 2008) Council will then be in a better position to review the current Policy formula for the purpose of the Road Reserve lease calculation, as all Road Reserve Consents will be, by then, calculated based on the same base date land valuation.

RECOMMENDATION

That:

1. The annual lease/occupation rental payment continue to be calculated in accordance with the formula adopted by Council at the Ordinary Meeting of 20 July 1993 and as amended at the Ordinary Meeting of 22 July 2002;
2. Council use the July 2002 base date land valuations in calculating the annual lease/occupation payment for all remaining Road Reserve Leases and current Road Reserve consents;
3. All remaining Road Reserve Leases continue to be converted to Road Reserve Consents effective from their expiry date, and that Council use the increase in the July 2002 land valuations as supplied by the Valuer General for the adjoining land in formula for calculating the annual occupation payment.
4. All applications for new road reserve Consents be based on the July 2002 land valuation for the adjoining land (as defined) so as to be consistent with the existing road reserve consents;
5. A further Report be brought to Council after all of the remaining Road Reserve Leases have been converted to Road Reserve Consents.

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***** End of Corporate Services Division Report No. 19 *****

ATTACHMENT 1

**Corporate Services Division Report No. 19 - Road Reserve Leases/Consents - Policies and Formula for Determination of Annual Rental of use of Council's Road Reserves
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- Within the Aged Services area, a new flyer has been produced identifying what services are available for the aged through Manly Council and work on the upgrade of the Seniors Centre to accommodate the Meals On Wheels service progressed to a stage that has seen the lodgment of a Development Application for Council consideration.
- Within Culture, Leisure and Recreational Planning the Tourism Plan for Manly was approved by Council and will be progressed, subject to funding which is being sought from a number of external sources.
- The upgrading of playgrounds continue with the completion of the Weeroona Playground.
- An additional eight sponsors were found for the Pathway of Olympians.
- The Picket Manly Oval project was established and grant submissions were prepared seeking funding for the re-establishment of the Ozzie Merit Gates.

RECOMMENDATION:

1. That the Council note the progress achieved for Key Actions in the last quarter from 1 April 2002 to 30 June 2002.
2. That the revised target dates of key actions identified in the Corporate Plan 2001/2002 to 2004 as indicated in the management Matrix be endorsed for carry over to the next reporting period.
3. That the progress on the List of Outstanding Reports as at 30 June 2002 be noted.

* * *

ITEM 244:

ROAD RESERVE LEASES - POLICIES AND FORMULA FOR DETERMINATION OF ANNUAL RENTAL OF USE OF COUNCIL'S ROAD RESERVE.
(File R6/2) Item 244 OM 22.07.2002:

REPORT FROM FINANCE AND GOVERNANCE DIVISION

SUMMARY:

1. COUNCIL HAS RECEIVED THREE REQUESTS FOR A REVIEW OF THE FORMULA USED BY COUNCIL IN DETERMINING THE ANNUAL RENTAL FOR THE LEASE OF ROAD RESERVE FROM RESIDENTS OF BLIGH CRESCENT, SEAFORTH FOR LEASE RENEWALS.
2. THIS REPORT OUTLINES COUNCIL POLICIES AND REVIEWS THE BASIS FOR DETERMINING ANNUAL RENTAL FOR LEASES OF ROAD RESERVES.

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3. THE REPORT RECOMMENDS THAT COUNCIL REVIEW THE POLICY PREVIOUSLY ADOPTED ON 20 JULY 1993 FOR DETERMINING ROAD RESERVE LEASE RENTAL, BY AN AMENDMENT TO THE POLICY TO CLARIFY THE MEANING OF "ADJOINING" LAND IN RELATION TO THE "WHOLE OF THE LAND IDENTIFIED IN THE VALUER GENERALS VALUATION".

REPORT:

Background And Council Policies:

Council leases portions of unmade road reserves to owners of adjoining properties for such purposes as carports, garages, and elevated structures and driveways. Most areas are for carports and garages on the Council's land.

Council receives applications for the lease of road reserves adjoining an owner's property, or when an existing lease is due for renewal, the applicant is advised of the annual rental payable over the five year term.

Currently, road reserve leases are executed for the use of Council's land in the Manly Local Government area under Section 153 of the Roads Act for which Council is the authority.

The issue, the subject of this report is the meaning of the "adjoining" land in relation to the Valuer Generals' valuation, used in the calculation of the lease fees according to the Council's formula. Clarification of the meaning of adjoining land is provided to ensure implementation of the formula.

All renewals of Road Reserve Leases are assessed against Council's policies for Road Reserve Leases which require a lease for the following:

- Structures erected on public roads
- Future driveway constructions considered to be substantial erected structures
- Existing driveway leases for elevated structures as listed in Council Policy
- R100 Road Reserves – Driveways.

Councils Road Reserve Policies

R80. Road Reserve - Lease For Parking As A Development Application Condition adopted 31st May 1994

1. That Council inform new applicants for road reserve leases that because of the wording of the Roads Act, 1993, road reserve leases for the provision of parking which is required as a condition of development approval can not be met by the use of a road reserve lease, as the Roads Act prescribes:-
 - (a) Such leases may only be for a period of five years and may be terminated at any time and for any reason.
 - (b) Any proposed structure on the road reserve lease may only be a temporary structure of a kind that can be easily demolished or removed.
2. That Council inform applicants renewing their road reserve lease that the Roads Act, 1993 has changed the requirements for road reserve leases and as such:-

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- (a) Such leases may only be for a period of five years and may be terminated at any time and for any reason.

Any proposed structure on the road reserve lease may only be a temporary structure of a kind that can be easily demolished or removed.

(O.M. 31.5.94)

R90. Road Reserve Leases – Adjacent and Conjoining Parent Lot adopted 31st May 1998

"That as a matter of policy Council not grant leases of road reserves unless the area to be leased is adjacent and conjoining the parent lot.

(Prior to Council reaching that decision, advice was obtained verbally from the Local Government Department which indicated that although there had never been a legal challenge to the administration of Section 153 of the Roads Act, Council's practice of leasing only portions of a road reserve immediately adjacent to a parent property was correct and the interpretation of "adjacent" should also mean contiguous, and not the portion on the opposite side of the road to the parent lot.)"

R100. Road Reserves – Driveways adopted 8th February 1999

1. That having regard to the provisions of the Roads Act, 1993 regarding the right of access to private property from public roads and the ability of Council to enter into leases in respect of structures erected on public roads, all future driveway constructions which are considered by the Group Manager Land Use Management to be substantial erected structures on the road reserve require a road reserve lease.
2. That all existing driveway leases pertaining to elevated structures, as listed below, continue under the same terms and conditions presently observed:-
3. That all existing driveway leases pertaining to elevated structures, as listed below, continue under the same terms and conditions presently observed:-
 - i) 105 Seaforth Crescent, Seaforth
 - ii) 25-25A Battle Boulevard, Seaforth
 - iii) 35 Battle Boulevard, Seaforth
 - iv) 3 Jenner Street, Seaforth
 - v) 15 & 17 Bligh Crescent, Seaforth
 - vi) 113 Seaforth Crescent, Seaforth
 - vii) 37 Battle Boulevard, Seaforth
 - viii) 101 Seaforth Crescent, Seaforth
 - ix) 89&91 Lauderdale Avenue, Fairlight
 - x) 145 Seaforth Crescent, Seaforth
 - xi) 111 Seaforth Crescent, Seaforth
 - xii) 39 Battle Boulevard, Seaforth
4. That all existing driveways constructed in structure without a prior requirement for a lease be permitted to continue without having to enter into a road reserve lease. The Council will require the property owners to enter into a lease in the event of any future development involving use of the road reserve area

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5. That all existing driveway leases relating to excavated driveways and which are not considered to be a structure not be renewed when the current five year term has been completed.

Council's Formula for the Calculation of Road Reserve Lease Fees adopted 20TH July 1993

Rental is charged according to a formula and a percentage (%) rate determined by Council which is reviewed by Council each year in conjunction with the renewal of all Council fees and Charges.

In 1992/3, a comprehensive review of the fee basis was undertaken with considerable resident involvement. This review resulted in the current fee basis which was considered to be the fairest and most equitable.

Council at the Ordinary Meeting of 20th July 1993 resolved:

That the following types of lease granted from the date of this resolution or leases that commence on or after 18th June 1991 have the following charges applied from the date of this resolution:-

1. That road reserve-garage lease charges be derived from the Valuer General's value of the **adjoining** land, and the formula based on 1% of this value for the first 50m², and 2% for each square metre over the first 50m².
2. That road reserve-landscape charges be derived from the Valuer General's value of the **adjoining** land, and the formula based on 1% of this value for the first 100m², and 2% for each square metre over the first 100m².
3. A minimum rental of \$200 per annum will apply to all types of leases.
4. That where possible, lease holders be given the opportunity to purchase the lease area from Council.

Determination of the annual rental for the leased area is based on the following formula which was adopted by Council on 20th July 1993:

$$\begin{aligned} \text{Valuation of Property} \div \text{Area of Property} &= A \\ A \times \text{Area to be leased} &= B \\ B \times \% \text{ (depending on purpose of lease)} &= C \\ C + 10\% \text{ GST} &= \text{Annual Lease Fee} \end{aligned}$$

The formula breakdown is:

- Valuation of Property is that provided under the Register of Land Values from the Valuer General. Council's Authority System has a record of the property valuation and it is this documented valuation that is used.
- Area of the Property as recorded in Council's Authority System can be verified by the Deposited Plan for that property. Further verification can be sought from Council's Draftperson/Land Information Officer.

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- **Area to be leased** is that area of road reserve **adjoining** or contiguous with the property to be leased for exclusive use by the property owner. A square metre assessment of the area to be leased is provided when an application is received by Council. Council verifies this square metre area by site inspection and reference to the submitted location plan and Deposited Plan.
- **% (Depending on Purpose of Lease)** is determined by:

Rent Car Parking (Carport/Slab/Garage)	1.0325% of VG for leased area 1-50m ² or 2.0650% of VG for lease area >50m ²
Rent Access/Driveway (Stairs/Structure)	.5163% of VG for lease area 1-100m ² or 1.0325% of VG for lease area >100m ²
Rent Garden/Landscape (Fenced and Unfenced)	1.0325% of VG for lease area 1-100m ² or 2.0650% of VG for lease area >100m ²

Representations To Council

When three owners were advised in December 2001 that their road reserve leases were due for renewal and advised of the annual rental for the new five year term, they sought Council's review of the current formula in calculating their annual lease fee.

The three lessees were unhappy with the rise in rent and felt it related directly to how their annual rental was calculated using the formula and the impact in the increase in their land valuations according to the Valuer General.

Some of the objections raised were:

- Council's current policy of charging rental for elevated driveway access across road reserve
- Using the valuation from the Valuer General of the main **adjoining** property in the calculation rather than a valuation from each property area that adjoins a joint road reserve lease
- Using the main property area in the calculation rather than both property areas in the calculation for a joint lease
- Using the Valuer General's valuation based on the inclusion of actual property area, Waterways land and Council land in the calculation rather than using the value of the property excluding leasehold land.
- Using the valuation of the adjoining property in the calculation rather than the valuation of the area of road reserve to be leased.
- Using the valuation for the road reserve lease area to calculate the annual lease fee, because it would be a lesser figure than using the value of the adjoining property, the, n, this would greatly reduce the annual lease fee.

Councils Response To Objections

Council addressed each query and responded to each lessee in order to resolve any objection raised so the administration process for renewal of the road reserve leases could proceed.

Additionally, several meetings were held with the three lessees to explain the Council's formula for calculation of lease fees and to discuss their concerns.

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Current practice, in Council's calculation the **'Value of Property' component** is the 'Value of Property' as registered by the Valuer General in his Valuation of the Description of Land. This current practice includes the privately owned land known at a property address. Council is aware of three properties which have been reviewed for renewal of road reserve lease, which have Waterways leases included in the Valuer Generals valuation.

The Question Of Equity On Councils Part

The purpose of leasing parcels of land in these cases is to increase the owners enjoyment of the land. There is no doubt the value of the property with the additional land is increased. It has to be said that if the owner decided to sell, the property will be marketed with the benefits the additional land gives to the overall property.

On an analysis of 1 Bligh Crescent Seaforth, with the current formula applied for the provision of the parking spaces in Bligh Crescent, it resulted in a weekly rental per carspace of approx. \$3.00.

This rental is considered most reasonable, and at a meeting with one of the lessees and the General Manager, was accepted by all parties as reasonable and an advantage to his property which without the access to Council's leased property would have no parking available to it.

On what basis then should the owner pay in relation to the leased land?

It should be based on the Valuer Generals valuation as varied every three years. The calculated square metre value should be applied to the area of the leased land in the first instance and varied when a new value is available every (3) years.

The policy should be related to the value of the **total land**, not the leased land for which a separate valuation from the Valuer General is not generally issued.

Note: *(For one property, the Valuer General provided a separate valuation for the Council owned leased area, due to constant representations made to the Valuer General by the property owner).*

Conclusion

An amendment to the Policy will be made to clarify the meaning of the word **"adjoining"** land to mean **"the whole of the land"** as identified on the Valuer Generals valuation.

The amendment is necessary to provide a formula which **recognises and includes "the whole of the land"** according to the valuation and will permit staff to apply the formula for **the whole of the land** included in the Valuer General's valuation.

Prior to this proposed amendment to the policy, staff has applied the formula according to Council's policy to the parcel of land privately owned by the lessee which was previously the subject land valued by the Valuer General.

The lessee of 1 Bligh Crescent Seaforth, has consistently requested staff to apply the formula to "the whole of the land" including the waterways leased area and the Council leased area". By amending the wording of the policy, provision will be made to include "the whole of the land" into the formula.

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Note: In this way a greater area of land will be divided into the valuation of the land and will result in a lower dollar per square metre value, thus a lower rental will be achieved for the property owner.

Having regard to the three representations made to the Council, and the advice received from the Valuer-General's Office, it is recommended that Council amend the formula previously adopted on 20th July 1993, for Road Reserve Leases with one change to the policy as follows:

For the formula for the purpose of calculation of road reserve lease fees:

That all land valuations provided by the Valuer General are defined for the purposes of the Road Reserve lease formula to mean:-

"Adjoining" land for the purpose of the calculation of land/s is to include the leased areas as valued by the Valuer Generals valuation.

That this inclusion of "the whole of the land" means all the land/s contained within the Valuer General's valuation of the property.

RECOMMENDATION:

1. That the following amendment be included in Clause 1 of Councils policy of 20th July 1993 to clarify the formula for the purpose of the Road Reserve lease calculations to mean:

"Adjoining" land for the purpose of the formula for the calculation of rental, means the total area land/s to include the leased areas as valued by the Valuer Generals valuation.

Further, that such amendment apply for all leases renewed from 31st December 2001.

2. That Council apply the formula adopted on 20th July 1993 with the adopted amendment above, for all applications for new leases and renewed leases of the Council's Road Reserves.

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