



AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at the Civic Centre, Dee Why on

Tuesday 16 February 2016

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

Rik Hart
General Manager

Issued: 10 February 2016



OUR VISION

A vibrant community, improving our quality of life by living and working in balance with our special bush and beach environment

OUR VALUES

Respect

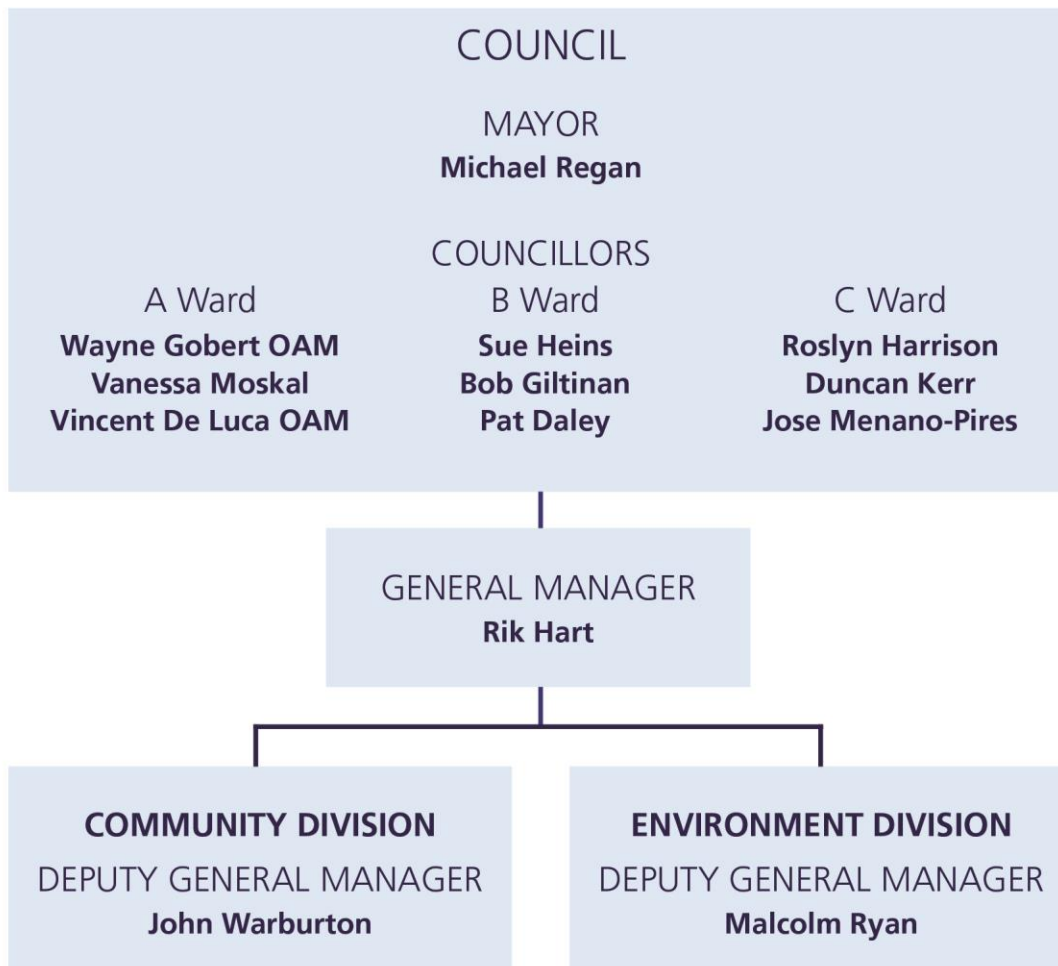
Integrity

Teamwork

Excellence

Responsibility

ORGANISATIONAL STRUCTURE



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 16 February 2016
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ACKNOWLEDGEMENT OF COUNTRY

1.0 APOLOGIES

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 2.1 Minutes of Ordinary Council Meeting held 15 December 2015
- 2.2 Minutes of Extraordinary Council Meeting held 21 December 2015
- 2.3 Minutes of Extraordinary Council Meeting held 11 January 2016
- 2.4 Minutes of Extraordinary Council Meeting held 21 January 2016

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 15 DECEMBER 2015

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 15 December 2015, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 21 DECEMBER 2015

RECOMMENDATION

That the Minutes of the Extraordinary Council Meeting held 21 December 2015, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

2.3 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 11 JANUARY 2016

RECOMMENDATION

That the Minutes of the Extraordinary Council Meeting held 11 January 2016, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

2.4 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 21 JANUARY 2016

RECOMMENDATION

That the Minutes of the Extraordinary Council Meeting held 21 January 2016, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 GENERAL MANAGER'S REPORTS

ITEM 6.1	MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2016
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2016/037344
ATTACHMENTS	1 Application of Funds Invested 2 Councils Holdings as at 31 January 2016 3 Investment Portfolio at a Glance 4 Monthly Investment Income vs. Budget 5 Economic Notes

REPORT

PURPOSE

To report the balance of investments held as at 31 January 2016.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investments Policy number FIN-PL-215.

REPORT

The following attachments are provided as part of the Report:

1. Application of Funds Invested
2. Council's Holdings as at 31 January 2016
3. Investment Portfolio at a Glance
4. Monthly Investment Income vs. Budget
5. Economic Notes

FINANCIAL IMPACT

Actual year to date investment income to 31 January 2016 was \$1,645,385 compared to budgeted income of \$1,460,924, a variance of \$184,461.

POLICY IMPACT

The investment strategy was reviewed by our Investment Advisors Laminar Group Pty Ltd in August 2015. They confirmed that Council's investment portfolio is prudently managed and consists of assets appropriate for a Local Government entity and fully comply with legislation and Investment Policy limits.

Performance over the 2015/16 financial year to date, January 2016, is strong having exceeded the benchmark: 3.01%pa vs. 2.42%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing cash flow.

RECOMMENDATION OF GENERAL MANAGER

That Council note:

- A. The report indicating Council's Funds Management position as at 31 January 2016.
 - B. The Certificate of the Responsible Accounting Officer and that the report be adopted.
-

Application of Investment Funds	Description	Value (\$)
Restricted Funds:		
Externally Restricted	Section 94 Old Plan	12,851,591
	Section 94A Plan Contributions	6,943,682
Externally Restricted Reserves	Unexpended Grants	331,902
	Domestic Waste	5,814,645
Internally Restricted Reserves	Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Insurance.	9,491,387
Unrestricted Funds	Funds Allocated to meet Current Budgeted Expenditure	59,292,093
Total		94,725,300

There has been a decrease in the investments held of \$5,707,219 which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description	Value (\$)
Council's Cash Book balance	564,332
Kimbriki Bank balance	1,775,696

Investments Funds Report - As at 31-Jan-16

Maturity date	Face Value	Current Yield	Borrower	Standard & Poor's Rating	Current Value
Mortgage Backed Securities Investment Group					
Weighted Avg Life *	Face Value				
22-Aug-22	1,401,414	2.7000	Emerald Series 2006-1 Class A	AAA	1,096,601
	1,401,414				1,096,601
Term Investment Group					
02-Feb-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
09-Feb-16	2,000,000	3.0000	National Australia Bank Ltd	A2	2,000,000
10-Feb-16	1,000,000	2.8600	Westpac Banking Corporation Ltd	A1+	1,000,000
15-Feb-16	1,000,000	2.9100	Bank of Queensland Ltd	A1+	1,000,000
23-Feb-16	2,000,000	2.9000	Suncorp-Metway Ltd	A2	2,000,000
26-Feb-16	1,000,000	2.8100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
02-Mar-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
07-Mar-16	1,000,000	4.0500	National Australia Bank Ltd	A1+	1,000,000
08-Mar-16	500,000	4.0700	National Australia Bank Ltd	A2	500,000
14-Mar-16	2,000,000	2.9500	Suncorp-Metway Ltd	A1+	2,000,000
15-Mar-16	1,000,000	2.9000	National Australia Bank Ltd	A1+	1,000,000
22-Mar-16	1,000,000	2.9500	Suncorp-Metway Ltd	A2	1,000,000
31-Mar-16	2,000,000	2.8500	National Australia Bank Ltd	A1	2,000,000
04-Apr-16	2,000,000	2.8000	Suncorp-Metway Ltd	A1+	2,000,000
05-Apr-16	1,000,000	2.9000	National Australia Bank Ltd	A2	1,000,000
10-Apr-16	1,000,000	2.8600	Westpac Banking Corporation Ltd	A1+	1,000,000
11-Apr-16	1,000,000	2.9100	Suncorp-Metway Ltd	A1+	1,000,000
19-Apr-16	1,000,000	2.8700	National Australia Bank Ltd	A1	1,000,000
29-Apr-16	2,000,000	2.7900	Commonwealth Bank of Australia Ltd	A1+	2,000,000
03-May-16	1,000,000	2.9000	National Australia Bank Ltd	A1	1,000,000
09-May-16	1,000,000	2.8700	Suncorp-Metway Ltd	A1+	1,000,000
10-May-16	1,000,000	2.8600	Westpac Banking Corporation Ltd	A1	1,000,000
17-May-16	2,000,000	2.9300	National Australia Bank Ltd	A1+	2,000,000
17-May-16	1,000,000	2.8600	Commonwealth Bank of Australia Ltd	A1+	1,000,000
20-May-16	1,000,000	2.8500	Bank of Queensland Ltd	A1	1,000,000
27-May-16	1,000,000	3.0000	Bank of Queensland Ltd	A1+	1,000,000
02-Jun-16	1,000,000	2.7700	Commonwealth Bank of Australia Ltd	A1+	1,000,000
07-Jun-16	1,000,000	3.0000	Suncorp-Metway Ltd	A1+	1,000,000
16-Jun-16	2,000,000	2.8600	Commonwealth Bank of Australia Ltd	A1	2,000,000
20-Jun-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	2,000,000
24-Jun-16	1,000,000	3.1000	Suncorp-Metway Ltd	A1+	1,000,000
28-Jun-16	1,000,000	2.7800	Commonwealth Bank of Australia Ltd	A1+	1,000,000
04-Jul-16	1,000,000	2.8000	Bank of Queensland Ltd	A2	1,000,000
07-Jul-16	1,000,000	3.0000	Bank of Queensland Ltd	A2	1,000,000
11-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
13-Jul-16	1,000,000	2.9200	Commonwealth Bank of Australia Ltd	A1	1,000,000
19-Jul-16	1,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	1,000,000
21-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
25-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A1	1,000,000
26-Jul-16	1,000,000	3.1000	Bank of Queensland Ltd	A1+	1,000,000
01-Aug-16	1,000,000	3.0000	Members Equity Bank Ltd	A2	1,000,000
03-Aug-16	2,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	2,000,000
09-Aug-16	500,000	3.0700	Members Equity Bank Ltd	A2	500,000
10-Aug-16	1,000,000	2.9000	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
12-Aug-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
12-Aug-16	1,000,000	2.9200	Commonwealth Bank of Australia Ltd	A2	1,000,000
23-Aug-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A2	2,000,000
01-Sep-16	2,000,000	2.8500	Bendigo & Adelaide Bank Ltd	A2	2,000,000
06-Sep-16	1,000,000	2.9500	Bank of Queensland Ltd	A2	1,000,000
12-Sep-16	1,000,000	2.9100	Commonwealth Bank of Australia Ltd	A2	1,000,000
20-Sep-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A2	2,000,000
22-Sep-16	1,000,000	2.9400	Commonwealth Bank of Australia Ltd	A2	1,000,000
04-Oct-16	1,000,000	2.8000	Bank of Queensland Ltd	A1+	1,000,000
10-Oct-16	1,000,000	3.0800	National Australia Bank Ltd	A1+	1,000,000
18-Oct-16	2,000,000	2.9400	Commonwealth Bank of Australia Ltd	A2	2,000,000
25-Oct-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
28-Oct-16	1,000,000	3.1000	Members Equity Bank Ltd	A1+	1,000,000
01-Nov-16	1,000,000	2.9100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
09-Nov-16	2,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A1+	2,000,000
15-Nov-16	1,000,000	2.9300	Commonwealth Bank of Australia Ltd	A2	1,000,000
30-Nov-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A1+	1,000,000
16-Jan-17	1,000,000	3.0900	Bendigo & Adelaide Bank Ltd	A2	1,000,000
24-Jan-17	1,000,000	3.1000	Members Equity Bank Ltd	A1+	1,000,000
	77,000,000				77,000,000
Term Investment Group & Cash Deposit Account					
Rollover Date	Face Value	Current Rate	Borrower	Rating	
Cash Account	1,369,889	1.8000	CBA (Business Saver)	A-1+	1,369,889
17-Jun-16	1,000,000	2.7500	CBA Term Deposit Kimbriki 35810609	AA-	1,000,000
10-Feb-16	8,002,228	2.9500	WBC Term Deposit Kimbriki 11-1208	AA-	8,002,228
26-Feb-16	2,501,992	2.9900	WBC Term Deposit Kimbriki 11-4185	AA-	2,501,992
01-Feb-16	3,754,592	1.5000	CBA Money Market Kimbriki 10162612	AA-	3,754,592
	16,628,700				16,628,700
	95,030,114			Closing Balance:	94,725,300

* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market convention for securities such as these. Council's investment policy recognises Weighted Average life dates as appropriate maturity dates for these securities

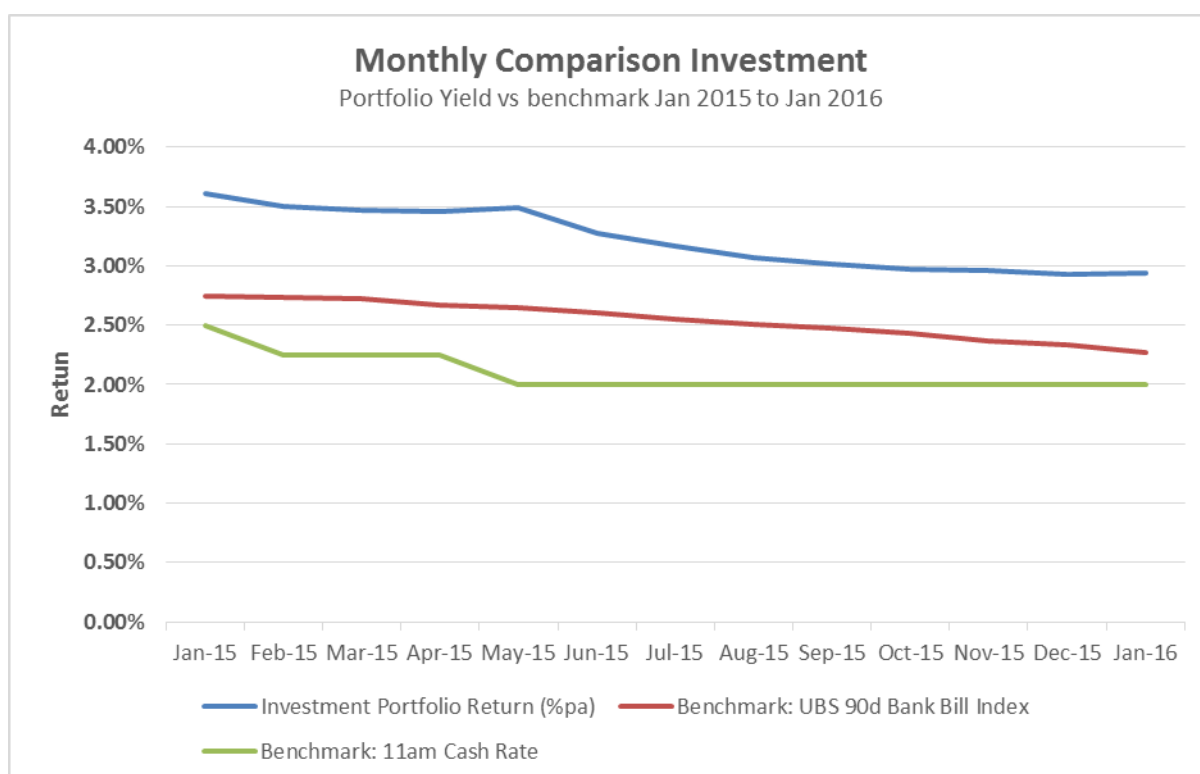
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.94%	2.27%	2.00%
3 Months	2.94%	2.32%	2.00%
6 Months	2.98%	2.40%	2.00%
FYTD	3.01%	2.42%	2.00%
12 Months	3.19%	2.53%	2.06%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds, and Cash Fund)

** This benchmark relates to Cash Fund holdings

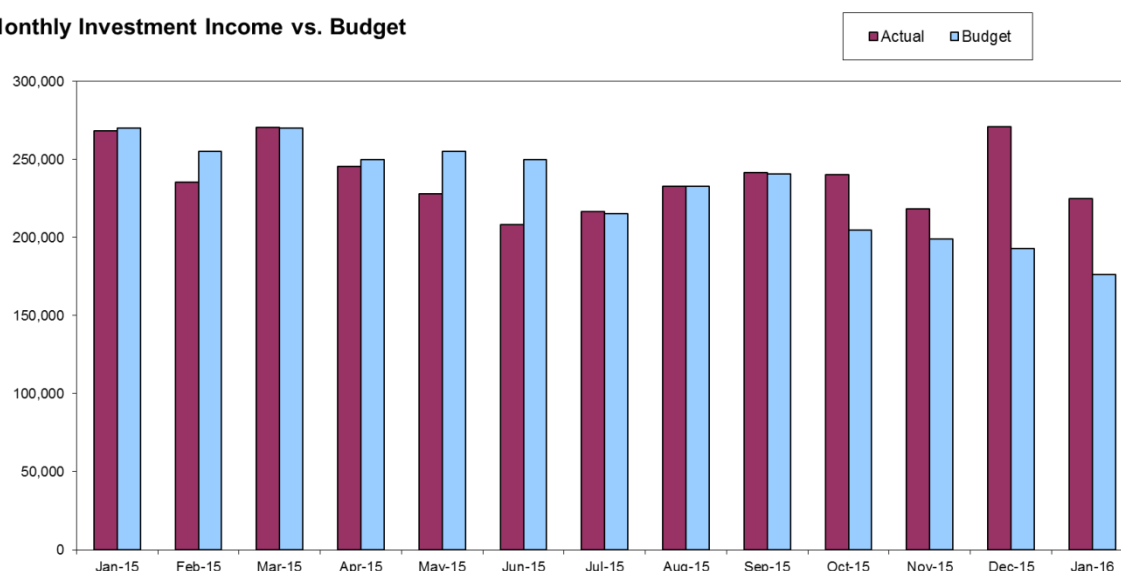


Monthly Investment Income* vs. Budget

	\$ Jan 16	\$ Year to Date
Investment Income	232,014	1,633,070
Adjustment for Fair Value	(7,011)	12,316
Total Investment Income	225,003	1,645,385
Budgeted Income	176,100	1,460,924

*Includes all cash and investment holdings

Monthly Investment Income vs. Budget



In January we have reflected a fair value decrease of \$7,011 in accordance with AASB 139 Financial Instruments: Recognition and Measurement. It is Council's intention to hold these investments to maturity and as such no gain of principal will occur in these circumstances. These investments could have been classified as Held-to-maturity investments upon initial recognition under AASB 139 in which case no fair value adjustment would be required through profit or loss. When these investments reach maturity any fair value adjustment which has been taken up will be written back to the Profit and Loss Account.

Economic Notes

Global economic readings continued to run softer than widely expected through much of January adding to concerns about a potential global economic slowdown in 2016. Weaker commodity prices, including the price of oil down to a 12-year low at one point, and the worst start to a calendar year on record for global share markets reinforced a sense that global economic growth may be faltering. While there were some soft data points during the month, they were consistent with moderating growth, rather than unduly weak economic activity. In Australia, economic readings were comparatively firm on balance, to the point where it seems likely that the RBA will continue to keep its cash rate on hold at 2.00% for another few months.

In the United States economic readings released present a mixed picture. Most indicators relating to the manufacturing sector have taken a turn for the weaker and December industrial production fell by 0.4%. In terms of spending in the US economy, retail sales were flat in December after lifting only 0.2% in November, yet consumer confidence and borrowing have been quite strong. Housing activity has been volatile month-to-month. Employment remains very strong with non-farm payrolls lifting in December by 292,000 after an upwardly revised 252,000 lift in November. US inflation remains subdued with December producer prices down 0.2% in the months and the CPI down 0.1%. With the US economy growing only modestly and with little sign of inflation the Federal Reserve seems likely to progress very cautiously in lifting the Federal funds rate.

In China, despite concerns that the rebalancing of the economy away from foreign trade, investment spending and manufacturing as chief economic growth drivers moving towards more retail spending and services sector activity might be going awry, the data released over the past month point to respectable growth and with contributions along the lines favoured by China's Government. Quarter 4 GDP rose 6.8% year on year and for the whole of 2015 GDP was up by 6.9% after lifting 7.3% in 2014, a slowdown but not an unduly pronounced one. The moves by the authorities adjusting down the yuan exchange rate and intervening occasionally in the share market were in the spotlight and at times lacked finesse adding to market uncertainty.

In Europe, the data reports released in January were mixed-strength. On the positive side, the December business and consumer survey lifted to 106.8 from 106.1 in November while Europe's unemployment rate fell unexpectedly to 10.5% in December from 10.6% in November. On the negative side, November retail sales fell by 0.3% after falling 0.2% in October and November industrial production fell by 0.7% almost reversing a 0.8% gain in October.

In Australia, the economic readings released so far in January have been comparatively firm, but with the notable exception of November home building approvals that fell sharply by 12.7% driven by a particularly large fall in approvals for private multi-occupancy dwellings in Victoria. Signs are accumulating that the home buying and building boom has topped out.

On the positive side, household consumption spending seemed to strengthen in Q4. Retail sales rose by 0.4% in November after lifting by 0.6% in October. November international trade was stronger than expected too with the trade deficit narrowing to \$A2.9 billion from \$A3.2 billion in October assisted by a 1% lift in exports. The biggest positive is the resilience of employment falling by only 1,000 in December after lifting 75,000 in November. The unemployment rate was steady at 5.8% in December. Importantly job vacancies continue to rise strongly, up 3.5% in Quarter 4 and up 11.8% year on year, the best annual gain in almost 4 years and a sign that employment may continue to grow reasonably well early in 2016.

The RBA board met for the first time in two months in February and the cash rate was kept on hold at 2%. Going back to early December when the RBA board met last time the view of the board was that although inflation was low and the economy continued to grow below potential there were signs that activity would improve over time. The data released over the past two months remains consistent with that view so it seems unlikely that the RBA will adjust the 2.00% cash rate in the near term.

The year to date investment portfolio return was 3.01% as at January 31 versus the Ausbond Bank Bill Index annual return of 2.42%. The portfolio returned 2.94% for the month of January, which was higher than the benchmark rate of 2.27%.

ITEM 6.2	QUARTERLY BUDGET REVIEW STATEMENT DECEMBER 2015
REPORTING MANAGER	CHIEF FINANCIAL OFFICER AND GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2016/011098
ATTACHMENTS	1 Quarterly Budget Review Statement December 2015 (Included In Attachments Booklet)

B

EXECUTIVE SUMMARY

PURPOSE

To present the Quarterly Budget Review Statement for December 2015 and report on projects that will not proceed as a result of the NSW Government's merger proposal for Warringah Council.

SUMMARY

The Quarterly Budget Review Statement for December 2015 is a progress report on the Delivery Program 2015-2019 and Operational Plan 2015/16.

The report details Council's overall financial position by 17 Key Service areas and the progress of key initiatives and capital works for the period.

The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$1,971,255 to \$11,591,708. This principally relates to the reduction in the gain on Sale of Assets reflecting the amount that was received in the 2014/15 financial year, which was earlier than originally anticipated, for the sale of the Kiah site.

Of 125 actions covered by the report, 94% (or 117) are progressing in accordance with agreed timeframes (either completed or on schedule), and 6% (or eight projects) are behind schedule.

Of the projects behind schedule three are not proceeding as a result of the NSW Government's merger proposal for Warringah Council. These projects will be reconsidered following the NSW Government's announcement.

FINANCIAL IMPACT

The working capital available is adequate for unplanned expenditure and in terms of Clause 203 of the Local Government (General) Regulation 2005.

POLICY IMPACT

The projected surplus is consistent with Council's financial planning and sustainability policy, namely to "achieve operating surpluses from continuing operations before grants and contributions provided for capital purposes".

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The December 2015 Quarterly Budget Review Statement be noted.
 - B. The following changes to the Current Forecast in the December 2015 Quarterly Business Review Statement be approved:
 - a. The Surplus from Continuing Operations which includes Capital Grants and
-

Contributions is forecast to increase by \$270,000 to \$18,735,828

b. Decrease in capital expenditure by \$7,485,769.

C. The following projects does not proceed at this stage due to the NSW Government's Merger Proposal:

a. Review the Community Strategic Plan 2023

b. Review of Sportsground Plan of Management

c. Review of library opening hours

REPORT

BACKGROUND

The Quarterly Budget Review Statement is a progress report against the Delivery Program 2015-2019 and Operational Plan 2015/16. The Report is distributed in a separate Attachment Booklet and provides a report on progress of key initiatives and capital works.

It has been prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005, namely that the General Manager report at least every six months on the principal activities (17 key services) and the responsible Accounting Officer report quarterly on a budget review statement.

Council at its meeting on 21 December 2015 also requested a report on capital projects that at risk as a result of the NSW Government's merger proposal for Warringah Council. Operational and capital projects impacted by the merger proposal have been identified in the report.

Income Statement

The result for the six months ended 31 December 2015 shows some variations between budgeted and actual results. Comments have been provided by responsible budget managers and the forecasts have been amended where necessary. The reports for the 17 services included in the Delivery Program 2015-2019 are each provided separately.

Forecast Changes

These overall movements are detailed in the table below:

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Income From Continuing Operations	179,680,074	180,361,541	681,467	180,682,397	320,856
Total Expenses From Continuing Operations	(162,004,931)	(161,895,713)	109,218	(161,946,569)	(50,856)
Surplus / (Deficit) from Continuing Operations	17,675,143	18,465,828	790,685	18,735,828	270,000
Surplus/ (Deficit) before Capital Grants & Contributions	13,637,274	13,562,963	(74,311)	11,591,708	(1,971,255)

The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$270,000 to \$18,735,828.

The significant changes which result in an increase of \$320,856 in the forecast Income from Continuing Operations are as follows:

- Rates and Annual Charges are forecast to increase by \$100,000 due to additional rates from supplementary valuations
- User Charges & Fees are forecast to increase by \$210,985. This principally relates to an increase in Development Assessments of \$225,715 for fees in relation to the Dee Why CBD development and an increase in Children's Services of \$216,842 largely relating to the Belrose Long Day Care centre. These have been offset by a decrease in Warringah Aquatic Centre of \$144,065 due to a change in the service delivery model for squads, a decrease in Road and Traffic for road restorations income of \$70,405 due to reduced public utility restorations, a decrease within Natural Environment of \$12,596 and a decrease of \$4,506 within Community Services
- Investment Fees and Revenues are forecast to increase by \$75,000 additional investment income.

- Other Revenues are forecast to increase by \$80,688. This is principally due to an increase within Corporate Support of \$120,000 for legal fees recovered and an increase of \$22,500 in Parks, Reserves and Foreshores for Sporting Club leases offset by a decrease of \$61,812 within Waste Services relating to a reduction in the levy rebate from the Department of Environment and Conservation.
- Grants & Contributions – Operating Purposes have been forecast to decrease by \$506,840. This principally relates to a decrease in Natural Environment of \$521,850 largely due to the deferral to 2016/17 of a grant for the Narrabeen Lagoon entrance clearance and a decrease in Children's Services of \$10,000 in salary grants for Inclusion Support Child Care. These decreases have been partially offset by an increase in Parks, Reserves & Foreshores of \$12,010 due to additional maintenance contributions, an increase in Warringah Aquatic Centre of \$8,000 for the Active Aging grant provided by the Aquatic Recreation Institute and an increase in Community Services of \$5,000 due to a private contribution received for arts and cultural services.
- Grants & Contributions – Capital Purposes have been forecast to increase by \$2,241,255. Corporate Support has been forecast to increase by \$1,535,000 due to additional s94A developer contributions of \$1,500,000, a grant of \$20,000 for the Manly Warringah Women's Resource Centre and a \$15,000 contribution from Tennis Australia for the Warringah Recreation Centre. Roads & Traffic has been forecast to increase by \$665,260 relating to additional Roads and Maritime Services grants and Parks, Reserves & Foreshores has been increased by \$40,995 due to a \$25,000 grant from Community Building Partnerships for playground renewal works and a contribution of \$15,995 from the Stony Range Regional Botanic Garden Community Committee for works at Stony Range.
- Gains on the Disposal of Assets have been forecast to decrease by \$1,880,232 within Corporate Support reflecting the amount that was received in the 2014/15 financial year, which was earlier than originally anticipated, for the sale of the Kiah site

The significant changes which result in an increase of \$50,856 in the forecast Expenses from Continuing Operations are as follows:

- Employee Benefits & Oncosts are forecast to increase by \$13,078. This principally relates to an increase within Children's Services of \$103,222 due to additional staffing at the Belrose Long Day Care Centre, an increase of \$20,110 within Strategic Planning for an extra day of part-time maternity cover and additional casual staff requirements due to vacancies in Parks, Reserves and Foreshores of \$6,747. These increases have been partially offset by a reduction of \$100,000 within Good Governance due to staff vacancies within the Internal Ombudsman Office and decrease within Roads & Traffic of \$17,000 due to a staff member transitioning to retirement.
- Borrowing Costs are forecast to decrease by \$155,029 due to the deferral of the drawdown of the loan for the construction of the Kimbriki road.
- Materials and Contracts have been forecast to increase by \$470,501. Roads and Traffic has been forecast to increase by \$405,448 for additional stormwater works. Strategic Planning has been increased by \$163,400 principally due to the Dee Why Town Centre and Brookvale Structure Plan. Waste has been increased by \$97,402 for vegetation bin replacement costs. Good Governance is forecast to increase by \$60,000 for agency personnel within the Internal Ombudsman's Office due to vacancies noted above. Corporate Support has been increased by \$16,750 principally due to additional agency personnel within Marketing & Communications, Children's Services has been increased by \$47,605 for additional costs associated with the Belrose Long Day Care Centre and Library Services have been increased by \$11,000 for software and maintenance costs. These increases have been partially offset by a reduction of \$156,242 for tree management within Parks, Reserves and Foreshores, reduced floodplain works costs of \$151,850 within Natural Environment due to

the deferral of the Narrabeen Lagoon Entrance Clearance and a reduction in Community Services of \$23,012 relating to cleaning costs.

- Other Expenses are forecast to decrease by \$277,694. Roads and Traffic has been forecast to decrease by \$253,000 due to a reduction in street lighting electricity costs and Compliance has been forecast to decrease by \$100,190 due to a reduction in the contribution payable to Fire and Rescue NSW. These decreases have been partially offset by an increase in Corporate Support of \$26,977 principally due to insurance costs, an increase in Strategic Planning of \$30,000 relating to the Dee Why Town Centre and Brookvale Structure Plan, an increase in Natural Environment of \$16,360 principally due to an increase in the contribution to the State Emergency Service and an increase in Good Governance of \$2,150.

The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$1,971,255 to \$11,591,708. This principally relates to the reduction in the gain on Sale of Assets reflecting the amount that was received in the 2014/15 financial year, which was earlier than originally anticipated, for the sale of the Kiah site.

Capital Works

Expenditure on Capital Works for the six months ended 31 December 2015 totaled \$17,177,728

	YTD Actual \$	YTD Forecast \$	Variance \$
Total Capital Expenditure	17,177,728	26,218,089	9,040,361

Changes to the forecast details which are included in the individual reports of each of the Services are shown below.

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Capital Expenditure	58,436,395	64,895,421	(6,459,026)	57,409,653	7,485,769

Description	\$
Changes by Council Resolution during the first quarter:	(2,004,670)
Changes by Council Resolution in the September QBRs:	(4,454,256)
Changes by Council Resolution during the second quarter:	-
	(6,459,026)
Changes identified in the Proposed Forecast	
Description	\$
Rolled overs to 2016/17 capital works program:	
Construction of Kimbriki Road	2,813,291
Dee Why Town Centre - Kingsway parking & community facility	7,000,000
IT Software - Renewals	115,000
Pittwater Road Widening and signal adjustments	447,975
Brought forward from 2016/17 capital works program:	
Oaks Avenue Stormwater Drainage	(1,188,422)
Works funded by additional Grants & Contributions:	
Bike Plan Implementation	(161,700)
Dee Why - Design & Construction - Traffic and Streetscape	(38,200)
Dee Why Rockpool Shade Structure	(25,000)
Footpath New	(483,560)
Manly Dam and Stony Range Works Program	(15,995)
Renewal Playground Improvement Program	(25,000)
Renewal works-Sporting Club Buildings	(15,000)
Tramshed - Toilet, Kitchen, BCA and DDA renewals	(20,000)
Other:	
Kimbriki - Weighbridge Development	(900,000)
Parks - Minor Renewals	90,000
Parks Major Works Program	(90,000)
Renewal works-Community Buildings	(17,620)
Other Forecast Changes Total	7,485,769
Total Net Changes identified in the Proposed Forecast	7,485,769
Total Net Changes	1,026,842

Performance Against Key Actions

A total of 125 actions are contained within the Attachment Booklet. "Traffic light" indicators are used in the Quarterly Budget Review Statement to show overall progress. Comments on progress are provided against each action in the report and where the action is not on schedule to explain the reason for delay.

The December 2015 results are as follows:

- 117 actions are on schedule
- Eight actions are behind schedule

Projects impacted by NSW Government Merger Proposal

The Office of Local Government released in December 2015 guidelines on "*Council Decision Making During Merger Proposal Periods*". They provide direction to councils in the exercise of their functions during the period in which a merger proposal is under consideration. The guidelines provide in part that during this period councils:

- should continue to implement and operate in accordance with their adopted Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy;
- should only spend monies in accordance with the detailed budgeted adopted for the purposes of implementing their Operational Plans for the relevant year; and

- may enter into contracts or undertaking that result from a decision made or procurement process commenced prior to the start of the merger proposal period.

As such the delivery of Council's capital works program for 2015/16 is not impacted by the merger proposal. However, the following operational project in the Delivery Program for 2015/16 will not proceed and will need to be reassessed following the NSW Government's announcement.

Project	Reason
Review Library opening hours	Warringah four branch libraries will be divided with Dee Why and Warringah Mall in the southern council and Belrose and Forestville in the northern council.
Review of Sportsground Plan of Management	The sports grounds covered by the plan will potentially be in different council areas
Review the Community Strategic Plan 2023	This reflects the vision and aspiration of the Warringah community. A new Community Strategic Plan would be developed in consultation with the community if the new council(s) are established

It should also be noted that the development of the Warringah Local Planning Strategy is currently on schedule. However, the project will be redefined to ensure consistency with the NSW Government's soon to be released District Plans.

FINANCIAL IMPACT

The available working capital is well adequate for unplanned expenditure and in terms of Clause 203 of the Local Government (General) Regulation 2005.

POLICY IMPACT

The projected surplus is consistent with Council's financial planning and sustainability policy, namely to "achieve operating surpluses from continuing operations before grants and contributions provided for capital purposes".

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	COMMUNITY LIBRARY FUNDING FOR 2015/16
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2016/019064
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek approval to provide the 2015/16 funding allocation to:

- Terrey Hills Community Library - \$20,000
- Booklovers' Club Warringah Incorporated - \$1,300

The funding will assist these community based libraries to purchase books and manage ongoing operational expenses.

SUMMARY

Council provides annual subsidies to these libraries and is seen as a cost effective approach towards delivering basic library services to these localities.

Both Terrey Hills Community Library and Booklovers' Club Warringah Incorporated have made formal application for financial support to continue operations.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council approve the 2015/16 funding allocation of \$20,000 for Terrey Hills Community Library and \$1,300 for Booklovers' Club Warringah Incorporated.

REPORT

BACKGROUNDTerrey Hills Community Library

Terrey Hills Community Library is free to all residents of Warringah and Council gives the library an annual subsidy of approximately \$20,000.

The library was built by Council for the purposes of delivering a range of library services and learning programs for the local community. Library operations is entirely volunteer based and Council provides ongoing technical and infrastructure support, such as telephony and data lines.

Terrey Hills Community Library core operations include:

- A wide selection of fiction/non-fiction; audio books, videos and DVDs;
- Assistance to school children researching projects and;
- Infant learning programs.

Library hours:

Monday and Wednesday: 7:30pm - 8:30pm;

Tuesday and Thursday: 3.30pm - 5:00pm;

Friday: 9:30am -12:30pm and 3:30pm - 5:00pm;

Saturday: 9:30am -12:00pm.

Booklovers' Club Warringah Incorporated

The Booklovers' receive a \$3,000 grant per year from Council as well as \$1,300 from Council's Library budget to offset telephony, rent and administration costs.

The club celebrates over 60 years of service and occupies two (2) rooms at the Tramshed, Narrabeen. As from 1 July 2011, the club has been paying rent for these rooms.

Its operations are entirely volunteer based and offers limited library services for a small annual fee to its members. The Booklovers' prime activity is providing literary speaker presentations and book club readings.

Library hours:

Monday, Tuesday, Thursday and Saturdays only between 10:00am to 11:30am.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 7.2	HOWARD AVENUE DEE WHY - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 18 HOWARD AVENUE DEE WHY
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2016/026402
ATTACHMENTS	1 Area of Proposed Road Reserve Closure and Sale Adjacent 18 Howard Avenue Dee Why

EXECUTIVE SUMMARY

PURPOSE

To consider a proposal to close and sell a portion of road reserve in Howard Avenue, Dee Why adjacent to 18 Howard Avenue, Dee Why.

SUMMARY

The subject land is approximately 93 metres squared and is part of the road reserve located between the constructed footpath on Howard Avenue and the property frontage at 18 Howard Avenue Dee Why. The location of the subject land is attached to this report – Area of Proposed Road Reserve Closure and Sale Adjacent to 18 Howard Avenue Dee Why.

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, the owner of 18 Howard Avenue Dee Why has applied to Council to formally close and purchase this section of road reserve. The purpose of the proposed acquisition is to allow for development of the land in line with neighbouring properties on either side.

FINANCIAL IMPACT

In accordance with Section 43 of the Roads Act 1993, funds generated from the disposal of this surplus road reserve are required to be expended on either acquiring land for public roads or for carrying out work on public roads.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council authorises:

- A. An application to NSW Department of Primary Industries – Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Howard Avenue, Dee Why adjacent to 18 Howard Avenue, Dee Why (Lot 2 DP 502637).
 - B. Disposal of the subject land in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 subject to the land being consolidated with the adjoining land at 18 Howard Avenue, Dee Why (Lot 2 DP 502637).
 - C. The General Manager to execute all documentation necessary in order to give effect to this resolution.
-

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- D. All costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.
-

REPORT

BACKGROUND

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, the owner of 18 Howard Avenue Dee Why has applied to Council to formally close and purchase this section of road reserve adjoining the frontage to this property. The purpose of the proposed acquisition is to allow for development of the land in line with neighbouring properties on either side.

The subject land is approximately 93 metres squared and is part of the road reserve located between the constructed footpath on Howard Avenue and the property frontage at 18 Howard Avenue. The location of the subject land is shown in Attachment A of this report.

The zoning of the subject land is B4 Mixed Use within the Warringah Local Environmental Plan 2011 (WLEP 2011). This zoning is consistent with the adjoining land zoning.

As the subject land is not a marketable parcel, Council is able to consider the sale of this land to an adjoining owner in accordance with its Policy. Additionally, a requirement of the Policy is that any road that is closed and sold must be consolidated with the adjoining land owned by the purchaser.

CONSULTATION

Council has undertaken the required statutory notification of the road reserve closure proposal in accordance with the Roads Act 1993 on behalf of NSW Department of Primary Industries – Crown Lands. This included a notice in The Manly Daily, Council's Your Say webpage, letters to adjoining/nearby property owners, notification of service authorities and a notice sign at the subject land. The submission period concluded on 14 December 2015 and no objections were received by Council.

Proposed Sale of Land

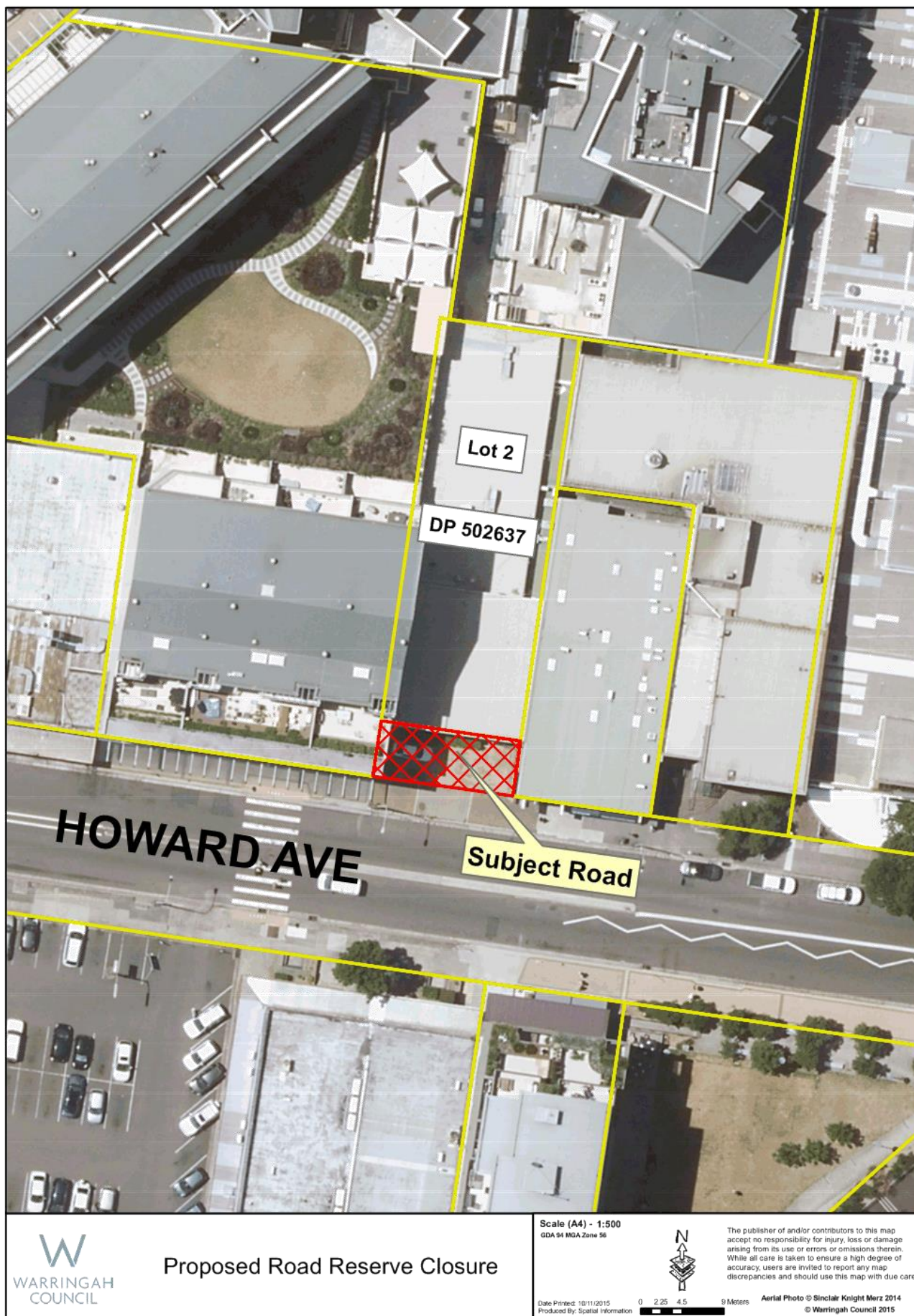
Following Council's resolution, a formal road reserve closure application to NSW Department of Primary Industries – Crown Lands will be made by Council. If the application is successful, Council will proceed to obtain independent valuation advice for the subject land in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and proceed to sell the subject land at a price in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810.

FINANCIAL IMPACT

In accordance with Section 43 of the Roads Act 1993, funds generated from the disposal of this surplus road reserve are required to be expended on either acquiring land for public roads or for carrying out work on public roads.

POLICY IMPACT

Nil



ITEM 7.3	EXTEND LICENCES AT WARRINGAH RECREATION CENTRE
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2016/005973
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To approve a variation to the current licences with Voyager Tennis Pty Ltd, Luik Holdings Pty and Northern Beaches Futsal Association to extend the current agreed terms to operate at the Warringah Recreation Centre from 31 August 2016 to 31 August 2017.

The licence periods will then match up with the North Manly Bowling Club and Warringah Golf Club lease periods. All leases will then align within the project proposed under the District Park Plan of Management adopted by Council on 25 August 2015 for construction of a new combined sports, recreation and community facility on the North Manly Bowling Club site.

SUMMARY

The Warringah Recreation Centre (WRC) site is located within District Park on Kentwell Road between Pittwater Road and Condamine Street in North Manly.

At the Ordinary Council meeting on 30 April 2013 Council declined the tender submitted for RFT 2012/103 Licence for District Park Tennis Complex, and to undertake management of the complex from 1 June 2013.

Following this decision, Council signed licence agreements with three separate entities to operate the tennis, squash and futsal facilities at the Warringah Recreation Centre. Those agreements being with: –

- Voyager Tennis Pty Ltd:
- Luik Holdings Pty Ltd:
- Northern Beaches Futsal Association

The District Park Plan of Management was adopted by Council on 25 August 2015 which envisages the lease of land for the construction of a new community combined sports facility in Nolans Reserve which potentially includes the WRC site. The timeline for the issuing the intended lease will include:

- Seek Council approval to commence public consultation on new District Park Sports and Community Clubhouse in March 2016.
- Public consultation period for six weeks and presentation of findings to Council.
- Invite Expressions of Interest to lease land in District Park for the design, construction, management and operation of a Sports Building and Clubhouse June 2016

The District Park Plan of Management authorises that existing leases and licences may be reviewed and renewed if appropriate. In order to ensure the ongoing provision of tennis, squash and futsal to the public, it is optimal for affected licences and leases to continue until the new lease commences in September 2017.

The extension of the licences will see them match up with the North Manly Bowling Club and Warringah Golf Club lease periods and expire just prior to the intended lease of land for this new facility, being September 2017.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The policies referenced in recommending the direction noted in this report are:

- a) Management of Tennis Facilities Policy – PL 882
- b) Community Rental Subsidy Policy – PL 420

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Authorise a variation to the current licences for each of Voyager Tennis Pty Ltd, Luik Holdings Pty and Northern Beaches Futsal Association to extend their licences at the Warringah Recreation Centre for a further term being 31 August 2016 to 31 August 2017.
 - B. Authorise the General Manager to execute all documentation necessary for this resolution.
-

REPORT

BACKGROUND

The Warringah Recreation Centre site is located within District Park on Kentwell Road between Pittwater Road and Condamine Street in North Manly.

At the Ordinary Council meeting on 30 April 2013 Council declined the tender submitted for RFT 2012/103 Licence for District Park Tennis Complex, and to undertake self-management of the Complex from 1 June 2013.

Following this decision, Council signed licence agreements with three separate entities to operate the tennis, squash and futsal facilities at the Warringah Recreation Centre. Those agreements being with: –

1. **Voyager Tennis Pty Ltd:** are permitted to operate tennis courts for public and private hire, repair tennis equipment, carry out tennis coaching, coordinate tennis teams for competition, operate kiosk and pro-shop, use the office as well as other uses whether recreational or not as are ancillary to such uses or as may be from time to time approved by the Licensor in accordance with the adopted District Park Plan of Management. This Licence agreement at present terminates on 31 August 2016.
2. **Luik Holdings Pty Ltd:** are permitted to operate public and private squash court hire, repair squash equipment, carry out squash coaching or other coaching associated with the use of the premises, run squash competition and other competition associated with the use of the premises as well as other uses as are ancillary to such uses or as maybe from time approved by the Licensor in accordance with the adopted District Park Plan of Management. This Licence agreement at present terminates on 31 August 2016.
3. **Northern Beaches Futsal Association:** have booking privileges for the two futsal courts during allocated summer and Winter Seasons as well as outside these times in line with Council's published fees and charges. This Licence agreement at present terminates on 31 August 2016.

The District Park Plan of Management was adopted by Council on 25 August 2015 which envisions:

- a) Constructing a combined sports, recreation and community facility in Nolans Reserve
- b) Investigating the provision of upgraded and additional sports courts at Warringah Recreation Centre

Staff are progressing with the lease of land for the new facility which is projected to commence in September 2017. This proposal to extend the three current licences for tennis, squash and futsal operations will see the leases expire just prior to the lease of the land for the new facility in September 2017.

In discussions with Council's Procurement team it was also noted that should the services be put to public tender for the period noted, the likelihood of a successful tender outcome is low due to:

- The proposed licence period being short with limited business growth potential
- The costs and time of new licensees mobilising to site would likely make it of low attraction for potential operators other than those already in place

FINANCIAL IMPACT

Nil

POLICY IMPACT

The policies referenced in recommending the direction noted in this report are:

- a) Management of Tennis Facilities Policy – PL 882
- b) Community Rental Subsidy Policy – PL 420

ITEM 7.4	PROPOSED AMENDMENT OF 2015/16 FEES AND CHARGES - BROOKVALE OVAL HIRE FEES
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2016/023457
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To endorse the recommended 2015/16 hire fee for the use of Brookvale Oval for nationally based professional sporting competitions and trial matches where no other agreement is in place.

SUMMARY

Council resolved (301/15) at its recent meeting on 15 December 2015 that “new hire fees for 2015/16 Fees and Charges be publicly exhibited for 50 days for Nationally based professional sporting competitions and trial matches at Brookvale Oval, and reported back to Council”

The entire purpose of proposing the new fee was to ensure that the Manly Warringah Sea Eagles (MWSE) would be able to play at Brookvale Oval in the 2016 season after having chosen to terminate their 2015 license. If a new fee is not adopted and the MWSE don't sign a formal license then it will not be possible for NRL games to be played at the ground. In particular the MWSE must have a legal agreement with council to ensure that all relevant insurances such as public liability insurance are in place on game day. If such insurances are not in place and a member of the public was hurt on game day then council could be liable for insurance claims in the millions of dollars.

A total of 1,937 submissions were received during the submission period of which 23.9% were from Warringah residents. 95% of the submissions were received between 14 January and 20 January 2016 in response to the Manly Warringah Sea Eagles' (MWSE) public “Fight for Fortress Brookie” campaign against Council.

Very few people who made a submission read the Council report on the proposed hire fee (80 in total), and based on the majority of comments and themes outlined below it appears that they may have responded to erroneous information published during the “Fight for the Fortress” campaign and not understood the purpose of the new hire fee and calculation of the new fee.

RESULTS	
Support of the proposed Fee & Charge	1%
Against the proposed Fee & Charge / Supportive of MWSE's proposal	41%
Other	43%
Non-response	15%

It is recommended to endorse the 2015/16 hire fee for the use of Brookvale Oval for nationally based professional sporting competitions and trial matches to allow the MWSE to play in 2016 at Brookvale Oval should a new licence not be in place by the commencement of the NRL season.

FINANCIAL IMPACT

The net impact to Council is within budget parameters.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. endorse, subject to compliance with the requirements of the Local Government Act 1993:
 - a. New hire fees for Council's 2015/16 Fees and Charges (as listed in the report and exhibited to the public) to be endorsed for nationally based professional sporting competitions and trial matches at Brookvale Oval.
 - b. That proposed hirers will be subject to terms and conditions of hire within a separate document including the possibility that the ground may not be available at NRL standard on the day of hire.
 - B. only accept bookings for nationally based professional sporting competitions and trial matches if all hire fees or any outstanding fees are paid in full (Booking Fee, Cash Bond and cost for Utilities) prior to the booking date.
-

BACKGROUND

The Manly Warringah Sea Eagles (MWSE) terminated their existing licence agreement for the use of Brookvale Oval on 16 October 2015. Under this licence agreement, MWSE paid an Occupation Fee of \$375,000 + GST in monthly installments from February through to October. In addition, MWSE paid a further \$1 infrastructure levy for all general admission attendees.

Under this previous licence agreement the MWSE receive the income from their usage, including ticket sales (general admission, corporate tickets and memberships), television rights, signage revenue and food and beverage revenue.

Warringah Council returns an annual net operating loss of approximately \$200,000 per annum for the facility, before the impact of capital renewals costs are incurred.

To enable the MWSE to play in 2016 at Brookvale Oval should a new licence not be in place by the commencement of the season, Council resolved (301/15) at its recent meeting on 15 December 2015 that *“new hire fees for 2015/16 Fees and Charges be publicly exhibited for 50 days for Nationally based professional sporting competitions and trial matches at Brookvale Oval, and reported back to Council”*

In accordance with this previous resolution (301/15), Council undertook public consultation for the period 17 December 2015 to 4 February 2016 for the following fee structure:

- a) *Permitted Use – NRL competition matches, NRL trial matches and other NRL related activities. All other usage must be approved by Council in writing prior to occupation.*
- b) *Area Available for Hire – For NRL competition and trial matches, the entire facility will be covered by the fee. For lower grade and junior matches within the Booking Period, the playing surface, grand stands, change rooms and FB1 kiosk will be covered by the fee.*
- c) *Booking Period – five days. All other usage outside of the Booking Period will trigger a new booking (as per Council’s Fees and Charges).*
- d) *Booking Fee - \$45,000 + GST. A \$2,000 + GST per day charge will be applied for each additional day of use over and above the Booking Period, including time spent rectifying any non-compliance of Council’s Bump In/Bump Out procedure. A new NRL competition match or trial match will constitute another Booking Period.*
- e) *Other Costs –*
 - i. *Utilities (power, water etc) - \$2,000 per Booking Period (includes floodlighting)*
 - ii. *Operational staffing costs – Council staff are available to assist the hirer at any time with operational issues at the following prevailing rates:*
 - *Council Officer - \$100 per hour*
 - *Senior Council Officer - \$150 per hour*
 - iii. *Cleaning and rubbish collection – at the hirers expense*
 - iv. *On call plumber and electrician – at the hirers expense*
- f) *Cash Bond – 20% of the Booking Fee, which will be drawn down by Council to rectify any non-compliance with Bump In/Bump Out procedure.*
- g) *Revenue Derived from Brookvale Oval Usage - Council recommends that the hirer should receive all income derived from their usage, including ticket sales (general admission, corporate tickets and memberships), television rights, signage revenue and food and beverage revenue.*

Submissions Received

A total of 1,937 submissions were received during the submission period, 23.9% of which came from Warringah residents.

During the submission period, MWSE ran a public “Fight for Fortress Brookie” campaign against Council, stating that “Council want the Sea Eagles out of Brookvale Oval.” MWSE were also quoted across the media stating that Council charges over and above other NRL grounds in terms of ground hire fee per undercover seat, however this does not account for the majority of patrons at Brookvale Oval who pay for non-undercover seating. In addition, all patrons have helped generate income for the club through ticket admission, merchandise sales and food and beverage sales.

This campaign encouraged MWSE supporters to enter their submission to Council without giving readers the opportunity to view the exhibited fees and charges, hence the majority of these submissions mirrored the erroneous data supplied to them by MWSE.

95% of submissions were received between 14 January and 20 January 2016 in response to this campaign, and not in response to the exhibited fees and charges.

The following results were recorded from submissions received.

RESULTS	
Support of the proposed F&C	1%
Against the proposed F&C / Supportive of MWSE’s proposal	41%
Other	43%
Non-response	15%

Very few people actually read the Council report (80 in total) and based on the majority of comments and themes outlined below it appears that they may have misunderstood the purpose of the new hire fee and calculation of the new fee.

Key themes from the submissions received have been summarised in the table below.

KEY THEMES FROM SUBMISSIONS RECEIVED	
Key Theme	Council Response
Keep MWSE at Brookvale Oval / Northern Beaches	<p>Not relevant to proposed fees and charges.</p> <p>Council supports this view and, due to MWSE terminating the agreement to use Brookvale Oval, the proposed fees and charges will allow MWSE to continue to play at Brookvale Oval until a new agreement is negotiated.</p>
\$50,000 to \$60,000 per match is too high / not in line with other venues	<p>This does not reflect the actual proposed hire fee. Council proposes a booking fee of \$45,000, not the reported \$50,000 to \$60,000 per game as stated in the Sea Eagles’ public campaign.</p> <p>Under the proposal the hirer will receive all income from their use, including ticket sales (general admission, corporates and memberships), food and beverage sales, merchandise sales,</p>

	<p>signage income and television rights.</p> <p>As such, if 12,000 people attended a match at \$30 per head, the hirer will receive \$360,000 from ticket sales alone (per match), not accounting for other sources of income.</p> <p>The argument that the fee is too much because it is not in line with other venues is not valid in this case.</p> <p>There is a great deal of variation in hiring fees for NRL standard grounds ranging from less than the proposed fee, up to \$2m per season for the CBUS Super stadium on the Gold Coast. There is no comparable market for stadiums and there is no way of comparing similar stadium offers. The proposed fee does not cover the costs of managing the ground and keeping it to NRL standard. This casual hire fee does not factor in that maintaining the ground to NRL standard is a fixed cost that cannot be abated from game to game. In addition the casual hire fee does not take into account that there are setup costs for the ground for casual hire that do not occur for a yearly rental. It does not factor in that NRL users will be given a five day booking, as opposed to a one day booking given at other grounds.</p> <p>In short the argument for comparable fees to other grounds is completely spurious. Warringah Council is entitled to charge an appropriate fee as approved by a democratically elected council who are acting on behalf of the residents and ratepayers of Warringah. A statistically significant (+-5%) survey of Warringah residents conducted in late 2015 showed that ratepayers wanted the Sea Eagles to contribute more than \$375k to the cost of maintaining the ground at NRL standard. This survey confirmed results from previous surveys and indeed several years of consultation over the future development of Brookvale Oval between 2011 and 2013.</p>
Council is using MWSE as a cash cow / profit from Brookvale Oval	This statement does not reflect the financial realities of managing Brookvale Oval. Council currently return a net loss of \$200,000 p.a. from Brookvale Oval, before accounting for capital works and depreciation.
Other teams pay less than \$1,000 at Brookvale Oval	Council offers subsidies for not for profit user groups, some of which paid approximately \$4,000 per booking to use only part of the facility in 2015.
MWSE raise community awareness / revenue for local business	Council acknowledges the benefit MWSE are to the Northern Beaches community. Many submissions refer to the awareness the Sea Eagles bring to Manly and local businesses in Manly, however these submissions do not appear to be aware of the fact that Manly and Pittwater ratepayers do not contribute to the upkeep of Brookvale Oval.
Council should upgrade Brookvale Oval	Council supports the concept of an upgrade of Brookvale Oval, however Council's position is that this should also involve investment from both State and Federal levels of Government.

Council has another agenda	This proposed hire fee will allow for Council to accept one off bookings for the facility, since MWSE terminated their licence agreement, and therefore have no legal right to access Brookvale Oval. Council has no agenda but to facilitate MWSE to play at Brookvale Oval as their home ground, if they choose to.
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SAMPLE OF SUBMISSIONS RECEIVED

A sample of submissions received follows:

Support Proposed Fees and Charges

1. SV: *"As a massive fan of the club, I am amazed that the management have reneged on the contract with the council! The club must have read and agreed to the terms when you signed it, now do the right thing and pay your bills like the rest of us. Joe Kelly and the Penns are embarrassing a proud club who should be leading the way and setting an example"*
2. MB: *"I agree with the hiring rates proposed by the Council. I believe that it is common business practice for a casual booking to attract a higher cost than a long term lease. Under the previous agreement the Sea Eagles agreed to pay \$375K plus a \$1 levy on each general admission attendee and yet they now want a reduction to \$220K. Their only justification is that there are cheaper fields out there somewhere and that they are really popular with their fans. Contrary to their position I think its a fair rent and still not a large share of the costs incurred in maintaining the oval. All year long I have read stories about million dollar contracts for players, contracts for new coaches, deals for exiting coaches, million dollar sponsorship deals and million dollar increases in fees for television deals. Now the story is about their need for increased profitability and it's to be achieved by pressuring the Council into lifting the already huge subsidy provided by the ratepayers. Thanks but no thanks. The Sea Eagles will take in over \$3M in ticket sales and for about 18% of that to be paid to the Council as rent is hardly onerous. Looking to the future I would like the Council to start a conversation about what Brookvale Park should look like when the new Stadia policy takes over and the Sea Eagles play all or almost all of their home games at major stadiums. Redfern Park looks like a good model."*
3. RD: *"Council's proposed fee structure and conditions are appropriate. Ratepayers should not be subsidizing a privately owned RL club which has exhibited a "bully boy" approach to paying agreed fees in the past."*
4. PH: *"I strongly support Warringah Council's endeavours to make Manly Warringah Sea Eagles pay a just rent. I would strongly object to ratepayers subsidising a professional sporting franchise which is wholly owned by wealthy individuals. I should add that I am a longstanding Sea Eagles supporter and season ticketholder. Please keep up the fight on behalf of ordinary ratepayers."*
5. RT: *"As a Warringah tax payer I Do NOT agree to subsidise sea eagles which is a private profit driven entity."*

Against Proposed Fees and Charges

1. LG: *"Stop holding the club and the community to ransom and come to an agreement please"*
2. DK: *"Please allow Manly Warringah Football Club to continue using and maintaining Brookie Oval, without increasing the hiring fees to an unreasonable level. They are the mainstay of the area, and have put a lot of money into the facility over the years, and would continue to do so, Thank you."*
3. PD: *"Haven't heard the council side of the story, but from the other info I have read, the Sea Eagles proposal seems pretty fair to me. I am a lifelong Sea Eagles supporter and would be devastated if the club were forced to relocate from Brookvale due to an issue like this. Lets all work together to keep the club, the council, the sponsors and most importantly the community and supporters happy with the Sea Eagle staying at home at 'Fortress' Brookvale!!"*
4. MC: *"\$22.000 per game that includes, maintaining the playing surface for the benefit of the community all year round. match day utilities and cleaning"*
5. GP: *"Find it absolutely wrong the way the council is treating the Manly Warringah Football club over the use of the Brookie oval, it has been the spiritual home for the Sea Eagles and here we find a council chasing monetary gains, think council should be supporting the community"*

Other (Neither for nor against Proposed Fees and Charges)

1. ML: *"Allow both the Seagles and the Council to both make money. Not just the Council, otherwise they kill their Golden Goose"*
2. FF: *"Why are you changing things for, that's the best thing about brookvale"*
3. JC: *"Brookie is home to the mighty sea eagles"*
4. BH: *"The seaeagles should leave warringah council and Brookie oval have talks with pittwater council and look at building a new venue at pittwater rugby park"*
 - a.
5. MS: *"If the cost of maintaining Brookvale Oval is so high, why not sell it to a private entity?"*

CONSULTATION

Council notified the Community of the proposed Fees and Charges for the period 17 December 2015 to 4 February 2016, in accordance with Council's instructions and the provisions of the Local Government Act.

TIMING

The proposed hire fees are scheduled to commence immediately following Council's endorsement.

FINANCIAL IMPACT

The net impact to Council is within budget parameters.

POLICY IMPACT

Nil

8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	DELEGATED AUTHORITY OVER THE CHRISTMAS / NEW YEAR RECESS 2015/2016
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2016/011431
ATTACHMENTS	1 Report Determinated Under Delegated Authority - Monthly Funds Management December 2015 2 Report Determinated Under Delegated Authority - Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2016

EXECUTIVE SUMMARY

PURPOSE

To report items dealt with by the Mayor under delegated authority during the 2015/2016 recess period.

SUMMARY

At its meeting on 15 December 2015, Council resolved:

"That, pursuant and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 - Decisions/ Delegations During Christmas/ New Year Recess during the 2015/2016 Christmas New Year recess being 16 December 2015 to 15 February 2016 inclusive."

The following reports were considered by the Mayor during the recess:

1. Monthly Funds Management Report December 2015
2. Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2016

FINANCIAL IMPACT

Nil

POLICY IMPACT

The reports were considered in accordance with Council Policy GOV-PL 125 Decisions/ Delegations During Christmas/ New Year Recess.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council notes the items dealt with by the Mayor during the 2015/2016 recess period and the subsequent decisions made under his delegated authority in relation to:

- A. Monthly Funds Management Report December 2015.
 - B. Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2016.
-

REPORT

BACKGROUND

At its meeting on 15 December 2015, Council resolved:

“That, pursuant and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 - Decisions/ Delegations During Christmas/ New Year Recess during the 2015/2016 Christmas New Year recess being 16 December 2015 to 15 February 2016 inclusive.”

This resolution provided the Mayor with the authority to make decisions as provided by Policy GOV-PL 125 Decisions/ Delegations During the Christmas / New Year Recess where required in the Council’s absence.

MATTERS DETERMINED UNDER DELEGATED AUTHORITY

The Mayor exercised delegation over the 2015/2016 Christmas / New Year recess in respect of the items listed below in the manner indicated. Reports on items determined under delegated authority are provided in attachment 1.

1. Monthly Funds Management Report December 2015

The purpose of the report was to present the balance of investments held as at 31 December 2015.

Recommendation of General Manager

That the:

- A. Report indicating Council’s Funds Management position as at 31 December 2015 be noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

Mayor’s Determination

The recommendation of the General Manager was adopted.

2. Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2016

The purpose of the report was to declare the sand areas of Warringah’s beaches Alcohol Prohibited Areas on 26 January 2016, Australia Day, for a 24 hour period from 6am.

Recommendation of Deputy General Manager Environment

That Council declares Alcohol Prohibited Areas on the sand areas of all nine Warringah Beaches from 6am on 26 January 2016 for a period of 24 hours.

Mayor’s Determination

The recommendation of the Deputy General Manager Environment was adopted.

ITEM	MONTHLY FUNDS MANAGEMENT REPORT DECEMBER 2015
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2016/006232
ATTACHMENTS	1 Application of Funds Invested 2 Councils Holdings as at 31 December 2015 3 Investment Portfolio at a Glance 4 Monthly Investment Income vs. Budget 5 Economic Notes

REPORT

PURPOSE

To report the balance of investments held as at 31 December 2015.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investments Policy number FIN-PL-215.

REPORT

The following attachments are provided as part of the Report:

1. Application of Funds Invested
2. Council's Holdings as at 31 December 2015
3. Investment Portfolio at a Glance
4. Monthly Investment Income vs. Budget
5. Economic Notes

FINANCIAL IMPACT

Actual year to date investment income to 31 December 2015 was \$1,420,382 compared to budgeted income of \$1,284,824, a variance of \$135,558.

POLICY IMPACT

The investment strategy was reviewed by our Investment Advisors Laminar Group Pty Ltd in August 2015. They confirmed that Council's investment portfolio is prudently managed and consists of assets appropriate for a Local Government entity and fully comply with legislation and Investment Policy limits.

Performance over the 2015/16 financial year to date, December 2015, is strong having exceeded the benchmark: 3.02%pa vs. 2.44%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing cash flow.



RECOMMENDATION OF GENERAL MANAGER

That Council note:

- A. The report indicating Council's Funds Management position as at 31 December 2015.
 - B. The Certificate of the Responsible Accounting Officer and that the report be adopted.
-

Application of Investment Funds	Description	Value (\$)
Restricted Funds:		
Externally Restricted	Section 94 Old Plan	12,818,389
	Section 94A Plan Contributions	6,758,990
Externally Restricted Reserves	Unexpended Grants	356,902
	Domestic Waste	5,814,645
Internally Restricted Reserves	Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Insurance.	9,491,387
Unrestricted Funds	Funds Allocated to meet Current Budgeted Expenditure	65,192,205
Total		100,432,519

There has been a decrease in the investments held of \$471,881 which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description	Value (\$)
Council's Cash Book balance	(18,816)
Kimbriki Bank balance	2,225,817

Investments Funds Report - As at 31-Dec-15

Maturity date	Face Value	Current Yield	Borrower	Standard & Poor's Rating	Current Value
Mortgage Backed Securities Investment Group					
Weighted Avg Life *	Face Value				
22-Aug-22	1,401,414	2.7000	Emerald Series 2006-1 Class A	AAA	1,103,612
	1,401,414				1,103,612
Term Investment Group					
04-Jan-16	1,000,000	3.2100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
04-Jan-16	2,000,000	3.0000	Bank of Queensland Ltd	A2	2,000,000
08-Jan-16	1,000,000	3.1300	National Australia Bank Ltd	A1+	1,000,000
11-Jan-16	1,000,000	2.9300	National Australia Bank Ltd	A1+	1,000,000
12-Jan-16	1,000,000	3.0000	Bank of Queensland Ltd	A2	1,000,000
19-Jan-16	1,000,000	2.9300	National Australia Bank Ltd	A1+	1,000,000
22-Jan-16	1,000,000	2.9500	Bank of Queensland Ltd	A2	1,000,000
29-Jan-16	1,000,000	2.9000	National Australia Bank Ltd	A1+	1,000,000
02-Feb-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
09-Feb-16	2,000,000	3.0000	National Australia Bank Ltd	A1+	2,000,000
10-Feb-16	1,000,000	2.8800	Westpac Banking Corporation Ltd	A1+	1,000,000
15-Feb-16	1,000,000	2.9100	Bank of Queensland Ltd	A2	1,000,000
23-Feb-16	2,000,000	2.9000	Suncorp-Metway Ltd	A1	2,000,000
26-Feb-16	1,000,000	2.8100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
02-Mar-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
07-Mar-16	1,000,000	4.0500	National Australia Bank Ltd	A1+	1,000,000
08-Mar-16	500,000	4.0700	National Australia Bank Ltd	A1+	500,000
14-Mar-16	2,000,000	2.9500	Suncorp-Metway Ltd	A1	2,000,000
15-Mar-16	1,000,000	2.9000	National Australia Bank Ltd	A1+	1,000,000
22-Mar-16	1,000,000	2.9500	Suncorp-Metway Ltd	A1	1,000,000
31-Mar-16	2,000,000	2.8500	National Australia Bank Ltd	A1+	2,000,000
04-Apr-16	2,000,000	2.8000	Suncorp-Metway Ltd	A1	2,000,000
05-Apr-16	1,000,000	2.9000	National Australia Bank Ltd	A1+	1,000,000
10-Apr-16	1,000,000	2.8800	Westpac Banking Corporation Ltd	A1+	1,000,000
11-Apr-16	1,000,000	2.9100	Suncorp-Metway Ltd	A1	1,000,000
19-Apr-16	1,000,000	2.8700	National Australia Bank Ltd	A1+	1,000,000
29-Apr-16	2,000,000	2.7900	Commonwealth Bank of Australia Ltd	A1+	2,000,000
03-May-16	1,000,000	2.9000	National Australia Bank Ltd	A1+	1,000,000
09-May-16	1,000,000	2.8700	Suncorp-Metway Ltd	A1	1,000,000
10-May-16	1,000,000	2.8600	Westpac Banking Corporation Ltd	A1+	1,000,000
17-May-16	2,000,000	2.9300	National Australia Bank Ltd	A1+	2,000,000
17-May-16	1,000,000	2.8600	Commonwealth Bank of Australia Ltd	A1+	1,000,000
20-May-16	1,000,000	2.8500	Bank of Queensland Ltd	A2	1,000,000
27-May-16	1,000,000	3.0000	Bank of Queensland Ltd	A2	1,000,000
02-Jun-16	1,000,000	2.7700	Commonwealth Bank of Australia Ltd	A1+	1,000,000
07-Jun-16	1,000,000	3.0000	Suncorp-Metway Ltd	A1	1,000,000
16-Jun-16	2,000,000	2.8800	Commonwealth Bank of Australia Ltd	A1+	2,000,000
20-Jun-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	2,000,000
24-Jun-16	1,000,000	3.1000	Suncorp-Metway Ltd	A1	1,000,000
28-Jun-16	1,000,000	2.7800	Commonwealth Bank of Australia Ltd	A1+	1,000,000
04-Jul-16	1,000,000	2.8000	Bank of Queensland Ltd	A2	1,000,000
07-Jul-16	1,000,000	3.0000	Bank of Queensland Ltd	A2	1,000,000
11-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A2	1,000,000
13-Jul-16	1,000,000	2.9200	Commonwealth Bank of Australia Ltd	A1+	1,000,000
19-Jul-16	1,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	1,000,000
21-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A2	1,000,000
25-Jul-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A2	1,000,000
01-Aug-16	1,000,000	3.0000	Members Equity Bank Ltd	A2	1,000,000
03-Aug-16	2,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	2,000,000
09-Aug-16	500,000	3.0700	Members Equity Bank Ltd	A2	500,000
10-Aug-16	1,000,000	2.9000	Bendigo & Adelaide Bank Ltd	A2	1,000,000
12-Aug-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
12-Aug-16	1,000,000	2.9200	Commonwealth Bank of Australia Ltd	A1+	1,000,000
23-Aug-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	2,000,000
01-Sep-16	2,000,000	2.8500	Bendigo & Adelaide Bank Ltd	A2	2,000,000
06-Sep-16	1,000,000	2.9500	Bank of Queensland Ltd	A2	1,000,000
12-Sep-16	1,000,000	2.9100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
20-Sep-16	2,000,000	2.9500	Commonwealth Bank of Australia Ltd	A1+	2,000,000
22-Sep-16	1,000,000	2.9400	Commonwealth Bank of Australia Ltd	A1+	1,000,000
04-Oct-16	1,000,000	2.8000	Bank of Queensland Ltd	A2	1,000,000
18-Oct-16	2,000,000	2.9400	Commonwealth Bank of Australia Ltd	A1+	2,000,000
25-Oct-16	1,000,000	2.9500	Bendigo & Adelaide Bank Ltd	A2	1,000,000
01-Nov-16	1,000,000	2.9100	Commonwealth Bank of Australia Ltd	A1+	1,000,000
09-Nov-16	2,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A2	2,000,000
15-Nov-16	1,000,000	2.9300	Commonwealth Bank of Australia Ltd	A1+	1,000,000
30-Nov-16	1,000,000	3.0000	Bendigo & Adelaide Bank Ltd	A2	1,000,000
	81,000,000				81,000,000
Term Investment Group & Cash Deposit Account					
Rollover Date	Face Value	Current Rate	Borrower	Rating	
Cash Account	3,162,405	1.8000	CBA (Business Saver)	A-1+	3,162,405
17-Jun-16	1,000,000	2.7500	CBA Term Deposit Kimbriki 35810609	AA-	1,000,000
10-Feb-16	8,002,228	2.9500	WBC Term Deposit Kimbriki 11-1208	AA-	8,002,228
26-Feb-16	2,501,992	2.9900	WBC Term Deposit Kimbriki 11-4185	AA-	2,501,992
01-Jan-16	3,662,283	1.5000	CBA Money Market Kimbriki 10162612	AA-	3,662,283
	18,328,907				18,328,907
	100,730,321			Closing Balance:	100,432,519

* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market convention for securities such as these. Council's investment policy recognises Weighted Average life dates as appropriate maturity dates for these securities

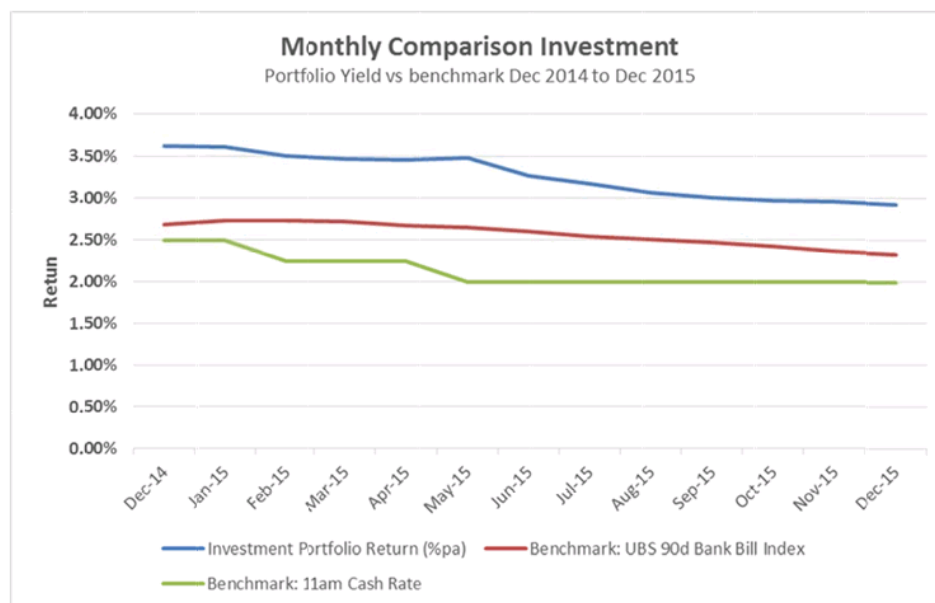
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.93%	2.33%	2.00%
3 Months	2.95%	2.38%	2.00%
6 Months	3.02%	2.44%	2.00%
FYTD	3.02%	2.44%	2.00%
12 Months	3.24%	2.56%	2.10%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds, and Cash Fund)

** This benchmark relates to Cash Fund holdings

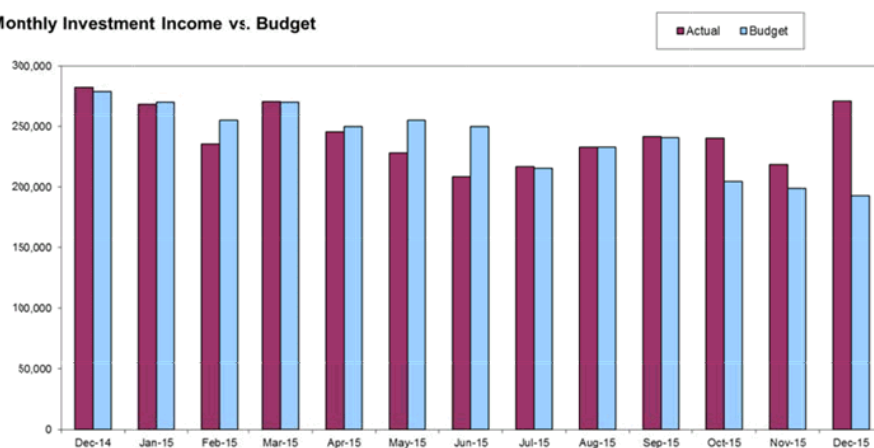


Monthly Investment Income* vs. Budget

	\$ Dec 15	\$ Year to Date
Investment Income	267,202	1,401,055
Adjustment for Fair Value	3,499	19,327
Total Investment Income	270,701	1,420,382
Budgeted Income	192,700	1,284,824

*Includes all cash and investment holdings

Monthly Investment Income vs. Budget



In December we have reflected a fair value increase of \$3,499 in accordance with AASB 139 Financial Instruments: Recognition and Measurement. It is Council's intention to hold these investments to maturity and as such no gain of principal will occur in these circumstances. These investments could have been classified as Held-to-maturity investments upon initial recognition under AASB 139 in which case no fair value adjustment would be required through profit or loss. When these investments reach maturity any fair value adjustment which has been taken up will be written back to the Profit and Loss Account.

Economic Notes

Major share markets lost ground through December with falls ranging from 1.8% for both the US S&P 500 and British FTSE 100 to 6.8% for the Euro Stoxx 50 index. The Australian share market was a notable positive exception with the ASX 200 lifting by 0.6% in the month.

Australian credit weakened early in December, but recovered much of the ground lost later in the month finishing December only slightly down on its end-November level. The first US interest rate increase was a very well telegraphed event and came as no surprise to markets. As a consequence the reaction of longer-term US government bond yields was comparatively small. The US 10-year bond yield rose in December by 6bps to 2.27%, while the 30-year treasury yield rose by only 4bps to 3.02%. The Australian 10-year bond yield barely moved, lifting by 2bps in the month to 2.88%. In early December, the RBA again left the cash rate unchanged at 2.00% and indicated that it was content to leave the cash rate unchanged awaiting more information relevant to Australia's economic outlook.

In China, annual GDP growth appears to be basing near to 7.0% year-on-year (y-o-y) pace on the basis of the run of November monthly economic readings. Exports, -5.3% y-o-y in November; industrial production, 6.2% y-o-y; retail sales, 11.2% y-o-y; and urban fixed asset investment spending, 10.2% y-o-y all equalled or improved on the respective October readings and all were stronger than analysts' expectations. China's authorities remain prepared to prime growth further and very weak and falling producer prices, down 5.9% y-o-y in November, imply that the authorities are more likely to err on the side of greater-than-expected policy accommodation to guard against deflationary pressure becoming entrenched.

In Europe, the European Central Bank's deposit rate paid to banks was cut by 10bps to -0.30%, but the size of the monthly asset purchase program was left unchanged at 60 billion euro although the possible end date of the program was extended to at earliest March 2017 from September 2016 previously announced. The failure to ease monetary policy more aggressively in the face of economic readings pointing to modest European growth at best weighed particularly heavily on sentiment in European share markets through December.

In Australia, household spending may have taken a stronger turn. Retail sales rose by 0.5% in November after lifting by 0.4% in October. Employment growth was particularly strong in October, up 56,100 and again in November, up 71,400. Unexpectedly, the unemployment rate fell to 5.8% in November the lowest level in more than a year. The RBA has turned cautiously optimistic about Australia's economic outlook to the point where RBA Governor Glenn Stevens indicated that it was unlikely that the RBA will be downgrading its economic growth forecasts any further in the near term. In contrast, Commonwealth Treasury, downgraded its growth forecasts in its Mid-Year Economic and Fiscal outlook at the same time revising higher its forecasts of budget deficits over the next few years and the expected peak in Commonwealth Government debt outstanding as a percentage of GDP by more than five percentage points to 33.3% of GDP in March 2019. International credit ratings agencies have already indicated that the changes to budget and debt forecasts will not affect Australia's AAA sovereign debt rating.

Looking ahead, we still see downside risks to Australia's growth outlook through 2016 although in the immediate-term rather better economic readings may predominate. The topping out of home building activity, persistent weakness in industrial commodity prices and accelerating rundown in parts of Australian manufacturing – notably automobile manufacturing point to a challenging year ahead. Low interest rates are likely to persist in Australia throughout 2016 and probably through much of 2017 as well.

Portfolio Performance

The year to date investment portfolio return was 3.02% as at December 31 versus the Bloomberg Ausbond Bank Bill Index annual return of 2.44%. The portfolio return for the month of December was 2.93%, which was higher than the benchmark return of 2.33%.

ITEM 0	PROHIBITION OF ALCOHOL ON WARRINGAH'S OCEAN BEACHES FOR AUSTRALIA DAY 2016
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2016/007108
ATTACHMENTS	NIL

REPORT

PURPOSE

To recommend alcohol be prohibited on Warringah's ocean beaches on Australia Day 2015.

SUMMARY

Over the last three years Council has resolved to prohibit the consumption of alcohol at Warringah's nine ocean beaches for a 24 hour period from 6 a.m. on 26 January to 6 a.m. 27 January.

Council received correspondence on 7 January 2016 from the Acting Superintendent Commander of the Northern Beaches Local Area Command seeking assistance to have the sand areas of all beaches within Warringah declared as Alcohol Prohibited Areas (APA) at the times above for 2016. The letter states that in previous years this initiative has allowed for a positive response to reduce anti-social behaviour which is often brought about with the consumption of alcohol in these areas.

Under Section 632A of the *Local Government Act 1993*, an APA provides police officers the authority to seize and dispose of alcohol being consumed or about to be consumed. Fines cannot be issued for a breach of the APA however a fine can be issued to a person failing to comply with the directions of the officer. The proposal to declare an APA does not require public exhibition and consultation before being adopted by Councils. Note that Dee Why Beach has been declared an Alcohol Free Zone on Australia Day, since 2012.

POLICY IMPACT

Nil

FINANCIAL IMPACT

The installation of the signage can be undertaken using existing operational budget.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council declares Alcohol Prohibited Areas on the sand areas of all nine Warringah Beaches from 6 am on 26 January 2016 for a period of 24 hours.

ITEM 8.2	ADOPTION OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2016/029920
ATTACHMENTS	1 GOV-PL 120 Payment and Reimbursment of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (Included In Attachments Booklet)

REPORT

PURPOSE

To adopt GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors.

REPORT

Section 252 of the Local Government Act requires, in part, that within five months after the end of the financial year a Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

The current policy was put to Council at the ordinary meeting on 24 November 2015 and subsequently placed on exhibition from 8 January 2015 to 7 February 2016 with submissions being received up until 7 January 2016. No formal submissions were received during this period. This report recommends that the policy now be adopted by Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

This version of Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors will supersede the previous version, Issue 16 of February 2015.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the amended GOV-PL 120 Policy for Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Issue 17 dated February 2016 be adopted.

ITEM 8.3	CODE OF CONDUCT REVIEW
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2016/029443
ATTACHMENTS	1 Code of Conduct - January 2016 (Included In Attachments Booklet)

REPORT

PURPOSE

To review Council's Code of Conduct (Code).

SUMMARY

Council's Code of Conduct (Code) was last formally reviewed and endorsed by Council on 24 November 2015.

Since then the *Local Government Act 1993* has been amended by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*. This implies that amendments will need to be undertaken to the Code to reflect the changes.

The proposed amendments include:

- Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council or 5 years if they are suspended on a further occasion.
- The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a Council or a committee of a Council.
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:
 - the interests affected by changes are the interests they or their relatives have in their principal places or residence and
 - they have made a special disclosure of the affected interests.

The amendments are designed to:

- Ensure a faster and fair investigation process for Councillor misconduct
- Remove impediments to effective action in response to serious corrupt conduct
- Maximise the effectiveness of Performance Improvement orders issued by the Minister of Local Government to a Council and:
- Address more effectively Council maladministration

It is noted that whilst the Code of Conduct will be amended to reflect the highlighted changes established on the *Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015* the changes are a statutory requirement and re-exhibition of the Code is not required.

FINANCIAL IMPACT

Nil

POLICY IMPACT

This review has been undertaken with consideration of the NSW Office of Local Government Circular No 15-41/A446439 released on 17 December 2015 as well as the *Local Government Act 1993* and the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council adopts the Code of Conduct.

ITEM 8.4	ADOPTION OF PESTICIDE USE NOTIFICATION PLAN 2016
REPORTING MANAGER	GROUP MANAGER PARKS RESERVES & FORESHORES
TRIM FILE REF	2016/029552
ATTACHMENTS	1 Draft Pesticide Use Notification Plan 2016

EXECUTIVE SUMMARY

PURPOSE

To recommend adoption of the Pesticide Use Notification Plan 2016 following exhibition.

SUMMARY

The draft Pesticide Use Notification Plan was placed on public exhibition from 5 December 2015 to 31 January 2016 following a review and update of the previous plan. It was advertised in the Manly Daily on 5 December 2015 and through the Your Say Warringah page. Two submissions were received during the exhibition phase. Staff also visited, or discussed the plan with appropriate representatives of specific sensitive facilities adjacent to sportsfields to identify their preferred notification requirements.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The *Pesticide Regulations 2009* require Councils to have a Pesticide Use Notification Plan.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council adopt the Pesticide Use Notification Plan 2016.

REPORT

BACKGROUND

At its meeting of 25 November 2014 Council resolved to approve an amended Pesticide Use Notification Plan to apply until February 2016 and required staff to undertake a comprehensive review and prepare an updated Plan by February 2016.

Councils are required to have a Pesticide Use Notification Plan in accordance with the *Pesticide Regulations 2009*. These plans outline the process Councils take to notify the community about the use of pesticides in public places under their care, control and management.

Staff reviewed the existing Pesticide Use Notification Plan in place for Warringah. The main changes to the previous plan include:

- Amendments to the description of areas in which pesticides are used, to be consistent with the *Local Government Act 1993* Community Land categories, such as Parks, Sportsgrounds and Natural Areas; and
- Addition of the use of social media to provide notifications of pesticide use.

Staff also comprehensively updated the Work Health and Safety Procedure for Workplace Chemical Management. This procedure outlines the risk management process applying to the identification, assessment and control of risks associated with hazardous chemicals. A risk management approach will be used within Council to eliminate or control hazards arising from the selection, use, handling and storage of hazardous chemicals. This updated procedure and the Notification Plan both contribute to minimising issues with pesticide use across Warringah.

Historically, staff have not received many complaints in relation to pesticide use. For example Council received less than five queries during the 2015 spring planned maintenance program regarding pesticide application. Many of these queries resulted from our notification procedures and not from issues with application of the chemicals. The public called in response to advertisements outlining our program rather than negative experiences of exposure to chemicals or the like. It is considered our programs are delivered in accordance with best practice and therefore do not cause significant public concern.

CONSULTATION

The draft Pesticide Use Notification Plan was placed on public exhibition from 5 December 2015 to 31 January 2016. It was advertised in the *Manly Daily* on 5 December 2015 and through the Your Say Warringah page. An extended exhibition period was used due to the impact of the Christmas period.

The Maintenance Delivery Manager Park Reserves and Foreshores visited and discussed pesticide use and notification with childcare providers including private facilities, such as the Manly Vale Early Learning Centres adjacent to David Thomas Reserve, and Council's Group Manager Childrens Services and staff at specific facilities including the Brookvale Childrens Centre, opposite Brookvale Oval. These discussions revealed that notification as identified in the draft Plan was considered appropriate, including direct email contact 48 hours prior to applications. This notification could be provided to parents that may be accessing the childcare buildings through adjacent sportsfields. This notification would be in addition to signage installed in such reserves.

Other sensitive locations such as hospitals and health care facilities are not impacted by our planned pesticide programs as they are not located within 150m of relevant sites. Therefore there was no direct contact made with these facilities.

A central register of email contacts will be used to notify childcare facilities adjacent to fields, as well as existing contacts of sportsfield users held by council. This will include emails to all schools

and sporting groups that use Warringah sportsgrounds as well as individuals who have requested such prior notification.

Additionally, internal consultation with staff resulted in a new condition being attached to booking confirmations which will alert hirers to the website address to check for any planned pesticide applications. This has not been included in the Plan as it is not a notification method as such, but is part of an improved process being implemented by staff.

Two submissions were received during the exhibition phase. They appear essentially as they were received, however references that could identify the person or their property have been removed.

Submission	Response
<p>I think it's wrong. Pesticides cause cancer, poison our environment, water and animals and us. Owner of my previous house, used pesticide to kill a tree, within 12 weeks my dog developed lymph node cancer. I always used vinegar and salt and it does a great job and doesn't kill anyone. If you care about your kids and our environment our suggest to use natural products.</p>	<p>Frequently Asked Questions (FAQs) were included on the Your Say Warringah Page for the public exhibition. These FAQs addressed the need for Council to use pesticides as part of a holistic approach to pest management. Given the broad scale nature of our pest control programs, we would not achieve appropriate levels of pest control without pesticides as one of our options for control. Staff are qualified to apply pesticides, monitor weather patterns and use products in accordance with label directions and Material Safety Data Sheets. This minimises the likelihood of any off site or off target impacts of pesticide use.</p>
<p>I have just read your draft 'Pesticide Use Notification' Plan. I live adjacent to a road reserve, in Cromer, which is located between residences. I obviously do not know if you have any plans to use pesticide on this reserve as it has only been rarely done and it is many years since it was used. In my opinion, it does currently require pesticide use as it is quite prolific with Bidens weed which is mostly adjacent to our property. While I am very grateful for Council's prompt response to my recent request to reduce this particular weed, it now, nonetheless, is growing healthily once again. Although I, personally, prefer not to use pesticides, it would appear this is the only solution in this case. Secondly, if spraying is to take place at any time, I would prefer prior notification, as proposed in your draft plan, as I would prefer to not be at home. As I mind grandchildren after school and during school holidays, I would prefer them not to be present as well. Thank you for your consideration.</p>	<p>This submission supports notification as proposed in the plan. The job described is of a reactive nature and the pesticide used was Schedule 5 or lower. Notification in this scenario includes placement of a sign at entry points to the public space, however there is no prior notification. The plan does provide for persons or organisations to nominate for inclusion on a register for prior notification. This resident who made the submission will be added to this register and will therefore be notified in advance of pesticide application in the reserve adjacent to their property. The notification will be built into the reactive maintenance process.</p>

This number of submissions is consistent with the submission numbers received during the development of the original Pesticide Use Notification Plan in 2006. Three submissions were received at that time.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The *Pesticide Regulations 2009* require Councils to have a Pesticide Use Notification Plan.



Draft Pesticide Use Notification Plan

2016

1. Introduction

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications made to public places that are owned, managed or controlled by Council. The plan provides opportunity for members of the community to take action to avoid contact with pesticides as they wish. It is Council's intention to ensure that pesticides are applied to public places in accordance with the regulation in a safe, responsible manner, minimising harm to the community and the Environment.

The plan sets out how Warringah Council will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns, manages or controls.

The plan describes:

- what public places are covered by the plan
- who regularly uses these public places and an estimate of the level of use
- how and when Council will provide the community with information about its pesticide applications in public places (i.e. what notification arrangements will be used)
- how the community can access this plan and get more information about Council's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss this plan with Council.

Council is committed to an environmental best practice approach to managing public land and the environment. Use of pesticides is an important option in controlling pests to protect public property and open space assets from pest damage and to protect the users of public places from nuisance or danger.

The majority of pesticide use consists of programmed and supplementary reactive application of herbicides for control of weeds, such as Bindii and Clover, in developed park settings as well as the use of bush regeneration weed control techniques such as cutting-and-painting, stem injection of woody weeds and spot-spraying in bushland settings. Bait insecticides are used for termite and ant control to protect structures and public safety wherever this is considered an effective solution. Other pesticides used may include fungicides, algicides, insecticides, rodenticides, bird baits and large vertebrate baits.

Further information on Council's pesticide use can be obtained by calling Council's Customer Service on 9942 2111 or by visiting warringah.nsw.gov.au.

2. Public places covered by this plan

Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns, manages or controls within the Warringah Local Government Area.

- **Community Land – park and general community use including:**
 - » Gardens
 - » Playgrounds
 - » Picnic areas
- **Community Land – natural area including:**
 - » Bushland reserves
 - » Foreshore areas such as sand dunes
 - » Wetlands
 - » Watercourse
- **Community Land – sportsground including:**
 - » Playing surfaces
 - » Surrounds
- **Other public land owned, managed or controlled by Warringah Council, including:**
 - » Crown land reserves
 - » Road verges and reserves
 - » Laneways and pathways
 - » Drains
 - » Roads, fire trails, utility or other easements accessible to the public
 - » Outdoor and indoor public space associated with Council buildings and community facilities

The main user groups of, and types of pesticide use in each of the categories of public place are summarised in the following table on the next page.

PUBLIC PLACES	REGULAR USER GROUPS	LEVEL OF USE OF PUBLIC PLACE	TYPE OF PESTICIDE USE
Community Land – Park and community use <ul style="list-style-type: none"> » Gardens » Playgrounds » Picnic areas 	The local community (all ages), visitors, recreational users, school groups, contractors and Council employees	Seasonally variable, high level of use in regional and district locations, low levels of use in local reserves	<ul style="list-style-type: none"> • Spot spraying of non selective herbicides and insecticides • Broad scale applications of programmed selective pesticides (weed control in high use areas eg parks adjacent to beaches) • Spray and bait ant control and termiticides • Baiting for rodents
Community Land – Natural Area <ul style="list-style-type: none"> » Bushland » Foreshore » Wetlands » Watercourse 	Friends of the Bush groups, volunteers, general public, contractors, bushwalkers	Medium to low use, generally restricted or limited to walking trails	<ul style="list-style-type: none"> • Vertebrate baiting (eg fox control) • Spot spraying of non selective herbicides and insecticides • Cut and paint techniques, stem injection
Community Land – Sportsground <ul style="list-style-type: none"> » Playing surfaces » Field surrounds 	The general public including recreational users, sporting clubs and school groups, contractors and Council employees	Very high	<ul style="list-style-type: none"> • Spot spraying of selective and non selective • Broad scale applications of programmed selective pesticides for weed and insect control
Other public land <ul style="list-style-type: none"> » Crown land reserves » Road verges and reserves » Laneways and pathways » Drains » Roads, fire trails, utility or other easements accessible to the public » Outdoor and indoor public space associated with Council buildings and community facilities 	The general public, contractors, utility companies and Council employees	High to low use depending on space eg council buildings are high use, laneways may be low	<ul style="list-style-type: none"> • Spot spraying of selective and non selective herbicides and insecticides • Spray and bait ant control and termiticides • Rodenticides in or near facilities • Vertebrate baiting

3. Notification arrangements - general

This section of the plan describes how and when Council will provide notice of pesticide use in public places covered by this plan. It also considers notification for particular situations including:

- **sensitive places that are adjacent to public places**
- **arrangements for emergency pesticide applications and**
- **circumstances where notice will not be given**

These notification requirements are based on Council's consideration of the following parameters within a framework of risk assessment:

- The level of usage and accessibility of public places where pesticides may be used (noting that some sites are less used and less accessible reducing the likelihood of contact if any ie bushland sites undergoing regeneration)
- The capacity of Council to control access to public places during pesticide applications
- The extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides or the action of applying pesticides
- The extent to which members of the general public, contractors and Council staff are sensitive to pesticide applications, in particular young, sick, pregnant and elderly people
- The type, volume, toxicity and residual capacity of pesticides used

Notice of pesticide use will be provided through a communications package including one or more of the following:

- Information on Council's website
- Messages through appropriate social media such as Twitter
- The erection or placement of signs at entrances of public places
- Postage of letters and letterbox drops where appropriate
- Through the media via Council's notice pages and Administrators message
- By telephone, email or personal contact; and
- Phone contact to primary users of areas.

Council will also allow persons and organisations to nominate to have their details placed on a central register which would allow them to be notified of certain types of pesticide uses in particular places, as described in this section of the plan.

4. Notification arrangements - detailed

Community Land

Park and general community use including gardens, playgrounds, and picnic areas

A list of all sites scheduled for programmed pesticide applications will be advertised on Council's website and in local print media approximately 1 month prior to large scale annual application. In addition temporary signs will be placed at entrances to parks, playgrounds and picnic areas categorised as regional and sub-regional, where visitation is high, at least 48 hours prior to application and remain on site for an additional 48 hours afterwards.

On the day of application and at all other categorised sites, signage will be in place at the entrances of sites to provide notification of application activities. This signage will remain in place whilst application activities occur and until such time that the pesticide has dried following contact with target species. Further information will be made available by contacting Council's Customer Service Centre as detailed on signage and elsewhere in this notification plan.

Where the community has nominated to be contacted when applications are made at certain locations, this will be done via social media messaging, email or other preferred form of contact 48 hours prior to application.

Community Land

Natural area

In these areas the method of notification will vary. For pesticide treatment in frequently used locations, signs will be placed at the major entrances to the area to be treated as described above.

For pesticides covered by a Pesticide Control Order, notification will be as specified in the relevant Order, unless the Order does not specify all of the information required by the Pesticides Regulation. If the latter occurs, signs and/or notices will also provide the information required by the Pesticides Regulation or other relevant legislation.

For pesticide treatment of areas that are used infrequently, signs will be restricted to that required during application. Further information is available by contacting Council's Customer Service Centre as detailed on signage and elsewhere in this notification plan.

Where the community has nominated to be contacted when applications are made at certain locations, this will be done via social media messaging, email or other preferred form of contact.

Community Land

Sportsground

The majority of pesticide applications occur as part of Council's planned maintenance programs. A list of all sites scheduled for programmed pesticide applications will be advertised on Council's website and in local print media approximately 1 month prior to application. In addition temporary signs will be placed at entrances of sportsfields, ovals and other sporting facilities including hard courts categorised as regional and sub-regional, where visitation is high, at least 48 hours prior to application and remain on site for an additional 48 hours afterwards.

Additionally on the day of application and at all other categorised sites, signage will be in place at the entrances of sites to provide notification of application activities. This signage will remain in place whilst application activities occur and until such time that the pesticide has dried following contact with target species. Further information is available by contacting Council's Parks Reserves and Foreshores Maintenance Delivery Team as detailed on signage and elsewhere in this notification plan.

Where the community has nominated to be contacted when applications are made at certain locations, this will be done via social media messaging, email or other preferred form of contact 48 hours prior to application.

Other public land owned, managed or controlled by Warringah Council

A list of all sites scheduled for programmed pesticide applications will be advertised on Council's website and in local print media approximately 1 month prior to application. In addition temporary signs will be placed at entrances of Council facilities where visitation is high, at least 48 hours prior to application and remain on site for an additional 48 hours afterwards.

On the day of application and at all other categorised sites, signage will be in place at the entrances of sites to provide notification of application activities. This signage will remain in place whilst application activities occur and until such time that the pesticide has dried following contact with target species. Further information is available by contacting Council's Customer Service Centre as detailed on signage and elsewhere in this notification plan.

Where the community has nominated to be contacted when applications are made at certain locations, this will be done via social media messaging, email or other preferred form of contact 48 hours prior to application.

Sensitive places adjacent to public places

Clause 18 of the Pesticides Regulation defines a sensitive place to be any:

- » school or pre-school
- » kindergarten
- » childcare centre
- » hospital
- » community health centre
- » nursing home
- » a place declared to be a sensitive place by the Environment Protection Authority (EPA).

Where pesticide application is programmed or scheduled for application within 150m of places described above, the occupiers will be provided with 48 hours prior notice by social media, phone, email or letterbox drop (whichever is most practicable).

Arrangements for emergency pesticide applications

In cases where emergency pesticide applications are required to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard or risk to the general public, contractors and Council employees), the risk will be controlled and may involve isolation and restricted access of the site. Where practicable, signage and or on site management or signage will be implemented.

Instances where Council will not give notice of pesticide application

With the exception of persons and organisations who have nominated for inclusion in Council's central notification register, Council will not provide notification where the following applies:

- the use of small quantities of pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening)
- the application of pesticides by way of aerosol spray cans and spot weed/grass control using a wand or backpack/handheld spray bottle and low voltage ute pack sprayer, hand-held applicator, or by cut-and-paint or stem injection techniques
- where the pesticide is Schedule 5 or lower in accordance with the Poisons Standard - signage only will be provided during application and remain until such time that the pesticide has dried following contact with target species
- emergency control work – signage only will be provided during application and remain until such time that the pesticide has dried following contact with target species
- public places that have been closed temporarily to the public where the closure is unrelated to the pesticide use
- remote areas where there is little likelihood of them being encountered by the public ie areas where there is no vehicular access and low public visitation

5. Information to be provided

In accordance with clause 20(1)(h) of the Pesticides Regulation, notice of pesticides uses will include the following information:

- the full product name of the pesticide to be used, and
- the purpose of the use, clearly setting out what pest or pests are being treated, and
- the proposed date/s or date range of the pesticide use, and
- the places where the pesticide is to be used, and
- contact telephone number and email address of the Council officer who people can contact to discuss the notice, and
- any warnings regarding re-entry to or use of the place, if specified on the pesticide product label or the Australian Pesticides and Veterinary Medicine Authority permit.

6. Informing the community

Council will advise residents of this plan and its contents by:

- placing a copy of the plan on public display, available for viewing, free of charge during office hours, at its main office at the Civic Centre, 725 Pittwater Road, Dee Why 2099
- placing a copy of the plan on the Council website (warringah.nsw.gov.au) on the Your Say Warringah page
- placing a notice in the Manly Daily newspaper
- placing a notice in the NSW Government Gazette

7. Future reviews of the plan

Unless there is a specific need for an earlier review, this notification plan will be reviewed within five years of the adoption date.

- The review will include:
- a report on progress of implementing the plan;
- public consultation on the notification methods outlined in the plan; and
- recommendations for alterations (if applicable) to the plan

Contact details

Anyone wishing to contact Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

Maintenance Delivery Manager

Parks Reserves and Foreshores
725 Pittwater Road
Dee Why, NSW 2099

9942 2111

council@warringah.nsw.gov.au

warringah.nsw.gov.au

ITEM 8.5	ADOPTION OF ANIMAL MANAGEMENT POLICY
REPORTING MANAGER	GROUP MANAGER PARKS RESERVES & FORESHORES
TRIM FILE REF	2016/029186
ATTACHMENTS	1 Warringah Council Policy No. PL370 Animal Management Policy Draft (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report to Council the results of the community engagement period and recommend the adoption of the Animal Management Policy.

SUMMARY

Council approved the public exhibition of the Draft Animal Management Policy in November 2015. The policy was on exhibition for 44 days from 30 October 2015 to 13 December 2015. Council received 36 submissions during this period. Suggestions and feedback have been considered and no substantial changes to the policy are recommended. These changes include:

- Prohibit dogs from the synthetic sportsfields at Cromer Park and the Forestville War Memorial Playing Fields.
- Remove Melwood Oval, Forestville (synthetic sportsfields only) as an off leash exercise area. The Melwood Oval natural turf field would remain an off leash exercise area with time restrictions (as per map included in this report).
- Create a non-restricted off leash exercise area in the northern section of the Forestville War Memorial Playing fields (as per map included in this report).

FINANCIAL IMPACT

There are funds available in 2015/16 Parks Reserves and Foreshores budget for:

- The proposed off leash exercise area in the northern section of the Forestville War Memorial Playing Fields. The estimate for this area including the landscaping to the area to the south of the Youth Centre is approximately \$40,000.
- Updated signage for Cromer Park and Forestville synthetic fields advising 'Dogs prohibited' from the synthetic playing fields. The estimate is approximately \$4,000.
- Updated signage for Griffith Park identifying the new boundary for the off leash dog area and landscaping works. The estimate is approximately \$10,000.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council adopt the amended Animal Management Policy PL 370.

REPORT

BACKGROUND

Cromer Park and the Forestville War Memorial Playing Fields have both been developed to incorporate synthetic sportsfields. Currently these sportsgrounds are not prohibited areas for dogs and Melwood Oval at Forestville is an approved off leash exercise area at restricted times. Melwood Oval now comprises two synthetic sportsfields and one natural turf field. While the synthetic sportsfields provide first class recreational facilities they are not suitable for dogs. The pathogens in dog faeces do not break down as quickly as they do on natural turf sportsfields. The likelihood of sportsfield users being exposed to these pathogens is higher than on natural turf increasing the risk of illness.

Melwood Oval is a popular off leash exercise area. During engagement for the Forestville Memorial Playing Fields Masterplan (approved 2014) it was proposed that the loss of the off leash exercise area on the synthetic sportsfields would be offset by creation of a new non-restricted off leash exercise area in the northern section of the Forestville War Memorial Playing Fields.

It is proposed to amend the Animal Management Policy PL 370 (Policy) to:

- Prohibit dogs from the synthetic sportsfields at Cromer Park and the Forestville War Memorial Playing Fields
- Remove Melwood Oval, Forestville (synthetic sportsfields only) as an off leash exercise area. The Melwood Oval natural turf field would remain an off leash exercise area with time restrictions (as per map included in this report)
- Create a non-restricted off leash exercise area in the northern section of the Forestville War Memorial Playing fields (as per map included in this report)

It is also an opportune time to amend the Policy to remove an inconsistency between the permitted off leash exercise area at Griffith park and the Policy's requirement that dogs are prohibited within 10m of a playground. The current off leash exercise area at Griffith Park does not provide a 10m buffer around the Griffith park playground. It is proposed to amend the off leash exercise area at Griffith park to include the required buffer (as per map included in this report).

CONSULTATION

The amended draft Animal Management Policy PL370 was exhibited for 44 days from Friday 30 October until Sunday 13 December 2015. Engagement activities included:

- A Your Say Warringah page
- Advertisements in the Manly Daily and Warringah Update publications 31 October 2015 and 28 November 2015
- A letter box drop in vicinity of the proposed new off leash dog exercise area
- Notifications on site at Forestville Memorial Playing Fields
- Onsite information session and site tour on 5 December 2015 in Forestville
- Discussion of the proposed amendments with the Companion Animal Management Committee at its meeting in November 2015.

Consultation Analysis

36 submissions were received in writing. All submissions were compiled, analysed and then discussed at internal project steering committee meetings.

Table of Submissions Summary

	Topic	Reserve	Details	Submissions summarised	Council response
1	Prohibit dogs from Synthetic fields	Cromer Park and Forestville Memorial Playing Fields synthetic surfaces	Prohibit dogs from the synthetic sportsfields at Cromer Park and the Forestville War Memorial Playing Fields	10 submissions supported the proposal. No objections were received.	Noted
2	Griffith Park 10m buffer around the playground.	Griffith Park	Amend the off leash exercise area at Griffith park to include the required 10m buffer zone near the Griffith park playground.	1 submission supported the proposal. No objections were received.	Noted
3	New off leash area at Northern end of Forestville Memorial playing fields	Northern end of Forestville Memorial playing fields	Create a non-restricted off leash exercise area in the Northern section of the Forestville War Memorial Playing fields	<p>30 submissions supported the proposal and offered suggestions on the design and facilities including fencing, landscaping, signage and water.</p> <p>Four submissions were against the proposal. Identifying the following concerns: traffic, barking, proximity to neighbours, unsanitary practices and conflict with existing passive use of the area.</p>	Response discussed in detail below

Detailed Issues, Concerns and Suggestions

Topic	Council response
1 Traffic and parking	Parking will be encouraged in the existing Melwood carpark with a single gate at the Melwood side of the off leash area that will discourage parking in Forestville Ave to access the off leash dog area.
2 Barking	Additional barking appears to be a low likelihood as dogs using the existing time restricted off leash area at Forestville Memorial Playing Fields were not causing concern with neighbours. Barking was also raised by a neighbouring resident concerned that this new off leash area is visible from neighbouring properties that their dog will bark. This concern can be minimised via suitable landscaping, including creating a vegetation buffer along the residential fence line.
3 Dog faeces and hygiene	Many submissions suggested signage and a garbage bin to encourage and educate dog owners to do the right thing and clean up their dog's faeces. Signage and a bin will be incorporated into the works.
4 Displacement of existing passive use	To enable the existing passive users to continue using the park, weeds are being removed which will be followed by minor landscaping works in an area on the southern side of the youth centre to provide an additional area of passive open space. This was supported by NSW Police to encourage better passive surveillance in this area of the park.
5 Suggested inclusions	Many submissions supported landscaping the perimeter of the fenced area for habitat and aesthetic qualities. Suggested features include a dog water bowl, seats, fencing, signage, bin and bags. Many of these features will be included in the scope of works and don't need to be included in the policy.

If this policy is adopted council will proceed to construct the necessary infrastructure for the off leash dog park prior to July 2016.

FINANCIAL IMPACT

There are funds available in 2015/16 Parks Reserves and Foreshores budget for:

- The proposed off leash exercise area in the northern section of the Forestville War Memorial Playing Fields. The estimate for this area including the landscaping to the area to the south of the Youth Centre is approximately \$40,000.
- Updated signage for Cromer Park and Forestville synthetic fields advising 'Dogs prohibited' from the synthetic playing fields. The estimate is approximately \$4,000.
- Updated signage for Griffith Park identifying the new boundary for the off leash dog area and landscaping works. The estimate is approximately \$10,000.

POLICY IMPACT

Nil

Griffith Park Current Off Leash Exercise Area



Griffth Park Proposed Off Leash Exercise Area



Forestville Playing Fields Current Off Leash Exercise Area



Forestville Playing Fields Proposed Off Leash Exercise Areas



ITEM 8.6	BUILDING FIRE SAFETY REPORT BY FIRE & RESCUE NSW - WARRINGAH MALL - COMMUNITY CENTRE
REPORTING MANAGER	HEALTH AND BUILDING CERTIFICATION MANAGER
TRIM FILE REF	2016/004373
ATTACHMENTS	1 Fire and Rescue NSW Inspection Report

REPORT

PURPOSE

A Fire and Rescue NSW (F&R NSW) Inspection Report and recommendations relating to Warringah Mall Community Centre located on the top floor of Warringah Mall was received by Council on 30 December 2015. This report is shown in attachment 1.

Section 121ZD of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* requires that Council table such report and any recommendations made at the next meeting of Council.

Council is also to determine whether or not to issue an Order number 6 in the table to Section 121B of the EP&A Act 1979. Order number 6 is used to require the implementation of measures to prevent fire, suppress fire or prevent the spread of fire.

Council must provide notice to F&R NSW of their determination.

REPORT

F&R NSW conducted an inspection of the Community Centre located at the Warringah Mall on 6 November 2015 which identified a number of fire safety concerns.

A further inspection of the premises by F&R NSW was conducted on 8 December 2015 where it was noted that a number of these concerns had now been rectified, however there were still some outstanding items. As a result, F&R NSW notified Council requesting that Council enforce the rectification of these outstanding items and that any other deficiencies relating to fire safety be identified.

Council Staff carried out an inspection of the premises on 7 January 2016 where it was noted the outstanding items identified by F&R NSW had now been rectified.

In order to determine any additional deficiencies within the building, it is recommended that Council issue an Order 6 under Section 121B of the EP&A Act 1979 requiring the owner of the premises to engage a suitably qualified consultant to carry out a fire safety audit of the premises.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Issue an Order 6 in the table to Section 121B of the Environmental Planning and Assessment Act 1979 on the owners, AMP Warringah Mall Pty Ltd and Centre Management Ltd, requiring that a suitably qualified consultant be engaged to carry out a fire safety audit of Warringah Mall Community Centre for the purpose of identifying any fire safety deficiencies.
 - B. Provide notice to Fire and Rescue NSW NSW of the above determination.
-



File Ref. No: BFS15/1682 (8995)
TRIM Ref. No: D15/109813
Contact: Mark Knowles

23 December 2015

General Manager
Warringah Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099

Email: council@warringah.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam,

**Re: INSPECTION REPORT
WESTFIELD WARRINGAH MALL - COMMUNITY CENTRE
CONDAMINE STREET & OLD PITTWATER ROAD BROOKVALE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 8 October 2015, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated, in part, that:

- *Stage equipment is constantly blocking fire equipment such as as hose reel, fire extinguishers, can't access fuse box etc.*
- *Fire exit stairacase randomly have items blocking exits but not all the time.*

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 6 November 2015 and 8 December 2015 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire & Rescue NSW

Unclassified
ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns at the time of inspection on 6 November 2015:

1. The rear exit door to the fire stairs, along with the fire hose reel cupboard and WIP phone, adjacent to the stage in the Community Centre Room 2, were obstructed by portable stage equipment. At the time of inspection the security staff removed all obstructions under the direction of the Services Manager;
2. The panic bars to the rear fire stair in the Community Centre Room 2 had not been maintained and the door was unable to fully return to the closed position;
3. The exit sign to the rear fire stair in the Community Centre Room 2 was missing;
4. The fire hydrant sign displayed on the fire hose reel cupboard in the Community Centre Room 2 is misleading, as there is no fire hydrant within the cupboard;
5. The exit sign above the final discharge door of the fire stair from the Community Centre Room 2 to the carpark, was not operating or had not been maintained which is contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation (EP&A Reg);
6. The emergency light (spitfire) within the chair store of the Community Centre Room 2 was not operating or had not been maintained which is contrary to the requirements of Clause 182 of the EP&A Reg;
7. The magnetic hold open devices to the main entry fire doors to the Community Centre Room 2 (adjacent to the kitchen) were not operational and the fire doors were being chocked in the open position with a carpet tile. The Services Manager removed the carpet tile at the time of inspection.

The following comments are provided following the inspection on 8 December 2015:

8. The fire hose reel cupboard and WIP phone identified in item 1, were again obstructed by portable stage equipment. On this occasion the Risk & Security Manager instructed security staff to remove all obstructions and this was undertaken at the time of inspection;
9. The panic bars and self closing device identified in item 2 had been repaired and the door was fully operational;
10. The exit sign identified in item 3 had been re-instated and was operational;

Unclassified

Fire & Rescue NSW

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11. Materials and rubbish created obstructions within the fire stair. The materials included a whiteboard, Christmas tree, desk and chair. The obstructions were removed from the fire stair at the time of inspection;
12. Fire doors to the chair store, storeroom SM04 and kitchen in the Community Centre Room 2 were being chocked open with items including portable fire extinguishers, boxes and a water boiler unit. The obstructions were removed at the time of inspection and the Risk & Security Manager advised that the doors would be appropriately sign posted to ensure the doors would be kept in the closed position;
13. The magnetic hold open devices identified in item 7 remained non-operational and the fire doors were being chocked in the open position with a wooden door wedge. The door wedge was removed at the time of inspection and the Risk & Security Manager advised that the doors would be monitored until such time that the magnetic devices were repaired.

FRNSW is therefore of the opinion that whilst the initial concerns identified in item no. 1 through to item no. 3 and item no. 11 and item no. 12 were addressed at the time of inspection, there are inadequate provisions for fire safety remaining within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 4 through to item no. 7 and item no. 13 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS15/1975 for any future correspondence in relation to this matter.

Yours faithfully,



Edren Ravino
Building Surveyor
Fire Safety Compliance Unit

Unclassified

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ITEM 8.7	AMENDMENT OF WARRINGAH DEVELOPMENT CONTROL PLAN: 20-24 TRALEE AVENUE, KILLARNEY HEIGHTS
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2016/019091
ATTACHMENTS	1 Draft Warringah Development Control Plan 2011 (Amendment 7) 2 Draft Warringah Development Control Plan 2011 (Amendment 7) Comparison Maps

EXECUTIVE SUMMARY

PURPOSE

To obtain Council's endorsement to exhibit amendments to Warringah Development Control Plan 2011 (WDCP 2011) to apply setback and building envelope controls to land at 20-24 Tralee Avenue, Killarney Heights.

SUMMARY

On 9 October 2015, 20-24 Tralee Avenue Killarney Heights (the site), was rezoned from RE2 – Private Recreation to R2 – Low Density Residential. The rezoning of that land, which had been used as private tennis courts, was approved by the Department of Planning and Environment despite Council's opposition to the proposal.

WDCP 2011 controls for building envelope and setbacks in R2 zones does not automatically apply to the site. Draft Warringah Development Control Plan 2011 (Amendment 7) (attachment 1) seeks to resolve this issue by applying standard development controls for R2 zoned land to the site.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council exhibits the draft Warringah Development Control Plan 2011 (Amendment 7) and relevant maps for a period of 28 days.

REPORT

BACKGROUND

On 29 November 2012, Council received a Planning Proposal for Lot 1 DP 879900, known as 20-24 Tralee Avenue Killarney Heights (the site). The proposal sought to rezone the site from RE2 – Private Recreation to R2 – Low Density Residential (R2). At its meeting on 27 August 2013, Council resolved not to endorse the Planning Proposal or submit it to the Department of Planning and Infrastructure (now Department of Planning and Environment) for Gateway consideration.

On 14 November 2013, Council was informed that the applicant submitted an application for a pre-Gateway review to the Department of Planning and Infrastructure. This led to a successful Gateway determination on 15 January 2015. The Sydney East Joint Regional Planning Panel (JRPP) was made the Relevant Planning Authority and was made responsible for fulfilling the conditions of the Gateway determination.

On 2 July 2015, the JRPP reported to the Department of Planning and Environment that it had completed its duties. In its final resolution, the JRPP recommended to the Department of Planning and Environment that the land be zoned as R2. On 9 October 2015, Warringah Local Environmental Plan 2011 (Amendment 13) was made, officially changing the zone to R2.

Warringah Development Control Plan 2011 Amendment

Building envelope and setback controls in Warringah Development Control Plan 2011 (WDCP 2011) do not currently apply to the site. In order to apply the controls, WDCP 2011 maps must be amended to include the site. Draft Warringah Development Control Plan 2011 (Amendment 7) (attachment 1) proposes to apply standard controls for R2 zoned land to the site, with comparison maps showing the proposed changes (attachment 2).

The proposed controls for the site are:

WDCP 2011 Section	Map Name	Control
B3 Side Boundary Envelope	Side Boundary Envelopes	4.0 metres
B5 Side Boundary Setbacks	DCP Setbacks Side	0.9 metres
B7 Front Boundary Setbacks	DCP Setbacks Front	6.5 metres
B9 Rear Boundary Setbacks	DCP Setbacks Rear	6.0 metres

CONSULTATION

It is recommended that Council place the draft WDCP 2011 on public exhibition for 28 days and invite submissions, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

It is proposed to exhibit the draft WDCP 2011 on Council's website, Council's Customer Service Centre and the Manly Daily.

TIMING

A report will be provided to Council regarding the outcomes of the exhibition and proposed changes, if any, to the draft WDCP 2011.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil



Draft Warringah Development Control Plan (Amendment 7)

Purpose of this Development Control Plan

This plan modifies building envelope and setback controls in Warringah Development Control Plan 2011 in relation to:

- Lot 1 DP 879900, known as 20-24 Tralee Avenue Killarney Heights

Name of plan

This plan is called Warringah Development Control Plan (Amendment 7).

Land to which this plan applies

This plan applies to all land within the Warringah Local Government Area.

Relationship of this Development Control Plan to Warringah Development Control Plan

This plan amends the Warringah Development Control Plan (approved by Council 8 June 2010; came into effect 9 December 2011) in the manner set out in Schedule 1.

Schedule 1 Amendments

1. The following table describes the map amendments to be made to Lot 1 DP 879900, known as 20-24 Tralee Avenue Killarney Heights

DCP Section	Map Name	Current DCP status	New Control
B3 Side Boundary Envelope	Side Boundary Envelopes	No control (not coloured)	4.0 metres
B5 Side Boundary Setbacks	DCP Setbacks Side	No control (not coloured)	0.9 metres
B7 Front Boundary Setbacks	DCP Setbacks Front	No control (not coloured)	6.5 metres
B9 Rear Boundary Setbacks	DCP Setbacks Rear	No control (not coloured)	6.0 metres



Warringah Development Control Plan 2011 (Amendment 7) Comparison Maps

Prepared by Warringah Council

February 2016

Maps

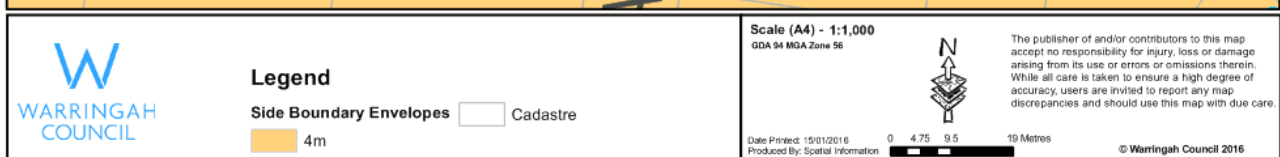
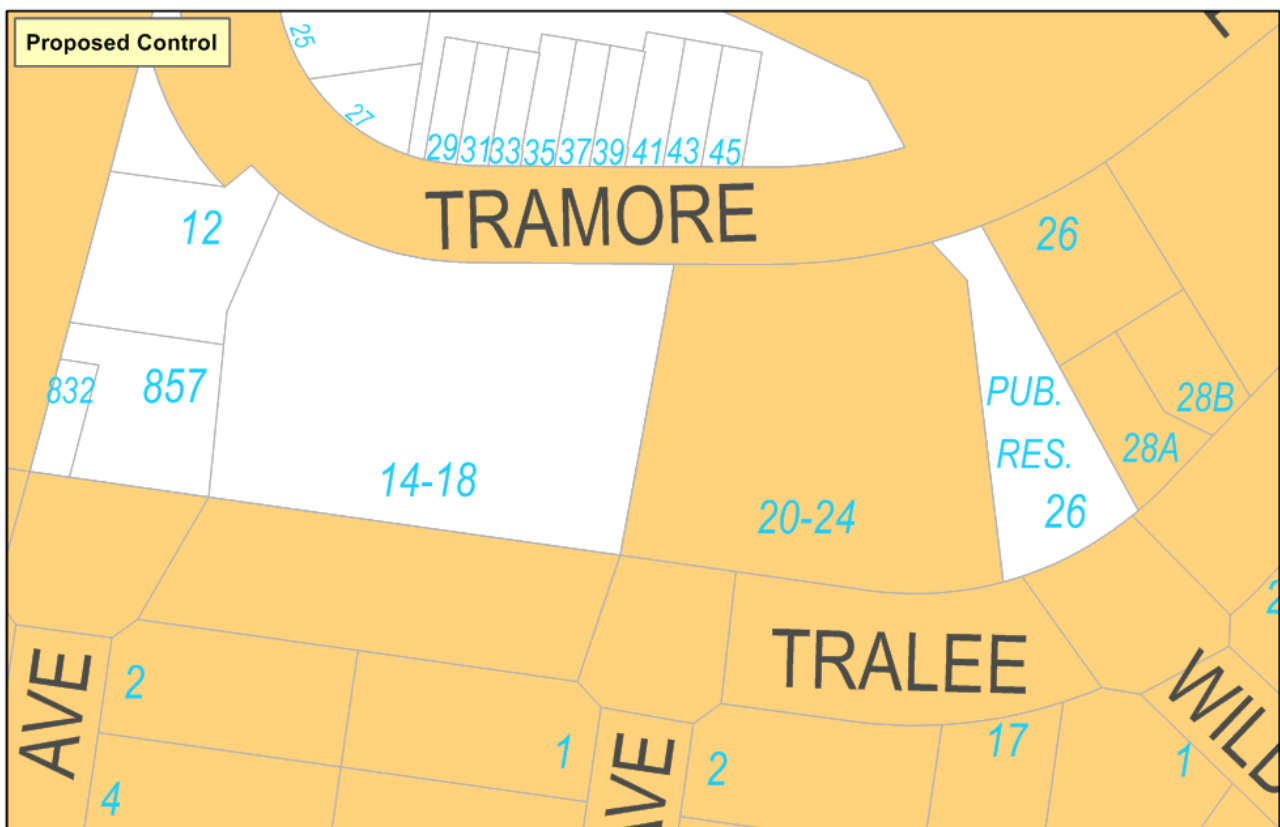
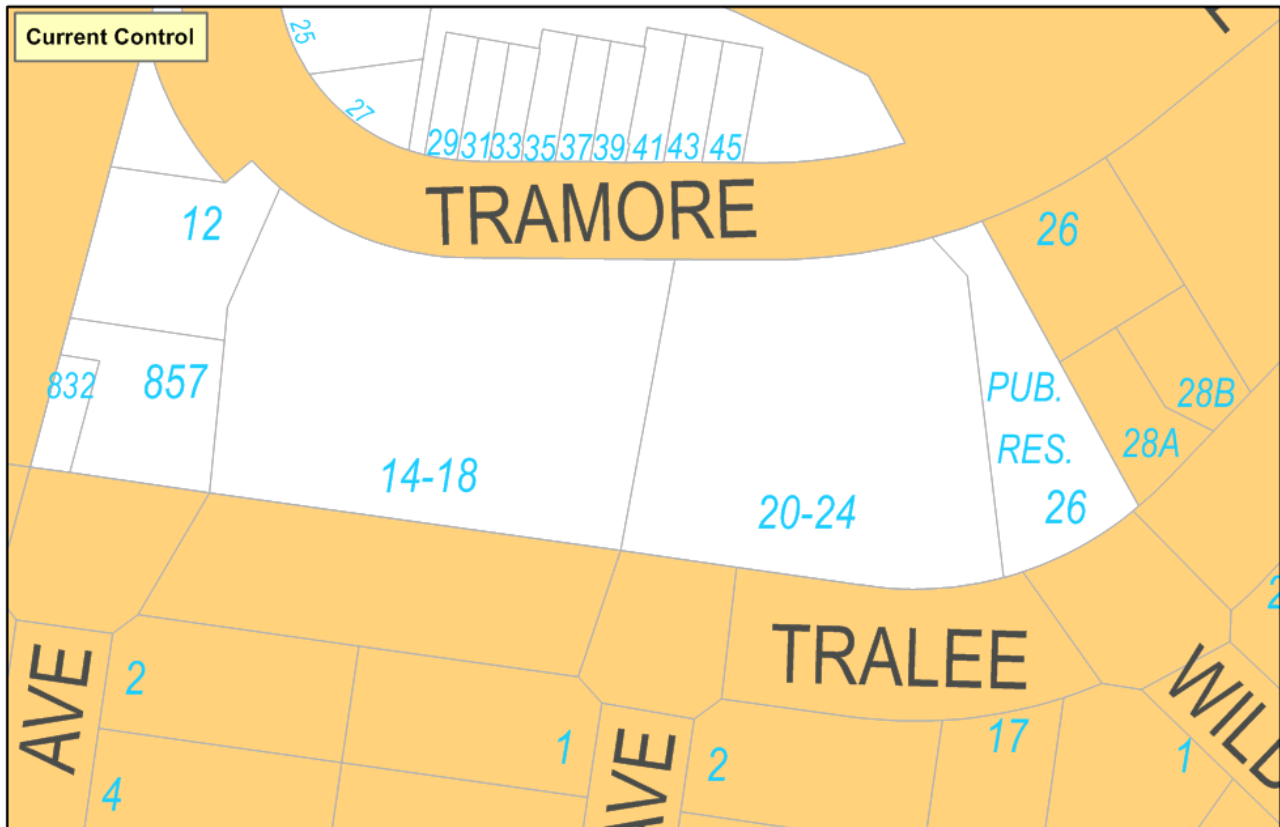
Side Boundary Envelopes

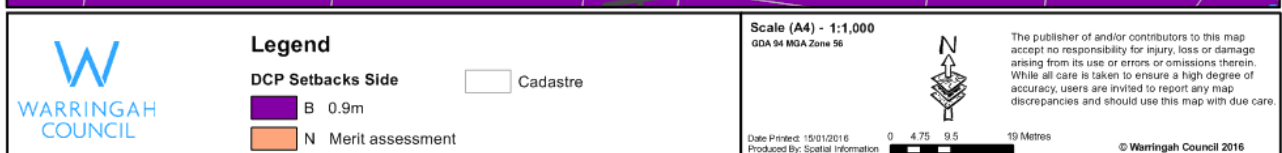
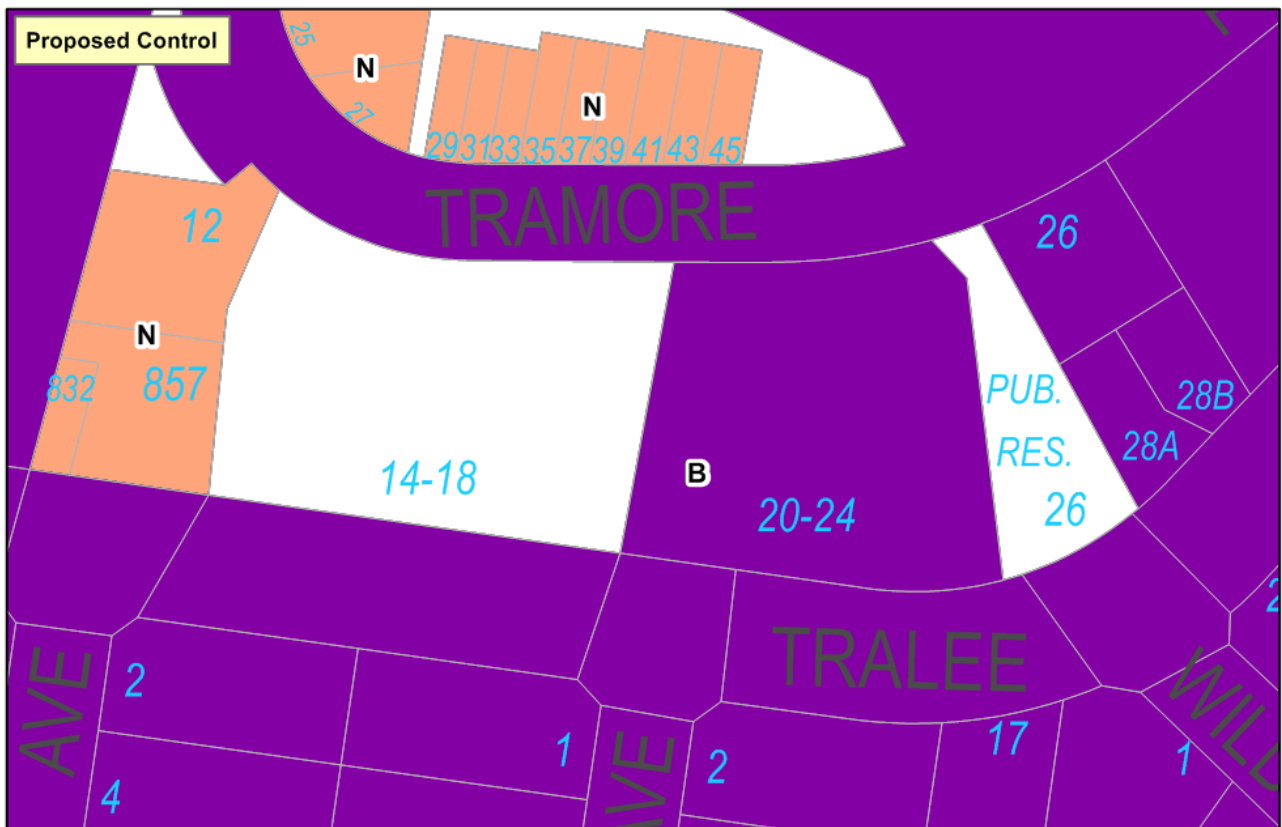
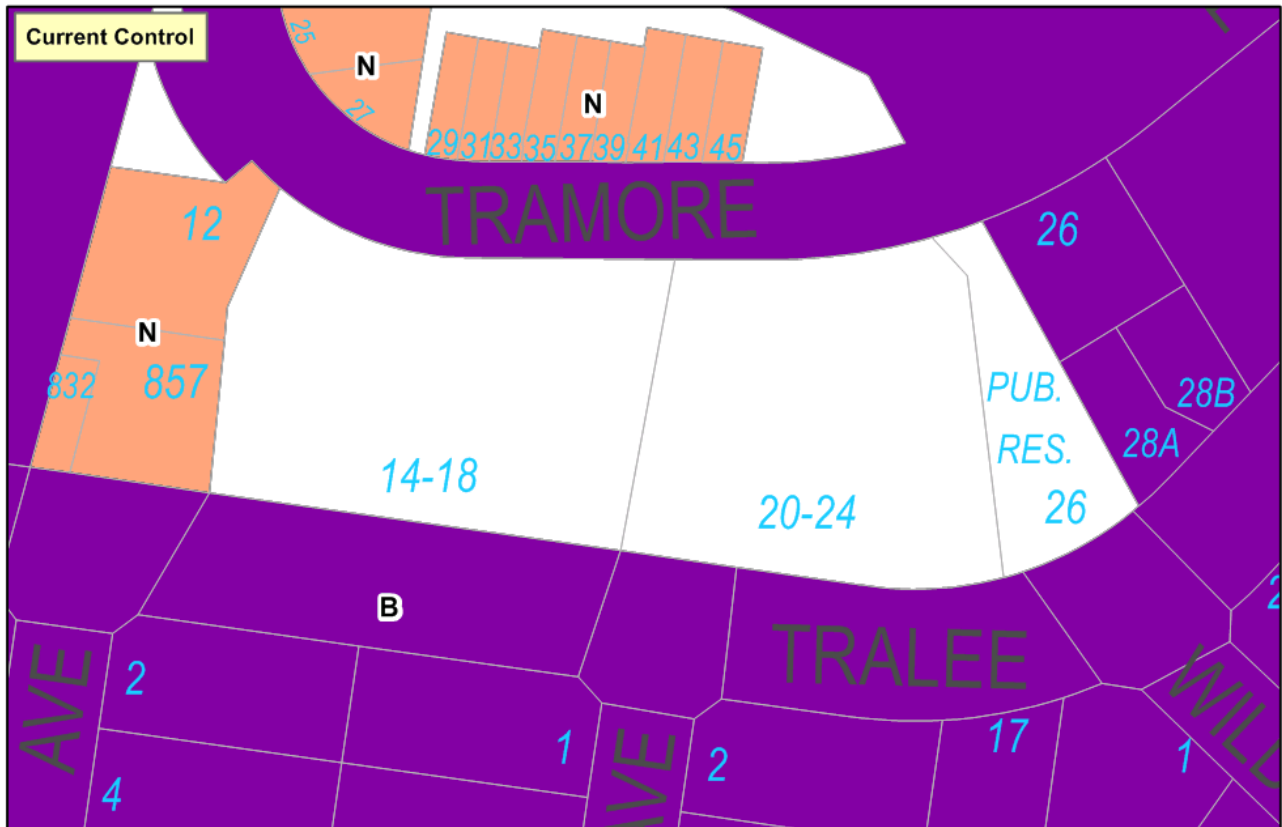
DCP Setbacks Side

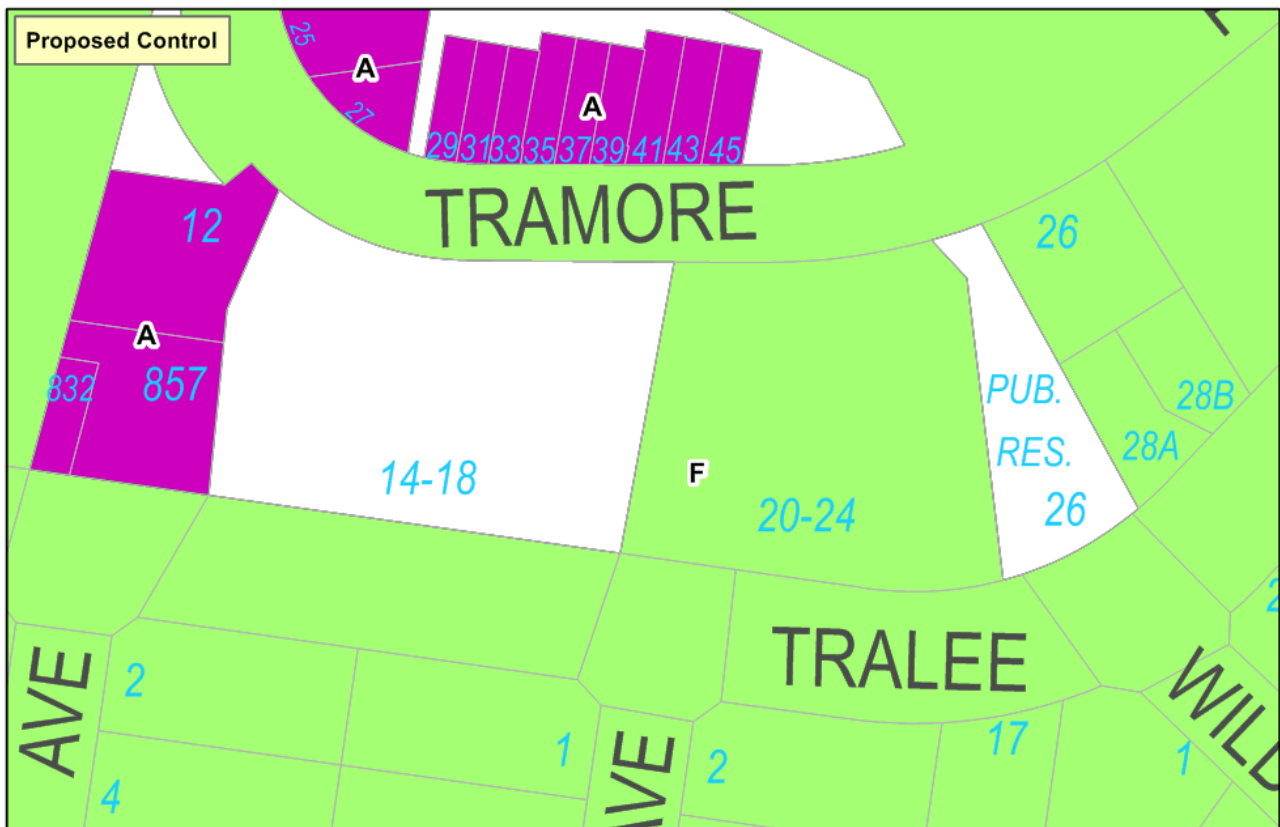
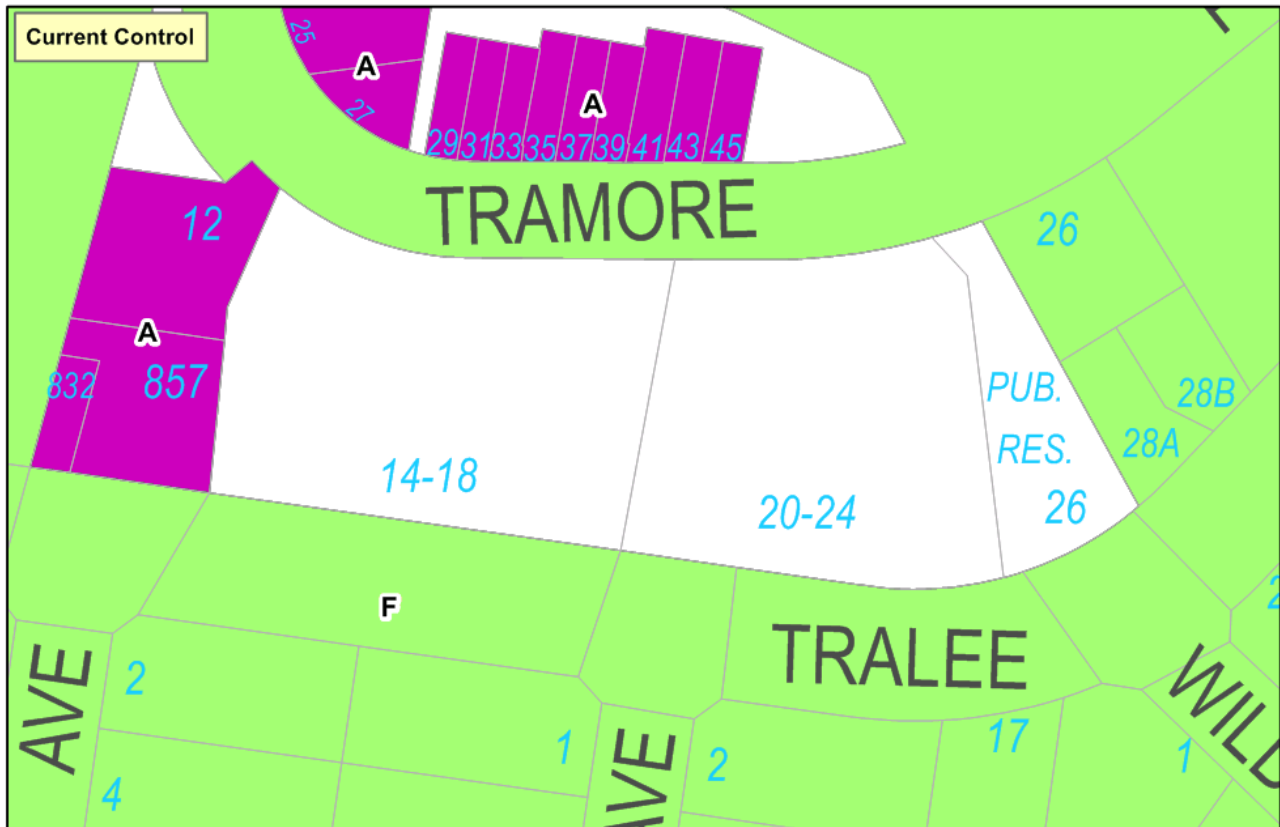
DCP Setbacks Front

DCP Setbacks Rear

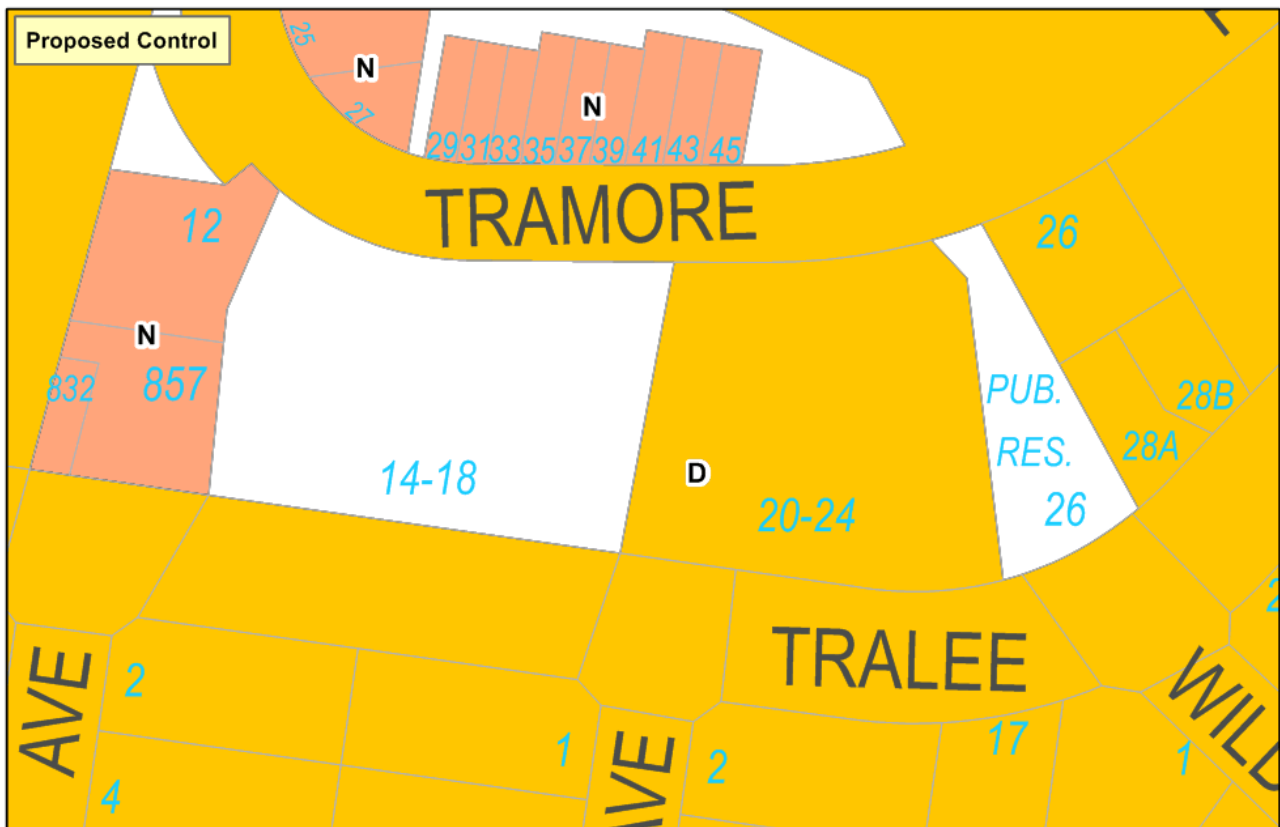
TRIM Reference: 2016/021483







Document Path: G:\GIS\ArcMap\Doc\Planning\DCP\Mapping\DCP_Amendments\2016\DCP_Amendments2016_A4P_CurrentProposed.mxd



ITEM 8.8	MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 1 SEPTEMBER 2015
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2015/078664
ATTACHMENTS	1 Rural Fire Service - Minutes of Warringah Pittwater Bush Fire Management Committee Meeting (BFMC) held 1 September 2015

EXECUTIVE SUMMARY

PURPOSE

To report the Minutes of the Warringah Pittwater Bush Fire Management Committee (WPBFMC) meeting held 1 September 2015.

SUMMARY

An Ordinary Meeting of the WPBFMC was held at the Terrey Hills Rural Fire Service (RFS) Headquarters on 1 September 2015, the Minutes of which were confirmed at the meeting of 1 December 2015.

Matters discussed at the meeting relevant to Warringah Council included the following:

- 2015/16 Hazard Reduction Program
- 2015/16 Bush Fire Risk Mitigation & Resilience Grant
- Risk Management Plan
- Neighbourhood Safer Places
- General Business

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council note the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 1 September 2015.

REPORT

BACKGROUND

The WPBFMC area comprises 27,456ha. Excluding National Park land, there is approximately 3,000ha of bushland of public and private land in the Warringah Local Government Area (LGA). Warringah Council has care, control and management of approximately 1,100ha of this bushland.

Under the *Rural Fires Act 1997* each land owner is responsible for managing bush fire risk on their land. The WPBFMC is responsible for coordinating bush fire management on all land in Warringah and Pittwater. This Committee consists of a range of agencies and stakeholders such as the fire authorities, land management agencies and community organisations.

WPBFMC meetings are held quarterly and minutes are now available through the Councillor portal. The Warringah Council delegate on the WPBFMC is Councillor Heins.

DISCUSSION

Matters discussed at the meeting relevant to Warringah Council included the following:

2015/16 Hazard Reduction Program

Eleven hazard reductions covering 182 hectares have been completed within the Warringah and Pittwater LGA. Warringah Council provided a list of its three priority reserves for future hazard reduction; Goroka Reserve, Wabash Reserve and Condover Reserve.

2015/16 Bush Fire Risk Mitigation and Resilience Grants

The Sub-Committee met and set priorities for asset protection works and fire trails on 28 August 2015. The BFMC formally adopted the priorities for funding through the Risk Mitigation Grants, though none were on Warringah Council managed land.

Risk Management Plan

The Bush Fire Risk Management Plan is to be reviewed this year and this will require Sub-committee meetings and community engagement. The RFS will lead this process and the Sub-Committee will meet later in November/December.

Neighbourhood Safer Places (NSP)

The NSP are audited each year by the RFS and are listed on the RFS website.

General Business

HR Notifications – these are being distributed by RFS and Fire and Rescue NSW.

Suspicious Fires – there have been a number of suspicious fires in the Beacon Hill area which the RFS and Police are investigating.

Thank you – Warringah Council thanked the RFS for the Bush Fire Prone Land meetings at Forestville and Terrey Hills.

Homeless People – this is an issue for HR burns.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

MINUTES OF MEETING OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE
HELD TUESDAY 1 September 2015 AT TERREY HILLS

Meeting start: 10:04

Participants:	Present	Apology	Absent
Scott Crosweiler – RFS		X	
James Brisebois – Warringham Council		X	
Jonathan Mallin – Ausgrid		X	
Ray Duguid – RFS		X	
Rebecca Gonzalez – Sydney Water	X		
Sue Heins – Warringham Council (Chairperson)	X		
Karin Nippard – Pittwater Council	X		
Sandy Giang – Planning & Environment	X		
Dave Darcy – NSW Police – Northern Beaches LAC	X		
Luke Arthurs – NSW Police – Northern Beaches LAC	X		
Craig Geddes – RFS – Executive Officer	X		
Scott Molenaar – RFS	X		
Darryl Dunbar - FRNSW	X		
Kel McNamara – FRNSW		X	
Robert Strauch – FRNSW	X		
Nihal Balisuriya – Sydney Water	X		
Dave Ryan – Warringham Council	X		
Emma Griffen – Pittwater Council	X		
Rodney Clark – NPWS	X		
Alan McDonough - NPWS	X		
Alex McTaggart – Pittwater Council	X		
Rosa Pangallo – Planning & Environment		X	
Nick Skelton – NCC & MALC	X		
Adam Burrowes – Warringham Council	X		
Kim McClymont – NPWS	X		
Lee DeGail – NPWS	X		
Colin Davison - MALC		X	
Mark Beharrell – Pittwater Council		X	
Todd Dickinson – Warringham Council		X	
George Sheppard - RFS	X		
Observers/Guests/Alternate:			
Jodi Cree – RFS (Minutes)	X		
Item	Action		

Item		Action
1	Welcome	Chairperson – Cr Sue Heins welcomed everyone to the meeting.
2	Apologies	Apologies as listed
3	Confirmation of minutes of previous meeting	Acceptance of meeting minutes from 2 June 2015. Moved: Tim Heslop Seconded: Darryl Dunbar Carried
4	Business arising from the previous minutes	Covered in Agenda items
5	Correspondence In	<ul style="list-style-type: none"> - 15/6 – Acknowledgement of NSP letter to RFS Commissioner - 20/8 – FY16 bush Fire Risk Mitigation & Resilience Grants Programmes
6	Correspondence Out	<ul style="list-style-type: none"> - 3/6 –Letter to RFS Commissioner requesting Removal and/or amendment of some Neighbourhood Safer Places - 10/8 – Operation Coordination Plan Pre Season Check List - 31/8 – Minutes from BFMC 2 June 2015
	Agenda Items	

Item	Action
<p>7</p> <p>2015-16 Hazard Reduction Program</p> <p>We have completed 11 HR's covering 182 hectares. Very small window of opportunity so far.</p> <p>The outlook is a mixed bag. El Nino is established and coming in. Influence from the Indian Ocean sees monsoonal type effect with additional rain in the coming weeks. May not be any more HR's until later into September or October however the fire season commences in October and it may get hot quickly.</p> <p>Land managers - please ensure all your environmental plans are in place and ready to go.</p> <p>Realistically how many HR's do you think we will complete?</p> <p>Depends on rainfall – unable to predict. We hope to achieve 80% of the program before the fire season however 30 – 40% would be good.</p> <p>Is success measured on the number of HR's completed or the number of Hectares? More properties protected.</p> <p>Warringah and Pittwater Councils were asked to prioritise their HR's. 3 of the priorities have been completed.</p> <p>Pittwater Council – Angophora Reserve was completed. We have received a number of compliments for FRNSW for completing this successfully.</p> <p>Thanks to advertising and social media, the wider community was aware of the Hazard Reductions taking place and everyone has been very understanding.</p> <p>FRNSW – Thanks to the land managers for ensuring everything was ready to go for HR's in a short time frame.</p>	
<p>8</p> <p>2015-16 Bush fire Risk Mitigation & Resilience Grants</p> <p>The HR sub-committee met on 28 August and prioritised the HR's – distributed to all.</p>	

Item	Action
<p>Motion – This BFMC formally adopts the priorities set for asset protection works and fire trails for funding.</p> <p>Moved - Karin Nippard Seconded – Sue Heins Carried</p> <p>Last year's bids have rolled over. This year's bids have not been approved as yet – closing date is 4/9/15 and the approvals should be out soon after.</p> <p>Lands – all our photos are geotagged however the RFS are unable to read them. NPWS have been using theodolite.</p> <p>This issue is being discussed by executive officers of Lands, NPWS and RFS. If any bids are rejected in Warringham Pittwater, this executive officer will write to RFS in support.</p> <p>Bids can still be added to the data base for second round consideration.</p>	
<p align="center">9</p> <p>Fire Trail Register</p> <p>No new trails have been added, the register is currently up to date. All trails need to be on the Fire Trail Register if you wish to attract funding.</p> <p>Trails are manually added. Dormant fire trails are generally walking trails and cannot be driven on.</p> <p>Pittwater has created a Walking App for all their trails, paths etc. May be of use to the RFS. Includes photos, landmarks etc.</p> <p>It is important for agencies to be aware of fire trails however not for the general public as some trails may run through private property.</p> <p>Trail funding includes signage, erosion, new work etc</p>	
<p align="center">10</p> <p>Risk Management Plan</p> <p>A review of the Risk Management Plan will be undertaken. A sub-committee will meet around November/December.</p> <p>The Risk Management Plan is a statutory plan and must be reviewed every 5 years. A more user friendly template is being developed however it will not be available for another 12 months.</p>	

Item		Action
11	<p>Update on Section 52 Operations Plan</p> <p>All agencies need to ensure their operational contact information is correct. List being distributed.</p>	
12	<p>Update on the Progress of the new EOC and FCC</p> <p>Council engaged a consultant who presented draft feasibility to RFS, SES and Marine Rescue. They also plan to visit NSW Police.</p> <p>There are a couple of issues regarding parking, water pipes and sewer mains. There is no conclusion as yet.</p> <p>All agencies agree a joint facility will work. It is problematic on this site due to towers and existing infrastructure.</p> <p>Funding is an issue. RFS have secured funding. SES and Marine Rescue have nothing and will probably approach council for assistance.</p> <p>This will be a multi agency facility – will include multiple training facilities, meeting rooms etc.</p>	
13	<p>Neighbourhood Safer Place (NSP)</p> <p>Cr Heins has been speaking to members of the public regarding NSP's. No one is aware of where they are or have seen any. They are on the RFS web site www.rfs.nsw.gov.au</p> <p>NSP's are audited each year by RFS. A list is produced advising current locations and facilities. FRNSW received letters following the Audit.</p> <p>Audit has been completed for this year and we are currently in discussions with Head Office regarding extra</p>	List of NSP's with minutes

Item	Action
sites. Lands – discovered that any parcel of land within the buffer of an NSP, land managers are responsible for the clearing and maintenance. This is a risk for land managers, especially with the adoption of the Risk Management Plan. NSP's focus on area – less on the buffer zone. This is now becoming an issue. This was an oversight when locations have been selected in some areas of NSW. We need to look at performance based. There are no issues with performance base in Warringah Pittwater. All approved NSP's are already on the list. Land Managers and Combat agencies should review in preparation for summer.	
14	Briefing on 2015-16 Bush Fire Season We have had an interesting year of weather with a cyclone off northern Australia in July, Monsoonal type troughs from the Indian Ocean. There is potential for a large increase in lightning strikes. Preparing for a potentially bad bush fire / storm season. The Combined Service weather outlook is now available. This season the NSW Government has contracted a C130 for Water Bombing. It is the first time this has been available in NSW. The travel time and turnaround is longer however it is considerably cheaper per litre. Located at Richmond Air Base. This will be joined by a DC10 later on.
15 General Business	HR Notifications Notifications for HR's are being distributed by RFS and FRNSW. Is everyone receiving the notifications? Generally sent to generic fax addresses, not specific people. FRNSW advise land managers then specific public authorities and fire agencies. Look at distributing HR notifications to the BFMC contact list. Would all agencies & land managers please check the HR plan and advise of any issues you are aware of such as planned events, monitoring of fauna/threatened species. If there is an issue, we can investigate alternatives to protect the community such as manual HR and pile burns. Different approach however still provides fire protection.

Item	Action
	<p>Suspicious Fires There have been a number of suspicious fires in the Beacon hill area. These are being investigated by Police and RFS Fire Investigators. Police – Strike Force Toronto is kicking off for fire season. Please advise the police of all bushfires. Police must determine the cause. If you find lighter fluid etc in the bush – please photograph, GPS and send to Police. Crown Lands also have some cameras set up. NPWS – kids have been reported lighting camp fires. Potentially a big problem in drier months. These need to be reported to Police & RFS.</p> <p>Thank you Warringah Council - Thank you to Scott, Ray and George for assisting with the Bushfire Prone Mapping meetings. They were very successful events with around 300 people attending the meeting at Forestville and 100 at Terrey Hills.</p> <p>Homeless People There are a number of people living in the bush and parkland areas. Different council areas treat them in different ways. Noticed plans for HR's where there are people living – how much communication is their between agencies reporting this? FRNSW – we take the lead from land managers. NPWS – aware of where they are. When possible we have flown an area to check before an HR takes place. Depends on the location. Can a listing of where homeless people are living be created by LGA? FRNSW – it is considered in the planning process</p>

Item		Action
	<p>Bushwalkers are also an issue. Trails are closed but people ignore the signs and enter anyway. Best to fly prior to lighting up if possible.</p> <p>Police – There was an audit conducted in Warringah that found an additional 9 people no one was aware of. This was in the urban area only, not the bush.</p> <p>Total Fire Bans are an issue if homeless are using fire for cooking etc.</p> <p>Pittwater – compliance team should have a list. Will check and advise.</p> <p>Warringah – aware of 4 living in caves off Mona Vale Road at Terrey Hills</p> <p>RFS – Operationally it is a big concern. We spend a lot of time each year doing aerial checks looking for homeless, Bushwalkers and Bike Riders prior to ignition of HRs.</p>	
Date of next meeting	Tuesday, 1 December 2015, commencing at 1100 hours	

Meeting finish: 11:13

TASK REGISTER

No	Task Item	Current Detail (including status, outstanding issues and planned actions):	Expected Completion Date

ITEM 8.9	MINUTES OF NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP MEETINGS HELD 15 OCTOBER 2015 AND 3 DECEMBER 2015
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2015/324043
ATTACHMENTS	1 Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group NLFRMWG Meeting held 15 October 2015 (Included In Attachments Booklet) 2 Presentation by Cardno - Stages 3 and 4 of NLFRMSP - NLFRMWG dated 15 October 2015 (Included In Attachments Booklet) 3 Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group NLFRMWG Meeting held 3 December 2015 (Included In Attachments Booklet) 4 Presentation by Cardno - Stage 4 of NLFRMSP - NLFRMWG dated 3 December 2015 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) Meetings held on 15 October 2015 and 3 December 2015.

SUMMARY

The Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) is a forum which brings together the expertise and diverse community knowledge needed to address floodplain risk management matters relating to Narrabeen Lagoon and its catchment.

The consultant Cardno presented their assessment of various flood mitigation options, with most of the discussion revolving around the larger scale structural options such as sand clearance from the entrance, widening of the opening under the Ocean St bridge and levees. Feedback was sought for use in fine tuning the modelling of options, and for the weighting of criteria used in the assessment.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Working Group fulfils the functions of a Floodplain Risk Management Committee as specified in Appendix D of the NSW Floodplain Development Manual (2005).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council note the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meetings held on 15 October 2015 and 3 December 2015.

REPORT

BACKGROUND

The Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) is a forum which brings together the expertise and diverse community knowledge needed to address floodplain risk management matters relating to Narrabeen Lagoon and its catchment. It plays an important role in the preparation of the Narrabeen Lagoon Floodplain Risk Management Study and Plan, which commenced in January 2015.

The NLFRMWG is jointly managed by Warringah and Pittwater Councils. Membership comprises representatives from the elected Councils of Warringah and Pittwater, local community, State Government and Council Officers. Warringah Council had carriage of the administration of the Group in 2015, with Cr Vanessa Moskal chairing it. The next meeting will be hosted by Pittwater Council, with the date tentatively set for 10 March 2016.

This report provides a summary of the key issues discussed during the NLFRMWG meetings held on 15 October 2015 and 3 December 2015. The Minutes and presentations are provided as Attachments.

The main item on the Agenda for both meetings was the Narrabeen Lagoon Floodplain Risk Management Study and Plan. The Stage 2 Interim Report has been uploaded to the project website at <https://extranet.cardno.com/narrabeenlagoonfrmSP/SitePages/Home.aspx>, and the Stage 3-4 Interim Report is scheduled to be uploaded in early February.

Mr Daniel Wood from Cardno presented their work on Stages 3 and 4 of the project, covering the assessment of various flood mitigation options. Most of the discussion revolved around the larger scale structural options such as sand clearance from the entrance, widening of opening under the Ocean St bridge and levees in various locations. There was also some discussion about the option of upgrading the culvert at Ponderosa Parade in Pittwater, and widening the upper reaches of Narrabeen Creek to accommodate the flow which during a large flood, would currently spill out of the creek and into Macpherson St, before being redirected back into the creek which runs behind residential properties.

Feedback was sought from the Working Group at the October meeting for use in fine tuning the modelling of options, and for the weighting of criteria used in their assessment. Further details are in the attached Minutes and presentations.

The options were scored in accordance with the multi-criteria analysis matrix, with economic, social and environmental categories weighted equally. Table 1 of the Minutes (Attachment 3) shows the ranking of the various options, and Figure 1 (Attachment 3) shows the location of the structural options.

The completed Draft Floodplain Risk Management Study will be reported to Council, with approval being sought to put it on Public Exhibition.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Working Group fulfils the functions of a Floodplain Risk Management Committee as specified in Appendix D of the NSW Floodplain Development Manual (2005).

ITEM 8.10	MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP (SCCG) MEETING HELD 12 DECEMBER 2015.
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2016/005623
ATTACHMENTS	1 Minutes of Sydney Coastal Councils Group Meeting held 12 December 2015 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report the Minutes of the Sydney Coastal Councils Group (SCCG) meeting held 12 December 2015.

SUMMARY

An Ordinary Meeting of the Sydney Coastal Councils Group was held at the City of Sydney Council on 12 December 2015. Councillor Heins attended the meeting as Warringah Council's delegate.

Matters discussed at the meeting relevant to Warringah Council included the following:

- Presentation by the Hon. Dr Rob Stokes MP, NSW Minister for Planning regarding reform of the NSW coastal management framework
- SCCG Summerama program
- Dates of future SCCG meetings

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council note the minutes of the Sydney Coastal Council Group Ordinary Meeting held 12 December 2015.

REPORT

BACKGROUND

Sydney Coastal Councils Group (SCCG) meetings are held quarterly and minutes are available through the Councillor portal. Warringah Council delegates on the SCCG are Cr Heins and Cr Moskal. Further information on the SCCG and its activities is available at sydneycoastalcouncils.com.au

DISCUSSION

An Ordinary Meeting of the Sydney Coastal Councils Group was held at the City of Sydney Council on 12 December 2015. Councillor Heins attended the meeting as Warringah Council's delegate.

Matters discussed at the meeting relevant to Warringah Council included the following:

Presentation by the Hon. Dr Rob Stokes MP, NSW Minister for Planning

The Minister reviewed previous coastal legislation and policy noting the need to reform the existing framework as it has been in place for over 30 years.

Therefore, the NSW Government is proposing to reform the NSW coastal management framework as well as continue to provide technical and financial support to councils.

Minister Stokes provided a detailed summary of the reforms including:

- The details of a new Coastal Management Bill
- Establishment of four new coastal areas
- A Coastal Management State Environmental Planning Policy
- Links to the Integrated Planning and Reporting framework

The Minister also thanked members of the Coastal Expert Panel including Prof Bruce Thom for the work they have done in providing advice and support.

Questions from delegates addressed issues including:

- Coastal Reforms and links to Council LEPs
- Funding and resourcing coastal management activities
- Representation on the Coastal Council
- Offshore aggregate mining for beach nourishment purposes
- All Coastal zone management areas
- Regional planning

The SCCG have established a 'Coastal Reforms Advisory Committee' that will be preparing regional submission(s) on all elements of the reforms. Warringah Council staff are participating in this committee.

SCCG Summerama program

The 2016 Summerama Program was launched on 15 December 2015. The theme for this year's program was water pollution.

All activities are organised and delivered by participating Councils, while SCCG coordinates the program and promotional campaign. This collaborative approach means that resources can be

shared across Councils and promotions gain broader reach, while individual activities are tailored to the local area and community.

Warringah Council participated in the 2016 program through the summer skate night events.

Dates of future SCCG meetings

- Saturday 19 March 2016 at 12 noon - Leichhardt Council
- Saturday 18 June 2016 at 12 noon - City of Sydney Council
- Saturday 17 September 2016 at 12 noon (AGM) – To be confirmed
- Saturday 10 December 2016 at 12 noon - City of Sydney

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

10.0 NOTICES OF MOTION

ITEM 10.1	NOTICE OF MOTION NO 1/2016 - WARRINGAH COUNCIL'S CAPACITY TO GRANT A LEASE OVER BROOKVALE OVAL UNDER OFFICE OF LOCAL GOVERNMENT'S S23A DIRECTION
TRIM FILE REF	2016/041711
ATTACHMENTS	1 Correspondence from Manly Warringah Sea Eagles Ltd dated 22 January 2016 and 8 February 2016 - Attachment A 2 Response from Warringah Council's General Manager dated 27 January 2016 - Attachment B

Submitted by: Councillor Vincent De Luca OAM

MOTION

1. That this Council notes:

- a. The correspondence from Manly Warringah Sea Eagles Ltd (Attachment A) dated 22 January 2016 and 8 February 2016 regarding the use of Brookvale Oval.
- b. The response from Warringah Council's General Manager (Attachment B) dated 27 January 2016.
- c. That the Office of Local Government's section 23A Direction provides:

"Entry into contracts and undertakings"

Councils the subject of merger proposals should not enter into a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$250,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger), unless:

- the contract or undertaking is being entered into as a result of a decision made or procurement process commenced prior to the start of the merger proposal period; or
- entry into the contract or undertaking is reasonably necessary for the purposes of:
 - meeting the council's ongoing service delivery commitments to its community; or
 - to implement an action previously approved under a council's Delivery Program or the Operational Plan for the relevant year

2. That this Council resolves to:

- a. Request the General Manager to write to the Minister for Local Government, The Hon Paul Toole MP, enquiring whether Council can consider entering into a lease with Manly Warringah Sea Eagles Ltd as proposed by the correspondence in attachment A in view of the provisions of the S23A Direction outlined in 1(c) above, and should the S23A Direction prevent this, that he grant an exemption for the purposes of Warringah Council considering and determining a lease of Brookvale Oval to Manly Warringah Sea Eagles Ltd for 2016.
 - b. Request the General Manager to send a copy of this Resolution to all local State and Federal Members of Parliament.
-

FUNDING SOURCE

I have been advised by staff that this motion can be carried out within current operational budget.



Manly-Warringah Sea Eagles Limited
ABN 34 003 348 436

PO Box 994, Narrabeen NSW 2101
P (02) 9970 3000

www.seaeagles.com.au

22 January, 2016

Mr. Rik Hart
General Manager
Warringah Council
Via email; rik.hart@warringah.nsw.gov.au
cc: ReganM@warringah.nsw.gov.au

Dear Rik,

Re: 2016 Brookvale Oval Hire Fees

As was verbally conveyed in our meeting on 4 January, 2016 with Warringah Council Group Manager – Buildings, Property & Spatial Information (Campbell Pfeiffer), we hereby formally submit our proposal for usage of Brookvale Oval for the 2016 season.

Manly Warringah Sea Eagles Limited (MWSE) hereby propose an occupation fee of either:

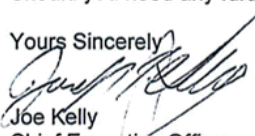
- 1) \$220,000 + G.S.T. per annum for the period from 1 February, 2016 to 31 October, 2016 (the term), or
- 2) MWSE being directly responsible for the following outgoings previously incurred by Warringah Council for the term. These outgoings equate to a similar amount as proposed in point 1) above as has been indicated by Warringah Council previously:
 - i) Providing playing surface maintenance to NRL Standard; and
 - ii) Providing playing surface maintenance for public use and access outside of NRL match day requirements for the balance of the term; and
 - iii) Covering the costs of match day related utilities expenses; and
 - iv) Covering the costs of match day related cleaning expenses.

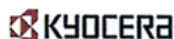
All other terms and conditions of this proposal are to remain fundamentally consistent with those included in the 2014 executed deed of licence between MWSE and Warringah Council in relation to Brookvale Oval, with two exceptions:

- The removal of Clause 22 - Holding Over; and
- The amendment of The Fourth Schedule, Special Conditions, Clause S8 - Naming Rights. The amendment is to state that any net proceeds relating to the sale of naming rights to the premises are to be shared equally between the parties over the term.

Should you need any further clarification on this proposal please contact me directly.

Yours Sincerely,


Joe Kelly
Chief Executive Officer
Manly Warringah Sea Eagles
jkelly@seaeagles.com.au





Manly-Warringah Sea Eagles Limited
ABN 34 003 348 436

PO Box 994, Narrabeen NSW 2101
P (02) 9970 3000

www.seaeagles.com.au

8 February, 2016

Your ref: 2016/023952

Mr. Rik Hart
General Manager
Warringah Council

E-mail: rik.hart@warringah.nsw.gov.au

By email: C/-: lynne.hamann@warringah.nsw.gov.au

CC: councillors@warringah.nsw.gov.au
manly@parliament.nsw.gov.au
warringahelectorate@aph.gov.au
parry.skene@aph.gov.au
brad.hazzard@parliament.nsw.gov.au
belinda.yeung@minister.nsw.gov.au

Dear Mr. Hart,

2016 Brookvale Oval Licence Offer

Thank you for your letter dated 27 January 2016 (attached).

Your letter states that Warringah Council (Council) is unable to accept Manly Warringah Sea Eagles Limited (MWSE) proposal for the usage of Brookvale Oval for the 2016 season (dated 22 January 2016 and attached) due to the guidelines published by the Office of Local Government, 'Council Decision Making during Merger Proposal Periods'.

MWSE rejects this contention on the following basis:

1. Council does not hold an existing prior year formal arrangement with MWSE. The 2015 proposed Deed of Licence between the parties was never agreed or executed.

Therefore, there are no previous arrangements in place that are subject to the significant change requirement as stated in your letter.

2. If an amount was included in Council's adopted budget, it was done so in the absence of an agreement being in place between the parties to support such an inclusion.

Given that MWSE had both regularly and consistently communicated its non-acceptance of the proposed terms, it is incredulous that Council would have included prior year amounts attaching to MWSE in the stated adopted budgets and are now stating this to be a reason for no variation to be possible.





3. That Council has proposed a casual hire fee arrangement that is effectively a 35% increase on previously applied rates and which would under the same reasoning be classified as a significant change to previous arrangements.

Given that Council has deemed it appropriate to propose such a significant change suggests that Council have elected to disregard the stated guidelines when circumstances are financially in its favour, a position that MWSE also finds incredulous.

4. The guidelines seek to protect a new council from any adverse commitment made by a former Council.

In this case, this is actually irrelevant as MWSE's proposal relates to the 2016 season only. Any arrangement agreed between the parties will terminate prior to a new council being formed and will also have no material impact on the financial resources of a new council.

MWSE are of the view that its arrangements with Council in relation to Brookvale Oval should form part of Council's ongoing service delivery commitments to the community and accordingly should form part of Council's delivery program and operational plan for the year. This would remove any requirement to comply with the stated guidelines preventing Council from accepting the current MWSE proposal in the current circumstances stated.

5. MWSE note that its proposal falls well below the required threshold for Council in implementing financial arrangements of this nature during the amalgamation period.
6. It is clear under the guidelines that you have authority to determine this matter as it is part of your commitment to ongoing community service delivery. However should you have any doubt you are able to seek clarification and an exemption from the Minister for Local Government at any time. However, we note that you have failed to do so.

It is for the reasons stated herein that MWSE strongly rejects Council's basis for not considering the current MWSE proposal before Council.

MWSE urges Council to both accept and implement our proposal for access and usage of Brookvale Oval, communicated on 4 January 2016 and formally corresponded on 22 January 2016.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Joe Kelly', is written over a horizontal line.

Joe Kelly,
Chief Executive Officer
Manly Warringah Sea Eagles



27 January 2016

Mr Joe Kelly
Chief Executive Officer
Manly-Warringah Sea Eagles Limited

PO Box 607
Brookvale NSW 2100

PO Box 994
Narrabeen NSW 2101

Email: jkelly@seaeagles.com.au

Our Ref: 2016/023952

Without Prejudice

Dear Mr Kelly

2016 Brookvale Oval Licence Offer

Thank you for your letter 22 January 2016 with your proposal of either:

- \$220,000 + G.S.T. per annum for the period of 1 February 2016 to 31 October 2016; or
- MWSE being directly responsible for providing the playing surface to NRL standard, providing the playing surface for public use and access outside of NRL match day requirements, the costs of match day related utility expenses and the costs of match day related cleaning expenses

Council confirms the telephone call on 4 January 2016 between Campbell Pfeiffer and yourself, in which he indicated that Council cannot accept this offer.

I have to reiterate that due to the state government's proposal to change council boundaries, guidelines have been issued by the Office of Local Government under Section 23A of the Local Government Act 1993 prohibiting councils from making significant changes to previous arrangements. In particular, councils are only allowed to expend monies in accordance with their adopted budgets and "should not make decisions that will impose a significant and/or ongoing financial commitment on a new Council". As such Council is bound to manage in accordance with these guidelines and should not accept a lesser licence fee than the proposed \$375,000 plus G.S.T. which has been unchanged for the last two years

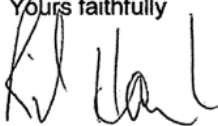
If you wish to make an offer that is generally consistent with the above please send it formally to council as soon as possible and I will expedite it so a license can be in place before the first competition round.

WARRINGAH COUNCIL
Civic Centre 725 Pittwater Road Dee Why NSW 2099
DX 9118 Dee Why NSW ABN 31 565 068 406
T 02 9942 2111 F 02 9971 4522
warringah.nsw.gov.au



If you have any questions or wish to discuss this matter in more detail, please do not hesitate to contact me or Campbell Pfeiffer, Group Manager - Buildings, Property and Spatial Information at any time.

Yours faithfully



Rik Hart
General Manager

11.0 QUESTIONS ON NOTICE

ITEM 11.1	QUESTION ON NOTICE NO 1/2016 - WARRINGAH COUNCIL'S WEBSITE
TRIM FILE REF	2016/041746
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Noting that as at 26.8.2014 (QonN 17/2014) Warringah Council's website cost \$605,634.00 what is the total cost of the website to date?

ITEM 11.2	QUESTION ON NOTICE NO 2/2016 - EXPENDITURE ON WARRINGAH COUNCIL'S EXECUTIVE LEGAL COUNSEL/IN HOUSE LEGAL UNIT
TRIM FILE REF	2016/041750
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What is the total expenditure on Warringah Council's Executive Legal Counsel/In house legal unit for 2015 (excluding expenditure on external lawyers and Mercedes for Executive Legal Counsel)?

ITEM 11.3**QUESTION ON NOTICE NO 3/2016 - WARRINGAH COUNCIL'S
EXPENDITURE ON EXTERNAL LEGAL FIRMS AND
BARRISTERS****TRIM FILE REF****2016/041758****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What is the total amount of money expended by Warringah Council in 2015 on external legal firms and Barristers?

12.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 12.1 RESPONSE TO QUESTION ON NOTICE NO 28/2015 - FUNDS RAISED FROM DEE WHY BEACH SHED KIOSK

TRIM FILE REF 2016/014469

ATTACHMENTS NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What are the total amount of funds raised and payable to Warringah Council since the Dee Why Beach Shed Kiosk commenced operations?

RESPONSE

\$119,363.12 incl G.S.T.

ITEM 12.2	RESPONSE TO QUESTION ON NOTICE NO 30/2015 - INDUCEMENTS FOR SUPPORT OF ONE NORTHERN BEACHES CAMPAIGN
TRIM FILE REF	2016/008456
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Noting the offer on Warringah Council's website of a free 2016 Northern Beaches car parking sticker to those that write on why they desire one Northern Beaches Council, what other inducements has Warringah Council offered to Sporting/Community organisations and individuals, if any, to support the Warringah Council's proposal for one Northern Beaches Council?

RESPONSE

None.

13.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

- A. That, in accordance with the requirements of Section 10 of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - a Item 13.1 RFT 2016/004 - Beverley Job Park Public Amenities on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].
 - B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
-

