

ATTACHMENT BOOKLET 1

ORDINARY COUNCIL MEETING

TUESDAY 27 JUNE 2017

TABLE OF CONTENTS

Item No	Subject	
6.2	ADOPTION OF OPERATIONAL PLAN 2017/18	
	Attachment 1: Submission Summary by Issue	3
	Attachment 2: Summary of Changes Fees & Charges Schedule	15
7.4	POLICY REVIEW PROJECT AND REVOKING OF POLICIES	
	Attachment : Policies Proposed for Revoking	19
8.1	CAPITAL WORKS PROCUREMENT REVIEW	
	Attachment 1: Value Network - Major Capital Works Procurement Review dated 30 May 2017	159
	Attachment 2: Capital Works Procurement Implementation Plan	215
8.2	WALK MANLY - DRAFT PEDESTRIAN ACCESS & MOBILITY PLAN	
	Attachment 1: Walk Manly Pedestrian Access & Mobility Plan - Draft.....	226
	Attachment 2: Draft Prioritised Schedule of Recommended Works	354
8.4	DRAFT CONSERVATION MANAGEMENT PLAN FOR THE MONA VALE CEMETERY	
	Attachment 1: Draft Conservation Management Plan for the Mona Vale Cemetery - Part 1	389
	Attachment 2: Plan for the Mona Vale Cemetery - Part 2	507
9.1	DISABILITY INCLUSION ACTION PLAN	
	Attachment 1: Disability Inclusion Action Plan.....	660
	Attachment 2: Disability Inclusion Action Plan Submission Analysis	742
9.2	ADOPTION OF NORTHERN BEACHES COUNCIL SECTION 94A PLAN 2017	
	Attachment : Northern Beaches Council Section 94A Plan 2017	753
9.3	PLANNING PROPOSAL PP0004/16 - 15 JUBILEE AVENUE, WARRIEWOOD	
	Attachment 1: Planning Proposal Document.....	779
	Attachment 2: Gateway Determination	805
	Attachment 3: Comments and Submissions.....	810
	Attachment 4: Proposed Changes to LEP Mapping.....	815
9.5	REPORT ON PUBLIC EXHIBITION OF HOUSEKEEPING AMENDMENTS TO PITTWATER LOCAL ENVIRONMENTAL PLAN 2014	
	Attachment 1: Gateway Determination	816
	Attachment 2: Planning Proposal (as exhibited).....	821
	Attachment 3: Planning Proposal as Updated Following the Close of Public Exhibition.....	896
	Attachment 4: Submissions to Exhibition of Planning Proposal.....	966

9.6	REPORT OF THE PUBLIC EXHIBITION OF THE PITTWATER WATERWAY DISCUSSION PAPER	
	Attachment 1: Outcomes Report of the Public Exhibition of the Pittwater Waterway Discussion Paper with Attachments.....	968
	Attachment 2: Pittwater Waterway Discussion Paper	1077
9.7	PLANNING PROPOSAL (PP0001/17) 1 & 3 NARRABEEN PARK PARADE, NORTH NARRABEEN	
	Attachment 1: Referral Comments Received From State Agencies	1290
	Attachment 2: Internal Referral Comments	1296
	Attachment 3: Summary of Submissions	1316
9.8	DRAFT COMPLIANCE AND ENFORCEMENT POLICY	
	Attachment : Draft Compliance and Enforcement Policy	1424
9.9	SUBMISSION TO THE DEPARTMENT OF PLANNING AND ENVIRONMENT IN RESPONSE TO A GREENFIELD HOUSING CODE	
	Attachment 1: Background Paper & Explanation of Intended Effect.....	1442
	Attachment 2: Submission on the Draft Greenfield Housing Code	1516
9.10	FUNDING AGREEMENTS FOR MANLY COMMUNITY CENTRE AND SERVICES AND MANLY WOMENS SHELTER	
	Attachment 1: 2017-2020 Manly Community Centre & Services Inc Funding Agreement	1522
	Attachment 2: 2017-2020 Manly Women's Shelter Incorporated Funding Agreement	1530
	Attachment 3: Letter from Manly Community Centre & Services Inc dated 5 May 2017	1536
9.11	DEVELOPMENT APPLICATION (DA) SERVICE INTEGRATION: ADOPTION OF PROPOSED AMENDMENTS	
	Attachment 1: Summary of Submissions	1538
	Attachment 2: Draft Development Assessment Management Policy copy for Adoption by Council	1539
	Attachment 3: Exhibited Draft Development Assessment Management Policy....	1541
	Attachment 4: Summary of Proposed Development Control Plan Amendments to be Adopted by Council	1544
	Attachment 5: Draft Northern Beaches Independent Assessment Panel (NBIAP) Charter 2017 to be Adopted by Council.....	1558

Summary of submissions - Operational Plan 2017/18

Summary	Issues raised	No.	Council Response
Budget 2017/18	<p>9.4% increase in rates for former Warringah residents</p> <p>Objections to general increase applying to properties in the former Warringah area for the following reasons:</p> <ul style="list-style-type: none"> • The decision needs to be based on the financial position of the Northern Beaches Council • the savings from the merger should offset the need for a rate rise • the community was misled as there was no suggestion rate rises previously approved would continue 	17	<p>The NSW government's committed to freezing the existing rate paths for four years for newly merged councils. This included any rate increase already approved by Independent Pricing and Regulatory Tribunal (IPART) for former councils prior to the merge.</p> <p>IPART approved a special rate variation for the former Warringah Council in June 2014. A principal component of IPART's determination was based on ensuring the former Warringah Council maintained its long term financial sustainability and undertaking projects included in its long term financial plan. These same conditions apply with respect to Northern Beaches Council.</p> <p>Using the savings from the merger to offset the rate increase is not supported. Merger savings come from improved service efficiency due to increased scope and scale of the new Council. Council has resolved to apply savings to projects that directly benefit the community rather than offsetting spending in other operational areas of Council's Budget or as is the case here offsetting rate increases.</p>
Budget 2017/18	<p>Assumptions rate increase</p> <p>On what basis are rates increasing by approximately 2% each year over 10 years to 2027. The basis of the merged council was cost savings. Where are they</p>	1	<p>Independent Pricing and Regulatory Tribunal (IPART) annually determine the maximum rate increase available to Council's based on the Local Government Cost Index. The writer is referring to the financial planning assumptions in the Long Term Financial Plan (page 57). The rate increase over the next 10 years is an estimate of the Local Government Cost Index</p> <p>Council at its meeting on 7 July 2017 resolved that savings from the merger be set aside in a special Northern Beaches Merger Savings Fund to provide an on-going pool of money for projects that directly benefit the community. Page 6 of the draft Operational Plan outlines funds available in the Merger Savings Fund and where these funds are being invested. The annual savings in 2016/17 total \$4.5 million and a further \$5.4 million is anticipated in 2017/18.</p>

Summary	Issues raised	No.	Council Response
Budget 2017/18	Population growth assumptions in LTFP Questions the assumptions of population growth used in the Long Term Financial Plan (LTFP) of 0.63% when the estimated Australian population growth figure is 1.5%pa	1	The assumptions used in the modelling for the Long Term Financial Plan come from reputable sources. The growth rates are from the 2016 Local Government Area Population, Household and Dwellings Projections produced by the NSW Department of Planning and Environment. These projections are also used by the NSW government in planning for service and infrastructure delivery for the community.
Budget 2017/18	Salaries expenditure Concerned about the increase in employee cost particularly management salaries	2	Generally Council salaries were increased for the 2017/18 year in accordance with expected NSW Award increases for the year. On an annualised basis employee costs are budgeted to increase by 1%. This is well below the expected Award increases as a result of merger savings due to a reduction in both senior management and back office positions that are not being replaced. Any increases at individual levels is as direct result of increases in the scale and complexity of the role which is consistent with general principles of restructuring in a merged environment.
Budget 2017/18	Bin replacement program Requesting information on the \$16.79m spend on bin replacement in 2018/19	2	This is part of the Kimbriki tender which is currently underway – the outcome of this review may result in a recommendation to upgrade to a new waste processing system to improve sustainable waste management. This may require changes to how waste is presented at the kerb to accommodate a new processing system. Funding has been allocated to enable this reconfiguration of bins if it is required.
Budget 2017/18	Merger savings Suggests that the productivity savings of 0.2% is too low and a newly merged Council should have a higher target	2	The merger savings which result from changes in scale and capacity are a form of productivity saving and are separately built into the budget. The additional productivity savings have been set at a realistic level to ensure Council can achieve these savings without impacting on service delivery.
Budget 2017/18	Council IT systems Concerns regarding funds for the new Council and integration of IT systems.	1	The \$10million for the New Council Implementation Fund from the NSW government to assist with initial up-front costs of implementing the Northern Beaches Council formed part of the 2016/17 budget. Some \$1.5 million will be carried forward into 2017/18 as part of changes recommended in the Report. Monies from the New Council Implementation Fund were used to fund work on establishing a single finance, asset management, document

Summary	Issues raised	No.	Council Response
			management systems, geographical information system and website. These systems will all be available early in 2017/18. Further work in integrating other systems across the business will continue and \$792,000 has been provided in the budget for new software and IT systems.
Operational Plan 2017/18	<p>Format and content of the Operational Plan</p> <ul style="list-style-type: none"> • Structure doesn't provide a strategic context - should be by key service areas and ward • Environment expenditure should exclude spend on stormwater • Financials should include comparisons to previous financial year (and former councils) with greater explanations regarding movements • Breakdown of operational expenditure and income by programs/operational area • Financials should be provided inclusive and exclusive of Kimbriki • Commentary should be provided on the movements in Fees and Charges • Special Rate Variation expenditure needs to be detailed in the Plan • Concerned about the lack of detail in the plan on individual projects 	4	<p>The Operational Plan format and structure has been designed to meet the requirements of the Local Government Act, especially to relate to community priorities arising within the draft community strategic plan.</p> <p>There are many alternative ways of presenting expenditure including environmental expenditure. Council is of the opinion that isolating areas expenditure such as excluding stormwater from environment which are inter-related would not add value to the presentation of the Operational Plan.</p> <p>In respect of providing comparisons to previous financial years this is only appropriate to explanations outside the presentation of the Financial Statements such as within the Council report presenting those statements. The Financial Statements are required to be presented in accordance with the Local Government Code of Accounting Practice and Financial Reporting which does not include comparative information for amalgamated councils.</p> <p>Council is still in the process of developing its structure as well as integrating its financial and other reporting systems. There will be an opportunity next year to further look at the structure of the operational plan and how information can be presented as the first Delivery Program is developed. The current development of reporting systems will include sufficient flexibility to meet community needs whilst meeting the requirements of the Office of Local Government Integrated Planning and Reporting requirements.</p> <p>There may also be opportunities to make additional information available online in future. For example the 2016/17 works program is currently available spatially via an online map. This allows users to see by</p>

Summary	Issues raised	No.	Council Response
			suburb/ward/LGA what is planned and drill down on individual capital projects. The 2017/18 works program will be available online in early July. As the majority shareholder with a 96% holding of Kimbriki Environmental Enterprises P/L (Kimbriki) this is an integral part of Council's services and as such it would not be appropriate or consistent with reporting requirements to present Financials without Kimbriki.
Operational Plan 2017/18	Performance measures There are a massive number of performance measures. They all cannot be key and some must be monthly, some quarterly and some annual but this is not stated. Also suggesting some additional performance measures be included	2	The frequency of reporting on each indicator in the Plan was shown as either Quarterly or Annual. While the Plan has been on exhibition a further review of the indicator framework has been undertaken to ensure they are meaningful and can be measured. This has resulted in the development of a more strategic set of 25 performance metrics with clear targets for monitoring the performance of Council. Minor changes are also required to the Community Satisfaction Metrics to reflect the questions asked in the survey in June 2017. Further work on the indicator framework will occur in 2017/18 as part of the finalisation of the Community Strategic Plan and development of the new Delivery Program.
Protection of the environment	Environment Object to the generalised category of "Environment", which involves construction projects for coastal protection and stormwater works, being in the same budget line as protecting natural areas.	1	The Natural Environment & Climate Change Group delivers programs to protect, preserve and manage the coasts, estuaries, waterways, biodiversity and bushland; manage the catchments including water quality and quantity and the built stormwater network and manage natural hazards including flooding, bushfire, coastal erosion and landslip. Environmental education and sustainability programs are also undertaken to change behaviours within the community. These are delivered through on ground works including an extensive bush regeneration program, a capital works program to deliver projects to improve coastal protection, the stormwater network and stormwater quality devices, creek protection works; engagement and education programs and the development of plans and strategies to manage the natural environment and natural hazards. It is essential that a combination of on ground, capital and strategic management works are undertaken to protect the natural

Summary	Issues raised	No.	Council Response
			environment.
Protection of the environment	Climate Change Concerns regarding climate change and the need for Council to address social obligations with specific recommendations regarding reduction of emissions in buildings, fleet, and other infrastructure of council.	2	Council will deliver a range of programs to mitigate, adapt and respond to climate change. This will include internal programs around Council's operations as well as programs to drive emissions reductions in the community. More than \$465,000 has been committed to deliver energy savings initiatives during the 2017/18 financial year.
Collaroy Beach & Storm damage	Supporting works to fix storm damage at Collaroy Beach	1	Noted.
Collaroy Beach & levy	Suggest a special levy to cover the cost of the works on Collaroy funded by affected property owners	2	Private property owners will be contributing 80% of the cost of works that protect their land. The remaining 20% is proposed to be shared between Council and the State Government in recognition of the benefit that is provided to public assets and the beach by having the protective works in place. A levy is an option under the NSW Coastal Protection Act; however it has to be voluntary and would take time to accumulate sufficient funds for the works to be undertaken. Given how immediate the need for protection is, Council has opted for the up-front payment approach, rather than a levy. In terms of ongoing costs, there is no need for a levy as residents will be responsible for the maintenance and renewal of the works.

Summary	Issues raised	No.	Council Response
Footpath expenditure	Requesting expenditure on programs for new and renewal of existing footpaths be substantially increased to address safety issues (level of spending is unacceptable for the former Pittwater Council area).	7	<p>Council has committed \$12.4 million to active travel across the Northern Beaches in 2017/18 including \$1.1 million for new footpaths and \$0.93 million for renewal of existing footpaths.</p> <p>Funding for construction of new footpaths must compete for limited funding with all capital works on a priority basis and the current level of funding is considered appropriate. The expenditure on footpath renewals is based on Council's Asset Management Plans.</p>
	Requesting that works to extend the footpath in Hudson Parade, Clarendon which is currently planned for 2018/19 be commenced in 2017/18	2	<p>The Hudson Parade footpath is important to the community in the local area and is currently scheduled for construction in the 2018/19. A change to the program to bring the works forward into 2017/18 is not supported.</p> <p>The footpath in this location is not part of the critical new footpath program identified on the previous Pittwater 'Walks and Rides' document that was adopted by the former Pittwater Council. There are many high priority footpaths scheduled for construction in future years, all of which also provide connectivity to villages, community centres, schools public transport, parks and many other destinations.</p> <p>The priority of projects in the new footpath program for 2018/19 and beyond may change as a result of the development of the Northern Beaches Pedestrian Access and Mobility Plan (PAMP). The development of the PAMP is scheduled to commence in 2017/18 and will review and prioritise footpath delivery across the Northern Beaches.</p>
	Requesting infrastructure be provided on Barrenjoey Road between Iluka Rd (south) and Careel Bay to address safety issues for pedestrians	1	<p>The construction of new infrastructure must compete for limited funding with all capital works on a priority basis. New footpath construction is prioritised based on the former Pittwater 'Walks and Rides' document. This section of road is not identified for priority footpath construction due to low pedestrian volumes.</p>
	Suggestions that the adopted "Adopt a Pathway" program by former Pittwater Council is deserving of considerable funding	3	<p>\$20,000 funding for the former Adopt a Pathway program has been included as part of the footpath program for 2017/18 budget.</p>

Summary	Issues raised	No.	Council Response
Kerb and Gutter expenditure	Requesting funds be allocated to investigate the cost of providing Kerb and Gutter in Hilltop Road, Avalon and the works be undertaken in 2018/19	1	The 2017/18 budget has not allocated funding for new kerb and guttering. The construction of new infrastructure must compete for limited funding with all capital works on a priority basis and this work has not been prioritised for funding.
Road resurfacing expenditure	Requesting increased expenditure on road resurfacing	1	The expenditure on road resheeting (renewals) is based on Council's Asset Management Plans.
Fees and charges revenue	Why has revenue from fees and charges fallen by \$5million in 2017/18	1	The budget for 2016/17 was for the period 13 May 2016 to 30 June 2017 whereas the budget for 2017/18 is for the year ending 30 June 2018. There has not been a decrease in annual budget for Fees and Charges which have generally risen in line with inflation
Aquatic centres Fee differentials	Perceived anomaly between pool hire and lane hire rates of 25 m outdoor pool for swim clubs. Hire of the whole pool is \$135 while lane hire is \$20 per lane (5 lanes = \$100) Concerns about the methodology for setting fees at the Manly Andrew Boy Charlton Centre - not consulted as a stakeholder, the basis of differential charging between groups is not clear. More broadly charging for some services recognises different demographics and also sets different fees based on whether the user is inside or outside the LGA	4	Due to the reduction in pool hire fees, the whole pool 25m outdoor pool fee should be reduced to \$100. The change is supported Fees at Manly Andrew Boy Charlton Centre have been set in accordance with Council Pricing Policy. In setting the fees for this facility prices were benchmarked with similar facilities including City of Ryde, Sutherland, Leichardt, Lane Cove, City of Sydney, North Sydney and Canterbury Bankstown Leisure Centre. Manly Andrew Boy Charlton Centre fees do not distinguish between user groups as inside/outside LGA but does distinguish between commercial organisation and schools/community groups. This is also applicable to Warringah Aquatic Centre. This is consistent with similar facilities.
	Concerned about different fee structures for swimming passes between the Manly and Warringah aquatic centres particularly adult squads, adult season tickets and a lack of reciprocal arrangements		The two centres offer distinctly different facilities and services resulting in different fee structures including casual entry through to memberships. Demand for reciprocal arrangements is under review.

Summary	Issues raised	No.	Council Response
Beach parking stickers	Generally concerned about the management of the beach parking stickers and the possible reselling of the stickers. Also objecting to the sale of beach parking stickers to non-residents of the Northern Beaches	2	<p>An overarching Parking Strategy review for the Northern Beaches is currently underway and will consider digital permits as an opportunity to reduce black market selling of beach parking stickers.</p> <p>In relation to the sale of stickers from 2017/18 this will be limited to residents only. Non-resident ratepayers will continue to receive beach parking stickers.</p>
Bus Shelters provision	Concerned that the provision of bus shelters is not in the budget	1	<p>There are no plans to expand the number of bus shelters in 2017/18. The construction of new infrastructure must compete for limited funding with all capital works on a priority basis and this work has not been prioritised for funding</p>
Children's Services & Vacation care	Requesting the operating hours for Allambie Vacation Care be extended to 6pm	1	<p>The closure time will be changed to 6pm. As advised to families on 9 May, Northern Beaches Council will no longer be operating a Vacation Care service at Allambie from Spring 2017. The School Principal has made a decision to offer the premises to the Allambie School OOSH service who we understand will operate a Vacation Care service from these premises.</p> <p>We are proposing to open a new Vacation Care service at the Manly Vale Community Centre from the Spring 2017 school holidays. The centre is conveniently located for many of the families using Allambie and will provide an alternative for children from Allambie Heights Public School who might like a change of environment in the holidays.</p>
Children's Services & Preschool centre mergers (Ivanhoe Park and Kangaroo Street)	Objecting to the amalgamation of preschool centres at Ivanhoe Park and Kangaroo Street Manly. Concerned that the intensification of children services at Kangaroo Street, and the reduction in spaces, will result in a perceived conflicts of uses between youth, community groups, hall hirers and children's services.	1	<p>Council does not consider that there will be a loss of facilities available for other uses at the Kangaroo Street facility (e.g. Youth, Community services, etc.) due to the expansion of the pre-school to amalgamate Ivanhoe Park preschool into Kangaroo Street during the 2019/20 year. There will continue to be a Community space for Youth events and community hall hirers.</p>

Summary	Issues raised	No.	Council Response
Fees	<p>Filming permits: Requesting a review of commercial rates charged in Palm Beach for filming permits compared to rates charged in other parts of Sydney and overseas.</p> <p>Wharf Permits: Requesting a review of commercial rates charged in Palm Beach by Council for wharf permits and compare these rates with current best practice in Sydney and overseas.</p>	2	<p>A review of filming permits, practices and fees will be undertaken in 2017/18 to ensure a consistent approach across the Northern Beaches. This will include looking at best practices approaches.</p> <p>The fees are based on the previous Pittwater Council fee increased by CPI. Comparators to harbour charges (or overseas) have not been used as a benchmark as there is a wide variability in the harbour depending on the demand and location.</p>
Hall Hire Fees	Concerns about Hall Hire Fees for Lionel Watts Sports and Community Centre. Suggesting regular hirers could be offered a day rate where the facility is hired for 4 hour at a reduced rate.	1	Council has reviewed its fees and charges across the area; and believes that the price advertised for the Lionel Watts Sports and Community Centre is reasonable to cater for a range of different users including short and longer duration use. A more comprehensive review of fees across Council's entire community centre network is planned for the next 12 months.
Hop Skip Jump services	Expressing concern about the Hop Skip Jump Community Bus service. One writer suggests that it cease as it was intended to only operate during the construction of Stockland's Centre at Balgowlah and there are alternative public transport systems for users.	2	The Hop Skip and Jump bus service (HSJ) is popular with over 84,500 passengers using the service during the March 2017 quarter. The budget has been prepared on the basis of maintaining existing service levels to the community. The HSJ service complements other transport options in and around the Greater Manly area. The service is a valuable social connector as well as helping to reducing congestion in Manly and contributing to Council's environmental sustainability objectives.
Infrastructure needs	Proposing the construction of three all-weather netball courts in Avalon; on the unused grass area adjoining Avalon Skate Park.	2	The submission from the Pittwater Peninsula Netball Club Inc. and the Newport Breakers Netball Club for the construction of three all-weather lit netball courts in Avalon will be analysed and considered for inclusion in Council's Sportsgrounds Strategy and the 15 year plan. Implementation of the Clubs' proposal will be determined in the Final Sportsgrounds Strategy which is planned to be considered at a Council meeting in August 2017.

Summary	Issues raised	No.	Council Response
	Calling for funds to be provided for purchasing new sportsfields	1	Council's Draft Sportsgrounds Strategy (May 2016) recommends that in response to the shortage of sportsfields the priority actions over the next 15 years are to; re-allocate grounds to maximise use, improve the capacity and resilience of existing fields, build new sportsfields in new housing development areas (Warriewood and Ingleside), partnering with schools, installing synthetic surfaces before considering conversion of suitable open space. It is estimated that 11.4 hectares of playing area could be acquired and embellished in Warriewood and Ingleside. Purchase of private or other land is considered unviable. The 2017/18 budget and capital works program focuses on the priority actions including for example a new synthetic surface at Cromer Park. The Final Sportsgrounds Strategy is planned to be considered at a Council meeting in August 2017.
Library Fees:	Late fees on overdue library books Objecting to the charging of late fees on overdue library fees for children accounts	4	The reminder emails will continue however the late fees for overdue children's books has been harmonised with all the former library services on the Northern Beaches to make it equitable for all. The library has a limited stock of children's books which are always in high demand. Late returns mean that another child misses out and is disadvantaged. Late fees discourage late returns so the community as a whole can share the resources equitably. Late fees can be avoided by renewing for a further three weeks on-line, by calling the library or talking to staff at the branch.
Local road safety	Suggestion to limit parking in congested local roads to one side of the street to increase safety.	1	Council will be developing a Northern Beaches Active and Sustainable Travel Strategy to ensure Council has a clear direction in prioritising travel and transport actions. It will assist Council in how best to manage the current needs and planning for the future travel demands of the community. Parking is one element that will be considered as part of this Strategy.
	Requesting funding to improve the Kiss and Drop zone at Bilgola Plateau Public School to address safety concerns	1	This request will be directed to the Road Safety Education Team for investigation and review.

Summary	Issues raised	No.	Council Response
Netball fees in advance	Requesting that the sporting user's fees for winter 2018 be set in advance as the Manly Warringah Netball Association (MWNA) sets its fees in advance in November 2017 for the following year.	1	Council's Draft Sportsgrounds Strategy (May 2017) has recommended a review of the allocation process including pricing strategies - with a view to influencing and maximising use of Council's sportsfields. The proposed seasonal sportsground user fees apply to the 2017 winter and 2017/18 summer seasonal allocation of sportsfields and netball courts and is the same as summer 2016/17. This allows for the outcomes of the review of the allocation process and pricing strategy to be considered from the 2018 winter season. The Final Sportsgrounds Strategy is planned to be considered at a Council meeting in August 2017.
PCYC	Will Council employees be able to park in the PCYC carpark and what will be the charge for them	2	The PCYC is a public carpark. Users of the carpark will be charged a fee in accordance with the Fees and Charges 2017/18. The fee charged is based on the length of the stay.
	Are the fees for hall hire for the PCYC in the schedule		The PCYC Inc will operate the new youth recreation and multipurpose facility in Dee Why. All fees therefore are set by the PCYC and not by Council.
Town and villages enhancements	What is planned with Town and Village enhancements budgeted for \$536K	1	This will fund design and possibly some construction works associated with place plans. Work will continue on place plans for Mona Vale and Avalon in 2017/18. The \$50,000 for design work in the draft Plan for 2017/18 will be moved into 2018/19 as this will coincide with when these place plans will be completed and design work can commence.
Land release	Expressing disappointment that Ingleside Land release project is listed in the Plan	1	Northern Beaches Council is following a process established and supported by the former Pittwater Council. The release of land in Ingleside will provide additional housing on the Northern Beaches and in the Sydney region. Any release of land in Ingleside must coincide with works to upgrade Mona Vale Road. The development of this area (infrastructure) would be funded from developer contributions (local infrastructure such as drainage, sportsfields etc). Connections and upgrading to utility services would also be paid by the developer.

Summary	Issues raised	No.	Council Response
Crematorium	Suggesting the installation of a crematorium for the Northern Beaches at Frenchs Forest Lawn Cemetery	1	This facility is not owned by Council.
Landscaping Plam Beach	There is no specific budget item for landscaping the beach at Palm Beach.	1	The draft Palm Beach South Masterplan will go to Council for approval for exhibition on the 27 June. Once adopted funding of projects from the Plan will be considered in future budgets of Council.
Sale of land	Objecting to the sale of Site A Dee Why Town Centre	1	The sale is on hold pending a review of Council's property portfolio, as well as making sure that car parking continues to be available in Dee Why prior to the opening of the new PCYC car park and the Meriton development. This will be revisited in the term of the new Council.

Summary of changes: Fees and Charges Schedule

Business Unit	Service	Change	Reason for change
Aquatic Services	Manly Andrew Boy Charlton Aquatic Centre - Pool Hire	25 Metre Outdoor Pool - Schools, Registered Sporting & Swimming Clubs - Hourly rate whole pool' amend the unit to read 'per hour' and the fee from \$135 to \$100	Adjusted to reflect reduced pool hire fees
Customer Services	Parking Permits - Beach	Non-residents 01 September - 31 August	Delete the fee. Limited permits are sold to non-residents and responds to a submission
Development Assessment	Additional Fees for Development Applications, Modifications and Reviews	Delete the fee 'Advertising Fee - s82A Review of Determination where the Regulations or a Development Control Plan require public notice'	The fee is no longer required as it has been captured by the amended fee below
Development Assessment	Additional Fees for Development Applications, Modifications and Reviews	Amend the wording to read 'Advertising Fee - s96(2) or s82A Review of Determination or Modification of Consent where the Regulations or a Development Control Plan require public notice"	Amended so a single fee covers review of determinations and modification of consent
Environmental Compliance	Building Approvals	Amend the wording of the fee to read 'Construction Certificates - Class 2 - 9 Buildings - Work value <u>between \$150,001 to \$250,000 less than or equal to \$150,000 (application fee based on value of works)</u>	Fee description incorrect
Environmental Compliance	Health Compliance	Amend the unit description for 'Compliance Cost Notice' from 'each' to 'per officer per hour plus oncosts'	Unit rate incorrect and amended to reflect the correct basis on which the fee will be charged
Finance	Rates - Section 603 Certificate	Amend the fee from \$75 to \$80	The Office of Local Government in Circular No 17-09 have advised of the fee increase
Finance	Credit Card Fees	Amend the wording to read ' <u>Credit Card Payment Card Surcharge for all payments made by credit card, with the exception of Childrens' Services and Community Centres</u> '	This is consistent with the 2016/17 fees and charges to not levy the surcharge on payments for these services
Natural Environment and Climate Change	Natural Environment and Climate Change	Various minor wording changes to provide clarity on the fee or service title	Provide clarity on fee description

Business Unit	Service	Change	Reason for change
Natural Environment and Climate Change	Fees - various Flood Risk Information Request	Delete fee for 'Additional requests for advice on flood, tidal inundation or coastal hazard and/or site inspection'	The fee is listed twice in the booklet
Place Management	Street Stall/Pop-Up Shop - Commercial Community Benefit - Former Pittwater LGA	Delete the 'Application Fee' and 'Rental Fee Per Day'	Commercial use of this location for stall holders is no longer supported. Over recent years it has only been used by one stall holder who is in competition with local businesses.
Place Management	Street Stall/Pop-Up Shop - Max 4 days per year - Commercial - Former Pittwater LGA	Delete the 'rental fee, application fee and refundable bond'	Commercial use of this location for stall holders is no longer supported. Over recent years it has only been used by one stall holder who is in competition with local businesses.
Place Management	Glen Street - Box Office ticket sales for productions	Amended the postage fee from \$1.10 to \$1.50	This reflects the cost of providing the service and is consistent with the fee charged for Internet Postage Fee
Place Management	Glen Street - Box Office ticket sales for productions	Amend the opening night - sponsor discount ticket - fee from \$60 to \$50	This reflects the contract that is in place
Place Management	Glen Street - Box Office ticket sales for productions	Amended the internet per seat fee from \$1.10 to \$0.55 per ticket	This reflects the pricing under the new contract
Place Management	Glen Street - Consumables - 1 July 2017 - 31 December 2017 Glen Street - Equipment Hire - 1 July 2017 - 31 December 2017 Glen Street - Marketing Services - 1 July 2017 - 31 December 2017 Glen Street - Theatre Hire - 1 July 2017 - 31	Delete all fees under this service. It is proposed that the fees for 1 January to 30 June 2018 will now apply from 1 July 2017 to 30 June 2018	Moving Glen Street Theatres Fees from Calendar to Financial year would bring it in alignment with Council's current financial structure as currently there are two sets of fees being maintain due to the variance of Calendar to Financial year. The previous structure was maintained with a view to achieving this for 2017/18.

Business Unit	Service	Change	Reason for change
Place Management	December 2017		
	Glen Street - Consumables - 1 January 2018 - 30 June 2018Glen Street - Equipment Hire - 1 January 2018 - 30 June 2018Glen Street - Marketing Services - 1 January 2018 - 30 June 2018Glen Street - Theatre Hire - 1 January 2018 - 30 June 2018	Amend the fees listed under this service to apply from 1 July 2017 to 30 June 2018	Moving Glen Street Theatres Fees from Calendar to Financial year would bring it in alignment with Council's current financial structure as currently there are two sets of fees being maintain due to the variance of Calendar to Financial year. The previous structure was maintained with a view to achieving this for 2017/18.
	Glen Street - Marketing Services - 1 January 2018 - 30 June 2018	Amend the fee for 'Article in monthly EDM' from \$280.25 to \$308.30	The Goods and Services Tax (GST) is payable on this purchase. The fee included in the draft was exclusive of GST. The revised fee is inclusive of GST
	Glen Street - Marketing Services - 1 January 2018 - 30 June 2018	Amend the fee for 'Targeted EDM' from \$499.95 to \$549.95	The Goods and Services Tax (GST) is payable on this purchase. The fee included in the draft was exclusive of GST. The revised fee is inclusive of GST
	Sydney Lakeside Caravan Park	Confirming that the fees will apply for the period '1/7/2017 to 31/8/2018' by inserting the date in the comments section	Extending the fee into July/August 2018 enables bookings to be confirmed for the next financial year in a timely fashion. In the past this has resulted in a loss of business as the rate couldn't be confirmed
Property	Lease or other dealing of Public Land/Road Reserve/Crown Reserves/Community Buildings	Amend the fee 'Compensation fee for the creation/modification/release of easement/covenant/right of way where Council is the Property Owner or is the Authority' from \$10,200 to \$11,220	The fee is subject to GST and the amount included in the draft was exclusive of GST
Property & Commercial	Avalon Golf Course	Amend the fee description: 'Green Fees -	Correcting a typographical error in the

Business Unit	Service	Change	Reason for change
Development		Twilight (after 3.30pm) no day light savings)	description
Property & Commercial Development	Avalon Golf Course	Amend the fee description: 'Green Fees - Twilight (after 4.30pm) day light savings)	Correcting a typographical error in the description
Transport and Urban	Public Reserves Paid Parking - Shelly Beach, Clontarf, Sandy Bay & Spit Bridge	Delete the following fee: 'Up to 2 hours parking (off peak season 1 May to 30 Sep inclusive)'	The fee is listed twice in the booklet
Transport and Urban	Public Reserves Paid Parking - Shelly Beach, Clontarf, Sandy Bay & Spit Bridge	Delete the following fee: 'Up to 2 hours parking (peak season 1 Oct to 30 Apr inclusive)'	The fee is listed twice in the booklet
Transport and Urban	Driveway/Footpath Application Inspection Fee	Various minor wording changes to provide clarity on the fee or service title	Provide clarity on fee description

Policies Proposed for Revoking

1. Allocation of Funds Obtained from the Sale of Council Real Property Policy
2. Amending Council Policies
3. Arts & Culture
4. Brothels in Pittwater
5. Charge Card Facility
6. Charter of Political Reform
7. Code of Conduct – Community and Other Council Committees
8. Competitive Neutrality Statements
9. Council Chamber - Seating Arrangements
10. Councillor Access to Information and Interaction with Staff
11. Councillors – Reports from Council Officers
12. Credit Card Utilisation
13. Customer Service Charter
14. Debt Recovery - Pensioner's Kerbing and Guttering Charges
15. Decisions/Delegations During Christmas New Year Recess
16. Development Application by Councillors and Council Staff
17. Development Applications Previously Approved by the Elected Council - Amendment Of
18. Elections – Poll of Electors to be held in conjunction with Ordinary and Extraordinary Elections of Council
19. Financial Reporting - Measures of Council Liquidity
20. Freedom of Collection and Access for Local Government Libraries
21. Gathering Information
22. Graffiti Reward
23. Guaranteeing and or providing Loans to Community Organisations
24. Home Based Business
25. Issuing of Infringement Notices
26. Kimbriki Recycling and Waste Disposal Centre Policy Principles for Fees and Recyclable Waste
27. Lakeside Caravan Park
28. Late Night Venues 2005 Development Control Plan
29. Library
30. Mayor and Councillor's Remuneration Fees
31. Nuclear
32. Overgrowth of Vegetation

33. Pamphlets & Leaflets – Distribution on Public Roads and in Shopping Centres
34. Policy Development and Management
35. Printing and Stationary – Use of Recycled Paper
36. Property Acquisition Reserve Fund
37. Public Property Vandalism – Reward for Successful Prosecution
38. Quadruple Bottom Line Reporting
39. Rates - Pensioners – Accrual of Rates and Charges and Writing off Interest
40. Rates and Charges Administration
41. Rates on Leased Council Property/Facilities
42. Regional Collaboration and Forced Amalgamations of Councils
43. Saturated and Trans Fat Reduction
44. Section 94 Contributions Plan
45. SHOROC Governance
46. Siting of Microwave Base Stations Manly
47. Smoke Free Zones around Pittwater
48. Smoke Free Zones in Manly
49. Smoke-free Public Places
50. Sustainable Investment
51. Unemployment Relief Schemes
52. Use of Eggs from Non-Caged Hens



GOV-PL 915

Allocation of Funds Obtained from the Sale of Council Real Property

1. The purpose of this policy is

To ensure a consistent approach to the utilisation of funds obtained from the sale of Council real property. To establish the Community Land and Projects Reserve for funds arising from the reclassification and sale of community land and the closed Road Reserve for the proceeds derived from the closure and sale of road reserve.

2. Policy statement

Over time community demand on Council's operational requirements for certain parcels of land may change. This results in property not performing to expectations or becoming surplus to the Council's needs. If a property is not performing or surplus it may be appropriate to dispose of it in order to generate funds for Council to provide appropriate alternative property or use for other specific purposes.

The allocation of proceeds from the sale of real property including a specific financial reserve for the sale of community land and closed road reserves is addressed by this policy.

3. Principles

3.1 Types of Real Property

The Local Government Act 1993 requires Council to develop a Land Register which covers all land owned or controlled by Council.

Public Land is that which is owned or controlled by a Council and includes leased land and land for which Council is a trustee (except Crown land). Public Land does not include roads, Crown land, commons or land used for Schools of Arts or Mechanics Institutes. Public land must be classified by the Council as either operational or community.

Classification determines the ease or difficulty with which land can be sold, lease or licensed.



GOV-PL 915

3.2 Operational Land

Land classified as 'operational' is essentially land used for such things as civic buildings, car parking, depots, administration buildings, income generation, investment, development and commercial business. Land classified as operational can be used for any purpose, including community and recreational and there is no restriction on Council on the sale, leasing or licensing of operational land.

3.3 Community Land

Land classified as 'community' is essentially used for social, recreational, environmental and historic purposes and under the Local Government Act 1993, is automatically classified 'community' if it was in one of the following categories, land zoned open space, public reserve, land subject to a trust for a public purpose and land dedicated as a condition of consent under Section 94 of the Environmental Planning and Assessment Act 1979. Land classified 'community' can only be sold if it is reclassified to 'operational' by a Local Environmental Plan and following a public hearing.

Community land has limitations on leasing and licensing and must have Plans of Management which define what activities can be carried out, action plans for the land and management strategies.

The Council has over 1,400 parcels of community land valued in excess of \$3B.

3.4 Road Reserves

Roads are not considered public land under the Act. However, if roads are closed under the Roads Act the land becomes operational land available for sale or lease to adjoining owners or other purchasers. Upon the sale of road reserve the proceeds of sale (less the costs of the sale) must be used for the purpose of acquiring land for public roads or for carrying out road works on public roads.

3.5 Crown Land

Broadly, there are three types of Crown Land – reserves, other tenures (eg. Leases), and vacant land. Of these, Crown Reserves controlled by the Council and Crown land leased by Council have been included in Council's Land Register.



GOV-PL 915

Crown Reserves for which Council is Reserve Trust Manager

The Crown Lands Act 1989 establishes a statutory reserve trust. Wherever Councils have been appointed as managers of the reserve trust (in many cases there are private or community bodies appointed as the managers of the reserve trust) they will have “control” of the reserve in the terms of the Local Government Act. These lands are included in Council’s Land Register (though the classification provisions will not apply to it).

Council’s management role is dictated by the provisions of Part 5 of the Crown Lands Act, 1989.

Crown Reserves that Councils Control

There are numerous Crown Reserves, often for public recreation, for which Council has care, control and management under Section 344 of the Local Government Act 1919. The Council does not have title to these reserves and cannot deal with them or grant leases over them. The title to these reserves is in the State of New South Wales.

Section 48 of the Local Government Act 1993 continues these arrangements and gives Councils control of public reserves that are not under the control or vested in any other person, and are not held by lease from the Crown. Other public reserves may come under the control of the Council by proclamation. These reserves are included in Council’s Land Register (through the, classification provisions do not apply).

3.6 Vested Land

Vested reserves are former Crown reserves, which are now vested in fee simple in Councils. This means that there are no restrictions under the Crown Lands Act on how Councils may deal with the land except for those included in the conditions of vesting and/or listed on the second schedule to the title. Councils must deal with this land under the Local Government Act, i.e., they must classify it, prepare plans of management if community land etc.

The vesting of Crown reserves is done by the relevant State Government Minister by a notice of such vesting placed in the Government Gazette. Once vested, the land is no longer Crown land.

Buildings

Council has invested over \$100M in the construction of a diverse range of operational and community buildings or facilities on the abovementioned land parcels in order to deliver a comprehensive range of services to the community.



GOV-PL 915

The buildings and facilities need to be maintained in an adequate manner to ensure that the desired condition is achieved over the life cycle of such facilities. Significant upgrades may be necessary to enable new services to be delivered or to overcome functional or technical depreciation. At a certain stage it may be necessary to demolish the building or dispose of the property on the grounds that it is the only viable financial alternative.

3.7 Property Development Reserve

Many Councils in NSW have recognised the need to secure additional sources of revenue to supplement rate revenue. One way of generating this revenue is by property development and investment activities funded through a Property Development Reserve which will provide funds for the following purposes:

- Acquisition of suitable residential, commercial, industrial or other income producing investments.
- Acquisition of suitable development sites.
- Rezoning of existing Council Property for redevelopment purposes.
- Gaining of Development Application and Building Certificates and Construction Certificates for projects on acquired or existing Council sites.
- Construction of development projects for resale generating development profits or rental income.
- Participation in joint venture projects.
- Feasibility studies/external expert advice.
- Civic buildings.

For such a reserve to operate successfully a cash reserve or income flow needs to be established where funds can be redeployed for the abovementioned purposes. Predetermined profits and income can then be transferred to the Reserve as required to assist in maintaining the Property Development Reserve.

Once clearly defined investment and development criteria are established staff may identify, evaluate and propose suitable projects to Council for consideration.

3.8 Community Land & Projects Reserve

Section 409 of the Local Government Act provides that any surplus from the sale or lease of community land must be applied to the acquisition and management of other community land.

**GOV-PL 915**

This policy establishes a Community Land & Projects Reserve into which funds arising from the reclassification and sale of community land are paid. The Reserve will be used for the acquisition and management of their community land i.e. creation/improvement/embellishment of new or existing assets (land and buildings) in the same category as the original community land, or other community land acquisitions, embellishment or provision of community facilities and projects.

3.9 Road Projects Reserve

Section 43 of the Roads Act 1993 requires that the proceeds from the sale of any Council Road Reserve, less the cost of the sale to Council, are not to be used by Council except for acquiring land for public roads or for carrying out roadwork on public roads.

This policy establishes the Closed Road Reserve.

3.10 Allocation of Funds from the Disposal of Land

Having regard to the above, funds from the disposal of Council Real Estate are to be applied in the following way:-

Type of Real Property	Allocation of Disposal Proceeds
<ul style="list-style-type: none"><u>All Operational Classified Land</u>	100% of net proceeds to Property Development Reserve provided: <ul style="list-style-type: none">- Any internal loans from other Reserves or s.94 used in the acquisition/development of that asset are repaid and- Any funds used from Section 94 Fund for the acquisition or development of the asset are repaid into the original, or an appropriately amended, Section 94 Financial Reserve for expenditure in accordance with Section 94 Plan.
<ul style="list-style-type: none">Community Land Reclassified to <u>Operational Land</u>	100% net proceeds to Community Land & Projects Reserve to provide funds for creation/improvement/embellishment of new assets in same category as the original community land, or other community land acquisitions, embellishment or provision of community facilities/projects within the Council area, provided that: <ul style="list-style-type: none">- All funds from disposal of community land acquired through Section 94 Funds (or Section 333) shall be repaid into the original, or an appropriately amended, s.94 Plan Financial Reserve for expenditure on a similar asset at an alternative location.



GOV-PL 915

• <u>Road Reserves (Closed)</u>	All net proceeds to be paid to Closed Roads Reserve .
• <u>Crown Reserves</u>	All net proceeds to Property Development Reserve .
• <u>Vested Land</u>	All net proceeds to Property Development Reserve .

4. Amendments

This policy was amended on:
Council Decision No. 165 on 22 June 1999
Council Decision No. 10 on 20 February 2001
Council Decision No. 546 on 24 July 2001
Council Decision No. 228 on 27 May 2003
This report was last amended 7 August 2006.

5. Authorisation

This policy was adopted by Council on 30 March 1999, *Council Decision No. 141*.

6. Who is responsible for implementing this policy?

Manager Assets

7. Document owner

Director Corporate Services

8. File number

175.010.022

9. Legislation and references

- Local Government Act 1993
- Roads Act 1993
- Environmental Planning & Assessment Act 1979
- Crown Roads Act

9.1 Definitions

None.



Policy – No 151	Adopted:	OM: 20.10.2003
	Reviewed:	OM: 03.06.2013
	Amended:	OM: 17.10.2011
	Revoked:	

TITLE:	AMENDING COUNCIL POLICIES
STRATEGY:	Business Management
BUSINESS UNIT:	Administration and Governance
RELEVANT LEGISLATION:	None
RELATED POLICIES:	None

Objective

To standardise the procedures and processes for amending Council Policies

Policy Statement

The Council amends its policies from time to time as legislation changes, operational requirements change or as part of an ongoing quality assurance program. This policy establishes the procedures to be followed in amending Council policies.

Amending Council Policies

1. Definition of “policy”

The definition of “policy” for the purposes of this Policy relates to those current Policies adopted by Council and contained in Council’s Policy Register.

2. Justification for Policy Change

Prior to taking a decision to notify the public of council’s intention to amend a council policy, a report shall be submitted to the council by its officers identifying the implications of the proposed policy change and justifying the need for the change/s to the existing policy.

3. Notification

Any proposed amendment to a Council policy shall be notified in the local media only where there is a substantial amendment to the Policy and that amendment would have a considerable impact on the community. Minor amendments due to change in the name of the legislation, affecting the Policy, grammatical amendments or amendments made that will not have a significant affect on the public (as determined by the General Manager) will not be notified in the local media.

If, in the opinion of the Council, a proposed policy amendment has a direct and significant impact on a resident/s or landowner/s then a direct notification of the proposed amendment is to be provided to that effected resident/s or landowner/s. In all instances, the public notice will nominate a contact officer within Council to assist the public with any enquiries together with a telephone number/email address for contact.

4. Public Exhibition

All persons in the community are to be provided with at least 28 days to provide comment on, or make a submission in relation to a proposed policy amendment. The public notification referred to above will request that submissions be made to the General Manager in writing, however persons wishing to make personal representations at a meeting of the Council or one of its Committees, will also be given that opportunity.

5. Consideration of submissions

Following the public notification period, a report will be submitted to the Council advising it of all submissions received. This reporting back procedure shall apply even if no submissions are received. A copy of all/any submissions received is to be made available to councillors upon request prior to consideration of the officer’s report. Depending upon the number of submissions received, copies of the submissions shall be attached to the officer’s report (deleting the names and addresses for privacy reasons). In any event, a table shall be included within the officer’s report identifying each submission received, a summary of each of the issues raised and a comment by the Council officer adjacent to each issue raised.

6. Adoption of Amended Policy

The adoption of an amendment to a Council Policy shall only occur at a meeting of the full Council, not at one of its delegated Committees. This requirement shall only be waived in cases of urgency where under special circumstances an early resolution is required.

7. Format

All policies or amended policies shall be in the attached format and include a concise “Policy Statement”, together with the detail of the policy (Attachment 1).

8. Revision Date

All policies are to be reviewed every 4 years (i.e. mid term of the elected Council)

ATTACHMENT 1

Council Policy – No Version:	Adopted:	
	Amended	

TITLE:

STRATEGY:

BUSINESS UNIT:

RELEVANT LEGISLATION:

RELATED POLICIES:

Objective

Policy Statement

A50. ARTS & CULTURE POLICY

Title: Manly Art Gallery and Museum – Arts and Culture

Policy No: A50.

Replaces policies: M10, M20, M30, M40 & M50

Keywords: Art medium, acquisition, deaccession, exhibition

Responsible Officer: Divisional Manager, Human Services & Facilities

1. PURPOSE AND AUTHORITY

The purpose and broad objective of the policy is to provide guidelines for the Manly Art Gallery and Museum in relation to acquisitions and exhibitions, collections and support of the arts.

This policy has been authorised by the Council and is available to all Council Officials and the community. It has been developed in consultation with staff and will be revised on a regular basis. Ownership of the policy rests with the Divisional Manager, Human Services and Facilities who is responsible for its implementation.

2. POLICY STATEMENT

Manly Art Gallery and Museum aims to enhance the quality of life of its community and to encourage the development of the visual arts, with a collection that is distinctive and of quality and importance compared to other public regional, state and national galleries.

3. PRINCIPLES

The following working principles shall guide the Manly Art Gallery and Museum in its operations and in pursuit of its overall aims and objectives:

- To acquire art works of high quality by significant Australian artists, both historical and contemporary, in the mediums of painting, drawing, watercolour, photography, printmaking, ceramics, glass and small sculpture.
- To develop a collection of significant artworks by artists associated with the Northern Beaches region including Sydney Harbour, to document the social, cultural and artistic history of the region.
- To collect objects for the Museum that reflect and expand on the knowledge of Australian beach culture, with specific reference to the role Manly has played in this history.
- To continue to collect jointly with the Library, materials on local studies and local history.
- To advise and support the loan, acquisition and installation of public art for Manly.
- To facilitate the loan of works for the collection to other public galleries, as approved by the Divisional Manager in consultation with the Director.
- To use professional Curators who have appropriate qualifications and accreditation to assist with interpreting, presenting and conserving works from the collection.
- The Arts and Culture Committee will review exhibition programming, acquisitions, de-accessioning, conservation and loans in consultation with the Director of the Art Gallery and Museum.
- The purchase of art works to be approved by the General Manager, in accordance with adopted budget. The purchase of art works in excess of \$5,000 to be by Council resolution following report and recommendation to Council.
- Recommendation for approval of acquisitions be made to the General Manager by the Gallery Director in consultation with the Art and Culture Committee. Works without clear provenance or with unreasonable restrictions on display or storage will not be considered for acquisition.

- Art work will not be purchased directly from Council staff or from members of the Art and Culture Committee.
- To continue to support the needs of local artists by exhibiting their works wherever possible.

4. SCOPE

This policy covers all Council officials, volunteers and Arts and Culture Committee members and any person or organisation who is employed by Manly Council for services in the Manly Art Gallery and Museum.

5. DEFINITIONS

Art Medium:	A medium is the material used by an artist to create a work
Acquisition:	Is the purchase or donation of an art work as approved by the General Manager or the elected Council
De-accession:	To remove or sell a work of art from a collection, because of quality, condition, or irrelevance to the collection. Any funds collected to be kept for the purchase of other works of art
Exhibition:	An art exhibition is the space in which art objects meet an audience. Such exhibitions may present pictures, drawings, video, sound installation, performance, interactive art, new media art or sculptures by individual artists, groups of artists or collections of a specific form of art.

6. IMPLEMENTATION

This Policy will be implemented without delay once adopted by Council. Upon adoption this Policy will be entered into Council's Policy Register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly Council policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this Policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Page 15 of 338

Library Act 1939

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	June 2013	Policy Created	Divisional Manager Human Services & Facilities	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Policy – No 133	Adopted:	OM: 29.09.1997
	Reviewed:	OM: 24.06.2013
	Amended:	OM: 17.10.2011
	Revoked:	

TITLE:	BROTHELS IN PITTWATER
STRATEGY:	TOWN AND VILLAGE
BUSINESS UNIT:	ENVIRONMENTAL COMPLIANCE
RELEVANT LEGISLATION:	ENVIRONMENTAL PLANNING & ASSESSMENT ACT LOCAL GOVERNMENT ACT
RELATED POLICIES:	NONE

Objective

Presentation of the Amenity and Safety of Residents, particularly Children.

Policy Statement

That, if an applicant wishing to establish a brothel in Pittwater industrial areas can demonstrate to Council that an individual site can satisfy the criteria set out by the Department of Planning, described in its letter dated 16 July 1996, i.e. no brothels are to be located adjacent to schools or facilities frequently used by children including community centres, schools, churches, etc., and should not be located adjacent to residential development where children may be living, then Council would consider a rezoning application for the establishment of a brothel (or sexual service premises).

C14. Charge Card Facility Policy

Title: Charge Card Facility Policy

Policy No: C14

Keywords: Corporate Credit Card, Charge Card, Cabcharge Card, Store and Credit Card

Responsible Officer: Divisional Manager, Corporate Support Services

1. PURPOSE AND AUTHORITY

The objective of this policy is to ensure that effective controls, policies and procedures are in place with respect to the use of Council corporate charge cards (defined in this policy to include credit cards as well as Cabcharge cards and vouchers).

This policy has been authorised by the General Manager and is available to all Council Officials. It has been developed in consultation with staff and will be revised on a regular basis. Ownership of the policy rests with the Chief Financial Officer

2. POLICY STATEMENT

This policy has been developed to:

- ensure transparency in Council's operations concerning the use of corporate charge cards, and
- ensure Council's resources are managed with integrity and diligence.

3. PRINCIPLES

Corporate Credit Cards

Purpose of Corporate Credit Cards

Corporate charge cards have been introduced in order to allow the Council to transact its business in a more efficient manner and at the same time provide Council officers with a convenient method to meet costs they incur on Council's behalf.

Corporate charge cards should be recognised as a valuable tool for the efficient and effective operation of Council's daily business and not as a benefit assigned to specific individuals. They are an effective procurement method for large volume, low value and low risk purchases.

Issuing of Cards

The General Manager has delegated authority to authorise the issuing of corporate credit cards to staff.

The Chief Financial Officer will be responsible for obtaining approval for the issue of and maintenance of a register, including the name of the card holder, the credit account number, their credit limits and expiry dates of the individual corporate credit cards issued.

All new cardholders will be required to certify, in writing prior to the issuing of the card that they are willing to abide by this Policy and any associated guidelines.

Monthly Limit and Authorisations

Each corporate charge card will have a monthly limit on expenditure. This limit will not exceed the officers limits of financial delegation contained in the appropriate staffs' delegations.

All expenditure charged to a corporate charge card is subject to examination and approval by an authorising officer to ensure its appropriateness and compliance with the policy conditions, as outlined herein. These authorising officers are the Divisional / Executive Manager of the Division or Unit which

the staff member is a member of. For cards issued to Divisional / Executive Managers or the General Manager, the Chief Financial Officer will be the authorising officer.

Restrictions

Corporate charge cards are not to be used for personal expenses under any circumstances. The credit limit of the individual cards is not to be exceeded. The cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Council.

Corporate charge cards should only be used for purchases of fuel for Council vehicles in an emergency. Staff should use their vehicle's fuel card for normal fuel purchases.

The payment of gratuities (or tips) via any Council corporate charge card is not permitted as such expenditure is regarded as personal expenditure

Use of corporate charge cards for purchases over the internet should be restricted to trusted secure sites or gateways. Refer to the Charge Card Facility Guidelines for more information on purchasing over the internet.

How Do I Use It?

Verbal or written quotes are not required, however the cardholder should check with other suppliers to ensure that the company supplying the goods is competitive in all aspects of the purchase.

Cardholders should not knowingly permit someone else to use or otherwise take advantage of their card.

Corporate charge cards are to be used as a normal credit or charge card, with the valid signature required to make any purchase. No cash advances are available from automatic teller machines or over the counter and BPay facilities are not available.

The card is for official council business only and may not be used for personal items under any circumstances. The card is not to be linked to any form of award points or loyalty program and any personal award card or membership should not be used in conjunction with the use of the corporate charge card.

An official tax invoice is required to be obtained for every purchase made on the card. All details of the purchase, including tax invoices are required to be obtained and retained to support the appropriate allocation of purchases and the reconciliation of the corporate charge card statement at the end of each month.

Use of a corporate charge card will require the user to abide by Council's procurement policy and guidelines.

Payment of Monthly Account

The outstanding balance of each corporate charge card will be automatically debited to Council's bank account at the end of the month.

Reconciling Monthly Statements

Each month each cardholder will be provided with a corporate charge card statement listing all transactions on their card. These statements will need to be reconciled by the cardholder prior to being submitted for authorisation to the appropriate person.

Once approved the authorised statement must be returned to Finance with all required supporting documentation and evidence. After processing, all corporate charge card statements will be kept by Finance.

Disputed Purchases

Council is responsible for paying all accounts on all monthly corporate charge cards.

The cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Manly Council.

Finance is to be notified of any disputed transactions and a 'Disputed Transactions' form must be completed and included with the appropriate monthly reconciliation. When a dispute occurs, the cardholder should attempt to correct the situation with the merchant. If unable to correct the situation, contact Finance who will attempt to resolve the matter and may have to contact the bank for

Page 37 of 338

assistance. The bank can assist with resolving some disputes with merchants, particularly those involving duplicated charges, non-receipt of goods ordered or credits not processed after refund vouchers have been issued.

Cabcharge

Purpose of Cabcharge

Cabcharge cards and vouchers are provided as a convenient method to meet costs incurred in taxi transport for business conducted on Council's behalf or authorised travel including attendance at official meetings, functions, travel or late home from work.

Cabcharge cards will be issued to all councillors of Manly Council for the elected term of council in which the councillor serves. In accordance with the Council's Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors, Councillors are entitled to use Cabcharge to attend official business of the Council.

Issuing of Cards

The General Manager has delegated authority to authorise the issuing of Cabcharge cards and vouchers to staff.

The Office Manager, Corporate Support Services will be responsible for obtaining approval for the issue of and maintenance of a register, including the name of the card or voucher holder, the card or voucher number, any credit limits and expiry dates of the individual Cabcharge cards or vouchers issued.

All new cardholders will be required to certify, in writing prior to the issuing of the card that they are willing to abide by this Policy and any associated guidelines.

Restrictions

Cabcharge cards or vouchers are not to be used for personal or private use under any circumstances. These cards or vouchers are not to be transferred or used by any other person. Misuse of cards or vouchers

All Cabcharge cardholders will be personally liable for expenditure that cannot be shown to be related to the business of Council.

The payment of gratuities (or tips) via Council issued Cabcharge cards or vouchers is not permitted as such expenditure is regarded as personal expenditure

Reconciling Monthly Statements

All Cabcharge charges will be reconciled monthly by Corporate Support Services. Once approved the authorised statement must be returned to Finance.

All cards

All Cardholders are responsible for all transactions made on their charge card. Cardholders shall not knowingly permit someone else the use of their charge card. Cardholders are responsible for maintaining and retaining relevant records for account reconciliation and the acquittal of expenses incurred.

Terminating or Ceasing Employment

All corporate charge cards (including Cabcharge vouchers) should be returned as soon as no longer required or if leaving the services of Council. All cards should be returned, reconciled and with appropriate approvals, no later than the last day of employment.

Reporting Lost or Stolen Cards

In the event that a card is lost or stolen, the cardholder must report the loss immediately to the card provider. The Chief Financial Officer is also to be advised at the earliest opportunity.

For all lost or stolen cards, cardholders will need to complete a 'Lost or Stolen Cards' form and forward it to Finance. A replacement card will be arranged once this form is received. Any replacement card will be issued upon receipt from the card provider.

The cardholder will be liable for any transactions dated prior to the date of the notification (to the Bank) of the loss or theft of a card.

4. SCOPE

This Policy applies to all councillors and staff issued with a corporate charge card. Cardholders are responsible for all transactions made on their charge card.

Councillors and Staff issued with a charge card are persons in a position of trust and responsibility in regard to the use of public funds and as such they are responsible for the safe custody and usage of the charge cards issued to them.

5. DEFINITIONS

Cardholder means the person whose name appears on the corporate charge card or Cabcharge card.

Corporate Charge Card means any card or cards issued to Councillors or staff as an alternate payment method for the purchase or payment of business related expenses, including both charge cards and credit cards, i.e. Visa, Mastercard or AMEX, as well as Cabcharge cards and vouchers.

Private Expense refers to any expense that is not related to the Council's business operations. The purchase of gifts, food and related items in relation to non-business activities, such as birthday celebrations and the like is a private expense which, if undertaken, should be covered by way of voluntary donations.

Card Limit refers to the maximum amount that may be expended on the card in any one month.

6. IMPLEMENTATION

This Policy is effective by adoption of Council. A copy of this Policy will be provided to all Councillors and staff affected by this Policy. Copies will also be available on Council's internet and intranet.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

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

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

9. Relevant References and Legislation

Local Government Act 1993 (NSW)
Local Government (General) Regulation 2005 (NSW)

Department of Local Government NSW, Circular No. 04/04 – Appropriate Controls on the Use of Council Issued Credit Cards
Audit Office NSW - Guide to Better Practice in Corporate Credit Card, 1997
NSW Treasury – Credit Card Use Best Practice Guide, Office of Financial Management – Policy and Guidelines Paper
ICAC Knowing Your Risks – Credit Cards
AS 8001—2008 Fraud and Corruption Control, Standards Australia

10. RELATED POLICIES

Manly Council Code of Conduct
Manly Council Procurement Policy and Guidelines
Policy on Payment of Expenses & Provision of Facilities to Mayor and Councillors
Manly Council Charge Card Guidelines (draft)

11. RELATED DOCUMENTS

Manly Council Corporate Charge Card – Cardholder Approval and Acknowledgement Form
Manly Council Corporate Charge Card – Disputed Transactions Form
Manly Council Corporate Charge Card – Lost or Stolen Cards Form
Manly Council Corporate Charge Card – Replacement Card Form

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	28/07/2011	Draft	DGM PPI	
PS88/11	01/08/2011	That the draft Charge Card Facility Policy be placed on public exhibition for a period of 28 days.	CFO	Manager Administration
OM164/11	12/09/2011	Adoption of Draft Charge Card Facility Policy Added to Policy Register	OM Corporate Services Manager Corporate Governance	Manager Administration. Governance and Legal and Chief Financial Officer
	September 2013	Comprehensive Policy Review		
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

C320. Charter of Political Reform

Title:	Charter of Political Reform Policy
Policy No:	C320
Keywords:	Donations, Gifts, MIAP, Development Assessments
Responsible Officer:	Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

This policy sets out Manly Council's considered and adopted policy position with respect to its 'Charter of Political Reform,' being a document that sets out the elected Manly Council's aspirations and hopes as to what it sees as being the local community and wider public's expectations of behavior as respects candidates for election to positions of civic office (including the position of Mayor) on Manly Council. The Charter is not intended to override, supplant or contradict legal and other requirements operating in the State of New South Wales as respects the conduct of local council elections.

2. POLICY STATEMENT

CHARTER OF POLITICAL REFORM

- 1) All candidates for civic office will be asked to make a public commitment not to accept any direct or indirect donations from property developers. Immediately on announcing their candidature, all those aspiring to civic office will be asked to sign a statutory declaration committing themselves to such a principle. (See 'Note 2' below.)
- 2) All candidates for civic office will be asked to fully disclose the true original source of all donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services help to a councillor candidate, group or party. Before accepting any donation, the candidate, group or party should inform the donor that this information will be publicly disclosed.
- 3) All candidates for civic office will be asked to voluntarily fully declare their business and property interests before the election. These declarations are to be made available for public scrutiny within 7 days of formal candidature.
- 4) All councillor candidates, groups and parties will be asked to fully disclose all auction fundraising donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services before the election, each such disclosure providing details as to who paid how much for what.
- 5) All councillor candidates, groups and parties will be asked to immediately declare during the campaign any incoming donations over \$500 or equivalent in services or 10 hours in kind. Council will collate details of financial donations received that are over \$500 or equivalent in services or 10 hours in kind, labour, material or services and promises of any forthcoming donations. The information collected, or a summary of the information, will be put on public display at each polling booth.
- 6) All candidates for civic office will be asked to declare current or previous membership of any political parties within the last 4 years.
- 7) All candidates for civic office will be asked to fully declare, within 1 week of its creation, details of all political 'trust funds' or the like created or constituted or otherwise set up to benefit any candidates, sitting councillors, groups or political parties, together with the original source of all donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services
- 8) Councillors are asked to act with due diligence to ensure they are aware of any donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services made to their respective parties at state or federal level. A councillor whose party receives a donation at state or federal level

Page 97 of 338

should not vote on a matter that delivers a financial advantage to that donor. The councillor should treat the matter as a conflict of interest, just as if the donation was made directly to that councillor.

- 9) This Charter is to be administered by Council. All the information on donations, party membership and financial interests of candidates will be collated by Council staff and put in the form of draft statutory declarations, and candidates will be asked to make and declare their respective declarations. On election day a poster upon which are affixed or displayed the various statutory declarations received from Council candidates, or a summary of the salient information contained in those statutory declarations, shall be displayed at each booth so that the public are able to view the material displayed or otherwise contained on the poster.

The provisions of this Charter of Political Reform are subject to, and do not derogate from, all relevantly applicable State laws pertaining to the conduct of local government elections. In the event that a particular provision of this Charter of Political Reform is inconsistent with a provision contained in a relevantly applicable statute or statutory instrument then the provision in the statute or statutory instrument shall prevail to the extent of the inconsistency. However, a provision of this Charter of Political Reform ought not to be considered to be inconsistent with a provision contained in a relevantly applicable statute or statutory instrument merely because the provision in the Charter expects a higher or greater standard of disclosure or commitment than that required by the provision in the statute or statutory instrument.

Notes.

No person can be compelled or otherwise required, except by statute, to make and declare a statutory declaration.

As respects the poster referred to in numbered point '9)' above, electoral regulations stipulate that any such poster must not be bigger than 8,000 sq cm in size (typically 100 cm x 80cm) and must not be displayed within 6 metres of each polling place entrance. Council staff are to liaise with the Returning Officer in order to clarify where the actual exclusion zone is at each polling place. The poster cannot be displayed inside a polling place. Each poster must also clearly show the name of the person authorising the material and their address, as well as the name of the printer and the (street) address at which it is printed. The NSW Electoral Commission has advised Council that it must be clearly understood that any material being displayed by Council pursuant to the Charter is being displayed by Council and not by the Returning Officer, and that needs to be made unambiguously clear on all the posters.

And:

- B. (i) That Council commit to establishing or utilising an Independent Expert Panel to oversee any 'controversial' development applications.

Which DA's should go to the Independent Panel?

- Any DA in which the applicant, organization or company has been a donor to any councillor or their political party for a financial donation of \$500, an equivalent in kind offer of services, materials or labour.
- Any DA in which any councillor or family member has a direct financial interest.
- Any DA that 3 or more councillors see as needing to be processed independently for whatever reason.

- (ii) The General Manager investigate utilising existing IHAPS models from other Councils.

- (iii) That the definition of Property Developer in the above Charter is: any person or body that carries out or has as one of its principal objectives the carrying out of development within the meaning of the *Environmental Planning and Assessment Act 1979* "more or less" on a continuous or repetitive basis with a view to making a profit (whether or not a profit is made).

(OM 17th May 2004 Res. 74/04)

3. PRINCIPLES

The principles and ethical values that underpin and support this policy, and the Charter of Political Reform set forth in the policy, are openness and transparency, impartiality, independence, anti-corruption, ethical decency, and honesty and integrity.

4. SCOPE

Page 98 of 338

This policy applies to all candidates for election to positions of civic office (including the position of Mayor) on Manly Council, including individual candidates, groups and parties

5. DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy. See also Part 11 ['Elections'] the Local Government (General) Regulation 2005 as well as the relevantly applicable provisions of the *Parliamentary Electorates and Elections Act 1912* (NSW).

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of the administration of this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005 (Part 11 ['Elections'])
Parliamentary Electorates and Elections Act 1912.

11. RELEVANT COUNCIL POLICIES

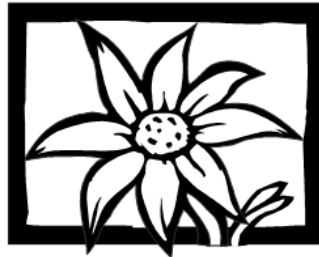
Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
PS16/14	3 March 2014	Policy sent to CI with Periodic Policy Review. CI resolved to Pt 6 (resolution # 16/14) 'retain the Charter of Political Reform policy and make it consistent with the legislative requirements of the Electoral Commission		

Page 99 of 338

	April 2014	Draft revised Policy sent to Governance for approval	General Counsel	Corporate Governance
	May 2014	Memo sent to GM requesting approval to add to Policy Register		Manager Corporate Governance
	May 2014	Included in Policy Register, included in Policy section of website, Distributed to staff and Councillors		Manager Corporate Governance



Warringah Council

Code of Conduct

Standards for Community & Other Representatives – Council Advisory Committees

Issue 1
Adopted 24 August 2010

CONTENTS

1.	INTRODUCTION.....	1
2.	KEY PRINCIPLES.....	1
3.	CONFLICT OF INTERESTS.....	2
4.	GIFTS OR BENEFITS.....	3
5.	CONFIDENTIAL AND PERSONAL INFORMATION.....	3
6.	COUNCIL RESOURCES.....	3
7.	PUBLIC COMMENT	3
8.	ALCOHOL AND DRUGS.....	4
9.	REPORTING CORRUPTION, MALADMINISTRATION & WASTE.....	4
10.	WARRINGAH COUNCIL'S COMMITMENT.....	4
11.	FOR ASSISTANCE/INFORMATION ABOUT THIS CODE:	4

1. INTRODUCTION

Warringah Council relies on and values the work that individuals within our community contribute as members of advisory committees established by Council. The Council could not achieve a number of its objectives without the active participation and contribution of people, such as yourself, who give generously of their time and knowledge to make Warringah such a great place to live and work.

The Council is committed to high ethical standards for everyone who works with Council in a paid, voluntary or elected capacity.

The Warringah Code of Conduct sets the benchmark for acceptable standards of behaviour by Council officials. That Code has also provided the foundation for this *Code of Conduct for Community & Other Representatives – Council Advisory Committees*.

As a community representative on a Strategic Reference Group, Community Committee or other advisory committee established by Council we ask you to commit to our ethical standards and to perform your responsibilities in accordance with the core principles of integrity, leadership, selflessness, impartiality, accountability, openness, honesty and respect.

This Code of Conduct outlines your responsibilities in areas such as conflicts of interest, gifts and personal information. Where appropriate, you should read it in conjunction with the primary Warringah Code of Conduct (available on Council's website or otherwise by contacting Council), which includes useful detail to explain some key elements such as conflicts of interest and gifts & benefits.

If you have any questions about any aspect of this Code of Conduct, please do not hesitate to contact Council's Team Leader, Governance on 9942-2444.

2. KEY PRINCIPLES

As a community representative, you are responsible for your own good conduct when serving on a Strategic Reference Group, Community Committee or other advisory committee established by Council.

As part of good conduct, you are asked to carry out your responsibilities in according to the following key principles:

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*



Selflessness

You have a duty to provide advice and contribute to committee deliberations with the public interest in mind. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests.

Impartiality

You must consider matters on their merit and in accordance with your responsibilities as a Committee member.

Accountability

You are accountable to the public for your contribution to Committee deliberations and must consider issues on their merits, taking into account the views of others.

Openness

You have a duty to be as open as possible when participating in Committee deliberations, being prepared to give reasons for your views and listening to others.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your Committee responsibilities and take steps to resolve any conflicts arising in such a way that protects the public interest.

Respect

You must treat others with respect at all times.

3. CONFLICT OF INTERESTS

A conflict of interest arises when your own personal interests, or those of people close to you, conflict with your obligations and responsibilities as a member of a Strategic Reference Group, Community Committee or other advisory committee established by Council. For example, a conflict would exist if you had a personal interest that influenced the way you conducted yourself as a representative of the general community, an organisation or other group during discussions and/or voting at a committee meeting.

If you believe you have a conflict of interest that relates to your voluntary position on a committee, we ask that you disclose it to us. Please note that a conflict of interest does not necessarily mean that you are prevented from participating in a meeting or activity. Rather, it allows others to understand your position and prevents criticism of Council activities or decisions at a later date.

Community and other representatives on advisory committees typically participate because of their specific knowledge, experience and expertise in the matters covered by a committee's charter. This interest is generally well understood and would not need to be disclosed.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. (section 442 and 443 Local Government Act 1993). This kind of interest requires greater scrutiny and must be disclosed.



If you are unsure whether or not you have a conflict of interest, please contact Council's Team Leader Governance, who will be happy to talk the matter over with you.

4. GIFTS OR BENEFITS

As a community representative on an advisory committee established by Council, you should not offer to a Councillor or Council staff member a gift or benefit that is:

- designed to gain advantage for yourself or a group you represent
- may be perceived by the public to give advantage to you or a group you represent.

Similarly, as a community or other representative on an advisory committee you should not accept gifts or benefits that could appear to give an advantage to the donor.

Token gifts may be given or accepted; token gifts include small items such as a bunch of flowers or box of chocolates. Cash gifts or incentives should never be offered to, or accepted by, a community representative under any circumstances.

If you are offered a gift or benefit in relation to your participation on a committee that is not considered token, please report it to Council's Internal Ombudsman. If you are not sure if the gift or benefit would be considered token, please do not hesitate to contact the Team Leader Governance to discuss.

5. CONFIDENTIAL AND PERSONAL INFORMATION

As part of your responsibilities with an advisory committee, you may have contact with confidential or personal information. If so, we ask that you maintain the security of any such information and not access, use or remove any information, unless you are authorised to do so.

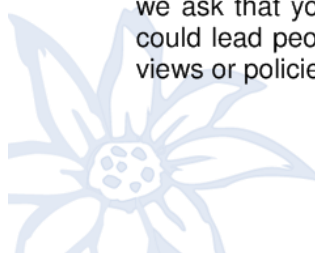
If you become aware of any breach of the security, or misuse, of Council's confidential or personal information please contact the Internal Ombudsman.

6. COUNCIL RESOURCES

Council resources should only be used for Council purposes. Council resources include equipment, vehicles, documents, records, data and information.

7. PUBLIC COMMENT

From time to time, community and other representatives on committees may be contacted by the media for information or comment. While you may speak as a member of the public, we ask that you do not make any public statement to the media or at public events that could lead people to believe that you are speaking on behalf of Council or expressing its views or policies.



8. ALCOHOL AND DRUGS

We ask that you not carry out your responsibilities as a member of a committee while under the influence of alcohol or other drugs that could impair your ability or cause danger to the safety of yourself or others.

9. REPORTING CORRUPTION, MALADMINISTRATION & WASTE

One of the ways in which you can help us to maintain our ethical standards is to report any suspected incidences of corruption, maladministration or serious and substantial waste.

You may report these to Council's Internal Ombudsman. Alternatively, you can report any suspected instances of corruption to the Independent Commission Against Corruption (ICAC) and any instances of maladministration to the NSW Ombudsman.

10. WARRINGAH COUNCIL'S COMMITMENT

Warringah Council is committed to the standards and principles expressed in this Code of Conduct. They reflect the high standards expected by our community and you are expected to maintain these standards and principles when participating in advisory committees established by Council.

Community representatives who breach these standards may have their membership of a committee revoked by Council.

11. FOR ASSISTANCE/INFORMATION ABOUT THIS CODE:

If you have any questions, or are unsure about any matter relating to this Code of Conduct, you can contact Council's Team Leader Governance on 9942-2444.





STR-PL 720

General Manager's Policy for Handling Competitive Neutrality Complaints

1. The purpose of this policy is

to establish arrangements for the courteous, efficient and timely investigation and resolution of competitive neutrality complaints and enables Council to demonstrate that it is meeting probity requirements.

2. Policy statement

The General Manager's Policy for Handling Competitive Neutrality Complaints policy provides:

- a mechanism for monitoring Council's performance in the competitive environment established by the Competition Principles Agreement
- the community with mechanisms for making competitive neutrality complaints

Council with a framework for investigating and resolving complaints.

3. Principles

Warringah Council is committed to:

- competing in a market place on a basis that does not utilise its public sector position to gain an unfair advantage over a private sector competitor
- providing information to the public to reduce the incidence of unnecessary complaints
- being responsive to complaints from the community
- resolving, without delay, all proven complaints
- being open to scrutiny of its handling of competitive neutrality complaints



STR-PL 720

- conducting fair and equitable tendering processes
- being open to improving and changing business practices
- providing parties that take part in a competitive tendering project with information about complaints handling
- investigating complaints in an appropriate manner without being limited by Council's existing or past accounting practices
- keeping comprehensive records and audit trails of complaints.

4. Amendments

Last amended on 7.8.06

5. Authorisation

This policy was authorised by Council's Executive Team on 1 July 1998.

This policy is due for review on 31 December 2003.

6. Who is responsible for implementing this policy?

Director Corporate Services

7. Document owner

Director Corporate Services.

8. File number

266.001.017



STR-PL 720

9. Legislation and references

9.1 Definitions

Legislation and other references which impact on this policy include:

- National Competition Policy, 11 April 1995 (*Policy*)
- NSW Government Policy Statement on the Application of National Competition Policy to Local Government, June 1996 (*Policy Statement*)
- Guidelines on the Management of Competitive Neutrality Complaints, NSW Department of Local Government, November 1997 (*Guidelines*)
- Practice Note No.9 - Complaints Management in Councils, August 1994, Department of Local Government & Co-operatives (*Note*)
- Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality, NSW Department of Local Government, July 1997
- Competition Principles Agreement, February 1994 (*Agreement*)
- Access to Council Information, June 1998, Warringah Council

C230. Council Chamber – Seating Arrangements

Title: Council Chamber – Seating Arrangements Policy

Policy No: C230

Keywords: Council Meetings, Seating, Room Layout

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The objective of this policy is to reconfirm and make provision with respect to the Mayor's responsibilities as the "head of [the elected] Council" to determine seating in the Council chamber.

2. POLICY STATEMENT

In light of the fact that the Mayor is generally acknowledged and publicly perceived as being the "head" of the elected Council, the policy of Manly Council is that the Mayor is the appropriate person to determine seating in the Council chamber, and that any Councillor unhappy with their seating should raise the matter informally with the Mayor who, after consultation with all Councillors, will determine the matter.

3. PRINCIPLES

That Council reconfirm the Mayor's responsibilities as the "head of [the elected] Council" to determine seating in the Council chamber, and that any Councillor unhappy with their seating should raise the matter informally with the Mayor who, after consultation with all Councillors, will determine the matter.

(O.M. 16.12.96)
(Confirmed 30.1.97)

4. SCOPE

This policy applies to all Council officials involved in the conduct of official Council meetings, and, in particular, to the elected Councillors.

5. DEFINITIONS

Council chamber: The place or premises resolved or otherwise declared by the elected Council to be the relevant place for the conduct of Council meetings, either generally and ordinarily or in some specific instance.

6. IMPLEMENTATION

This Policy will be implemented on adoption by Council and will be available on Council's website and provided to Council staff.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of Insert the review period as required by legislation, generally every two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Meeting Practice

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Warringah Council Policy

Policy No. PL 988 Councillor

Councillor Access to Information and Interaction with Staff

1 Purpose of Policy

The purposes of this policy are to:

- Provide clear direction to staff regarding their obligation to assist Councillors and how Councillors can access Council records and interact with staff;
- Provide a documented process on how councillors can access Council records;
- Ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council;
- Ensure that Councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;
- Provide direction on Councillors' rights of access to Council buildings; and
- Provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy.

2 Principles

Principle 1 – Access to Information

Councillor and Mayor access to information

- 1.1 The General Manager must provide Councillors and the Mayor with information sufficient to enable them to carry out their civic office functions.
- 1.2 Members of staff of Council must provide full and timely information to Councillors and the mayor sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 1.3 Members of staff of council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 1.4 Councillors and the Mayor who have a private (as distinct from civic) interest in a document of Council should refer to GOV-PL 900: Access to Information.

Councillors and the Mayor to properly examine and consider information

- 1.5 Councillors and the Mayor must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council's charter.

Refusal of access to documents

Effective date
18 December 2013

Version 1

Councillor Access to Information and Interaction with Staff

Page 1 of 6



- 1.6 Where the General Manager and public officer determine to refuse access to a document sought by a Councillor or Mayor they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or mayor to perform their civic duty (see clause 10.2). The General Manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 1.7 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation
- 1.8 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 1.9 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information
 - b) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a Council Meeting.

Principle 2 – Councillor Requests

- 2.1 The mailbox councillorrequests@warringah.nsw.gov.au has been set up specifically for Councillors to email through to Council any requests they may have, including requests for general information related to an issue, or on behalf of a resident.
- 2.2 Councillors will receive an acknowledgement email from the Mayor's Office, and they will forward the request to the relevant Group Manager for relevant action.
- 2.3 The Group Manager will respond to your request within 10 working days, generally by way of memo.
- 2.4 All other Councillors will be given the same information. This information will be placed on the Council Document Portal for the information of all Councillors.
- 2.5 Where the Councillor Request originates from the Mayor, and it is on behalf of a resident, the response to the resident will come from the Mayor and the Councillors will receive the information as per point 2.4.



Principle 3 - Interaction Between Councillors and Council Staff

Councillors or the Mayor must not:

- 3.1 Direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of council or committee resolution, or by the Mayor or Mayor exercising their power under section 226 of the Act (*section 352*).
- 3.2 In any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*).
- 3.3 Contact a member of the staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager.
- 3.4 Contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or General Manager exercising their power under section 226 of the Act. This does not apply to Council's external auditors who, in the course of their work, may be provided with information by individual Councillors.

Principle 4 – Councillor Access to Council Buildings

- 4.1 Councillors and the Mayor are entitled to have access to the Council chamber, committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and the Mayor needing access to these facilities at other times must obtain authority from the General Manager.
- 4.2 Councillors and the Mayor must not enter staff-only areas of Council buildings without the approval of either the General Manager, Deputy General Manager or Group Manager. Councillors and the Mayor must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

Principle 5 – Inappropriate interactions

- 5.1 You must not engage in any of the following inappropriate interactions:
 - Councillors and the Mayor approaching Council staff other than Deputy General Managers, Group Managers or senior staff for information on sensitive or controversial matters.
 - Councillors and the Mayor approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
 - Council staff approaching Councillors and the Mayor to discuss individual staffing matters not broader industrial policy issues.
 - Councillors approaching Council staff outside the Council building or outside hours of work to discuss Council business.
 - Council staff refusing to give information that is available to other Councillors to a particular Councillor.
 - Councillors and the Mayor who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.



- Councillors and the Mayor being overbearing or threatening to Council staff.
 - Councillors and the Mayor making personal attacks on Council staff in a public forum.
 - Councillors and the Mayor directing or pressuring Council staff in the performance of their work, or recommendations they should make.
 - Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - Councillors approaching Council staff organisations; for example unions and associations; in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.
 - Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
 - Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under section 226 of the Act.
- 5.2 Information to help decide the appropriateness of contact between Councillors and staff:
- Can I justify the need for the information or the approach to staff or Councillor?
 - Do I feel comfortable supplying the information or discussing this issue?
 - Is it information that is publicly available, whether by statute or council policy?
 - Is its release required to enable me to do my civic duty?
 - How would a member of the public view my giving or receiving this information?
 - Am I the right person to ask?
 - Does Council normally charge for this service?
 - Am I entitled to the information under relevant legislation (for example, LGA, Freedom of Information Act)?

Contact should not be made where:

- It cannot be justified to members of the public.
- The information requested is not necessary for the performance of a Councillor's role.
- It is known or should be known that the information should not be sought, nor expected to be provided.

Principle 6 – Breaches, Complaint Handling and Sanctions

Breaches, complaint handling and sanctions relating to this policy will be in accordance with Sections 11-14 of Council's Code of Conduct.

STATUTORY BASIS FOR COUNCILLOR AND STAFF INTERACTION

(refer Council's Code of Conduct: Section 8 Relationship between Council Officials)

Effective date
18 December 2013

Version 1

Councillor Access to Information and Interaction with Staff

Page 4 of 6



To assist in understanding the relationship between Councillors and staff it is important to reflect on the various provisions of the Local Government Act that define the roles and responsibilities of each.

Chapters 9 and 11 of the Local Government Act set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that "each council is a statutory corporation. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the council in accordance with this Act."

Chapter 9 includes the following provisions:

The governing body (s.222)

The elected representatives, called "Councillors", comprise the governing body of the council.

The role of the governing body (s.223)

The role of the governing body is to direct and control the affairs of the council in accordance with this Act.

The role of the Mayor (s.226)

The role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council (for example, urgent demolition orders, authority to financially assist the community by the allocation of resources during natural disasters, commencement of urgent legal action);
- to exercise such other functions of the Council as the Council determines (for example, determining the appropriateness of holding a special event such as a fun run, approval of the General Manager's annual leave);
- to preside at meetings of the Council; and
- to carry out the civic and ceremonial functions of the Mayoral office.

The role of a Councillor as a member of the governing body (s.232(1))

The role of a Councillor is, as a member of the governing body of the Council:

- to direct and control the affairs of the council in accordance with this Act (for example, input into preparation of Council's management plan, financial plan and organisational structure);
- to participate in the optimum allocation of the council's resources for the benefit of the area (for example, providing input into deciding priorities for construction and maintenance work);
- to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions; and
- to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

The role of a Councillor as an elected person (s.232(2))

The role of a councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;



- to provide leadership and guidance to the community; and
- to facilitate communication between the community and the council.

The role of the General Manager (s.335(1))

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

The functions of the General Manager (s.335(2))

The General Manager has the following particular functions:

- to manage the Council on a day-to-day basis;
- to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
- to appoint staff in accordance with an organisational structure and resources approved by the Council;
- to direct and dismiss staff; and to implement the Council's equal employment opportunity management plan.

3 Authorisation

This Policy was adopted by Council on 9 September 2008.

It is due for review on 18 December 2015.

4 Amendments

This Policy was last amended on 17 December 2013.

5 Who is responsible for implementing this Policy?

Governance Manager

6 Document owner

Deputy General Manager Community

7 Related Council Policies

- a) Access to Information GOV-PL 900

8 Legislation and references

- a) Local Government Act 1993
- b) Government Information (Public Access) Act 2009

C280. Councillors - Reports from Council Officers

Title: Councillors – Reports from Council Officers Policy

Policy No: C280

Keywords: Notice of Motion, Ordinary Meeting, Detailed Report

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The objective of this policy is for the better administration of council business and Council operations, more particularly, to ensure that any Councillor who requires a detailed report to be prepared by Council's staff brings the matter forward as a notice of motion at an ordinary meeting of Council.

2. POLICY STATEMENT

That as matter of policy where Councillors require a detailed report to be prepared by Council's staff the matter be brought forward as a Notice of Motion at an Ordinary Meeting of Council.

(O.M. 28.7.81)
(Confirmed 20.10.97)

3. PRINCIPLES

The principles that underpin this policy include the following:

- the need for the orderly and lawful conduct of both Council business and the general administration and management of Council (the latter being the responsibility of the General Manager);
- the need for Councillors to have access to such information as is sufficient for the effectual performance of their role;
- the need not to impose an unreasonable burden on Council staff.

4. SCOPE

This policy applies to all Council officials involved in the conduct of official Council meetings, and, in particular, to the elected Councillors.

5. DEFINITIONS

Ordinary meeting: Any meeting of Council that is not an extraordinary meeting.

6. IMPLEMENTATION

This Policy will be implemented on adoption by Council and will be available on Council's website and provided to Council staff.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Meeting Practice

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Policy – No 153	Adopted:	OM: 21.06.2004
	Reviewed:	OM: 03.06.2013
	Amended:	OM:20.06.2004 OM:17.10.2011
	Revoked:	

TITLE: CREDIT CARD UTILISATION

STRATEGY: Business Management

BUSINESS UNIT: Finance and IT

RELEVANT LEGISLATION: None

RELATED POLICIES: None

Objective

Corporate Credit Cards are a routine aspect of accounts management and procurement for the Council. Credit cards, when used appropriately, can save money by streamlining processes for the purchase of goods and services. The use of credit cards carries the potential for some risk, particularly in the area of fraud and misuse.

Policy Statement

This policy establishes appropriate controls on the use of Council issued credit cards and addresses areas of potential fraud and misuse and seeks to protect Council funds and maintain public confidence in Council operations

Circumstances in Which Cards May and May Not be Used

Corporate Credit Cards should only be used for the payment of goods and services associated with Council business.

Activities that would **not** qualify for the use of a corporate credit card include the following:

- any use that is of a personal or private nature;
- cash advances unless for emergency purposes associated with Council business.
- fines, for example a motor vehicle parking fine or a speeding offence which was incurred while on Council business.

Where inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder.

Credit Limits

The maximum credit limit for the Pittwater Council Corporate Credit Card Facility shall be \$30,000. The General Manager or his delegated officer shall have the authority to determine, within this limit, individual credit limits for the Directors and the Chief Financial Officer.

Eligibility for Cards

The General Manager, the Directors and the Chief Financial Officers of Council shall be the prevailing holders of a Council Corporate Credit Card.

However, the General Manager shall have the authority to issue additional Corporate Credit Cards if it is determined (by the General Manager) that a business advantage would be achieved by the issuing an additional card.

Formal Acknowledgement of Policy Conditions

Council officers issued with a Corporate Card are in a position of trust in regard to the use of public funds. Improper use of that trust may render the card holder liable to disciplinary/legal action/criminal prosecution.

All Corporate Card holders are to acknowledge receipt of the corporate card and instructions for use. The acknowledgement will include a signed agreement to abide by all Council and card supplier (Bank) guidelines and conditions of use.

Procedures for Lost, Stolen and Damaged Cards

Card holders are personally responsible and accountable for the safe custody of the corporate card issued. Card holders must:

- Secure the card at all times to safeguard against loss or theft;
- Ensure that personal identification numbers (PINs) are not written on nor carried with cards or within the wallets of the card holder;
- In the event that a corporate card is lost or stolen the card holder should telephone the Bank as soon as the loss is discovered and report the loss to the Chief Financial Officer at Council.

In the event of a damaged card the card holder should return the card to the Chief Financial Officer for destruction and replacement.

Procedures for Returns and Final Reconciliation of Card Accounts on Cessation of Employment

Upon cessation from Council's employment, the card holder must ensure that:

- All outstanding transactions are cleared and properly accounted for;
- The card is returned to the Chief Financial Officer who is to arrange for destruction of the card;
- The officer returning the card is to obtain an acknowledgement for the return of the corporate card from the Chief Financial Officer.



OUR COMMITMENT TO YOU

- We will provide prompt, friendly, courteous and efficient service.
- We will act with honesty, integrity and respect.
- We will listen to you so we can determine the best way to address your request.
- We will communicate openly with you and keep you informed.
- We will treat your personal information confidentially and according to law.
- We will provide clear, accurate and timely information.
- We will continuously improve our service standard through process reviews, benchmarking and the use of innovative technologies.
- We will use your feedback to continually improve our services.
- We will help you to provide feedback.
- We will provide interpreters if required.

WE INVITE YOU TO

- Attend our Council and public meetings.
- Provide feedback about your experience.

OUR SERVICE STANDARDS

- You may call us 24 hours a day 7 days a week.
- You may make requests online via our website.
- You may contact us on our Facebook page. We aim to respond within one working day.
- We aim to answer your call within 20 seconds.
- We aim for our contact centre to manage 8 out of 10 enquiries without the need for referral.
- We aim to attend to your counter enquiry within 5 minutes.
- We aim to respond to your correspondence within 5 working days.
- If the issue is more complex we will keep you informed of progress.
- We aim to provide a verbal response to direct phone calls within 3 working days.
- We aim to return your phone messages by the close of business of the next working day.
- When you request a service we will provide a tracking number so you can track the progress.

WE ASK THAT YOU

- Are courteous and respectful to our staff and contractors.
- Respect the rights of other customers.
- Allow us adequate time to address your request.
- Not make vexatious or trivial requests or complaints.
- Provide complete and accurate information in your dealings with us.
- Work with us to solve problems.
- Provide feedback, good and bad, so we can continually improve what we do.

FEEDBACK

We welcome all feedback. We recognise that at times our service may fall short and we may make a mistake. We encourage you to contact us so the matter can be resolved promptly according to our Complaint Handling Guidelines.

Phone 9970 1111
Email info@pittwater.nsw.gov.au
Website www.pittwater.nsw.gov.au/contact_us

Facebook Comment on the 'Pittwater Council' page
Write General Manager, Pittwater Council,
PO Box 882, MONA VALE NSW 1660



FIN-PL 525

Debt Recovery - Pensioners' Kerbing and Guttering Charges

1. The purpose of this policy is

To secure pensioners' debts owing to Council for kerbing and guttering charges whilst at the same time showing compassion to pensioners who may be experiencing difficult financial circumstances.

2. Policy statement

Where charges such as kerbing and guttering construction fees are owing to Council for more than 6 months in respect of any property owned by a pensioner who qualifies for rate rebates the fees may be accrued against their estate. Payment of the debt is then made to Council on the future sale or transfer of the property.

3. Principles

The Debt Recovery - Pensioners' Kerbing and Guttering Charges policy is to be implemented according to the following guidelines:

- if it is determined that there is a hardship, eligible pensioners over the accepted retirement age may be allowed to accrue the kerbing and guttering charges owed against their estate. Payment of the debt is then to be made at the time of the future sale or transfer of the property.
- the Council will advise the pensioner that in taking legal action, it is so doing to secure the debt as a charge on the property. Council will take no further action to enforce the Court Judgement whilst the property remains in the same ownership.
- Council will defer the enforcement of the Court Action accordingly.

4. Amendments

FIN-PL525 Debt Recovery - Pensioners' Kerbing and Guttering Charges policy supersedes policy no. 8.3.05.

Last amended 20.09.06

This policy is due for review on 20 September 2008.

5. Authorisation

Policy number 8.3.05 was authorised by Council on 14.8.1984.



FIN-PL 525

6. Who is responsible for implementing this policy?

Finance Manager

7. Document owner

Director Corporate Services.

8. File number

220.001.009

9. Legislation and references

Chapter 15, Part 8, Division 1 of the Local Government Act 1993.

9.1 Definitions

None.



Warringah Council Policy

GOV-PL 125

Decisions/ Delegations During Christmas/ New Year Recess

1. The purpose of this policy is

To make provision for important Council Business to be conducted during the Christmas/New Year Period.

2. Policy statement

So that decisions can be made on important or urgent Council matters over the Christmas/New Year recess, Council has delegated certain Council functions to the Mayor and the Deputy Mayor (in the Mayor's absence).

Over the Christmas/New Year recess, the Mayor or Deputy Mayor – subject to the limitations and restriction in Section 377 of the Local Government Act 1993 - can:

- Make decisions that would otherwise be made by the Council. These decisions must be reported to the Council at its first meeting in the New Year; and
- Authorise any work which, in the Mayor's opinion, is urgent and does not exceed \$10,000.

3. Principles

Implementing the Decisions/Delegations During the Christmas/New Year Recess policy involves the following steps:

- in a December meeting each year, Council determines the start and finish dates for the forthcoming Christmas/New Year recess period.
- these dates are publicised through the Mayor's message, memos to staff, etc.

4. Amendments

GOV-PL125 (Christmas/New Year recess) supersedes policy number 1.1.01. This policy was last amended on 14/9/93, as recorded in *Council Minute Number 583*.

GOV-PL125 (Christmas/New Year recess) was amended on 28/11/2000, as recorded in *Council Minute Number 771*.

This policy was amended on 27 February 2007, as recorded in *Council Decision 38*.

The policy was last amended on 9 February 2010, as recorded in *Resolution xx/10*.

5. Authorisation

The Decisions/Delegations during Christmas/New Year Recess policy was authorised by Council on 14/8/84 and amended on 9 February 2010.

This policy is due for review following every Council election.



Policy No. GOV-PL 125

6. Who is responsible for implementing this policy?

The responsibility for implementing the Decisions/Delegations during Christmas/New Year Recess policy is with the Council.

People who have responsibilities under this policy are:

- the Mayor
- the Deputy Mayor
- Director Corporate Services

7. Document owner

Director Corporate Services

8. File number

The Decisions/Delegations during Christmas/New Year Recess policy file reference number is 175.001.007.

The TRIM container number for the Council Policy Register is DC00028.

9. Legislation and references

For further information on legislation related to the Decisions/Delegations during Christmas/New Year Recess policy, see the *Local Government Act 1993, Section 226 and Sections 377-381*.





Policy – No 42	Adopted:	OM: 03.03.1997
	Reviewed:	
	Amended:	OM:13.02.2006 OM:17.10.2011 OM:04.11.2013
	Revoked:	

TITLE: DEVELOPMENT APPLICATION BY COUNCILLORS AND COUNCIL STAFF

STRATEGY: BUSINESS MANAGEMENT

BUSINESS UNIT: ADMINISTRATION AND GOVERNANCE

RELEVANT LEGISLATION: NONE

RELATED POLICIES: NONE

Objective

To adopt a process for the determination of Development Applications submitted by Councillors and staff.

Policy Statement

There is an expectation that Development Applications made by Councillors, staff and Council itself go through a rigorous independent process to ensure openness and transparency.

Public officials should perform their duties impartially when exercising their statutory discretionary power or delegated authority and should not act as decision makers in relation to any matter in which they have an interest.

This policy will ensure that each application is determined independently and in an open and transparent manner free of any conflict of interest.

Development Application by Councillors and Council Staff

1. That Development Applications involving Council staff and Councillors as the Applicant or objector and Development Applications where the Council itself is the Applicant, will only be referred to Council if they are unable to be determined under existing delegations notwithstanding the fact that the Council, Councillor or its staff is the Applicant or objector.
2. The Internal Auditor will conduct a probity audit on all such applications determined under delegation which shall be documented and available for public inspection.



Policy – No 49	Adopted:	EP: 27.04.98
	Reviewed:	
	Amended:	OM: 17.10.2011 OM: 04.11.2013
	Revoked:	

TITLE:	DEVELOPMENT APPLICATIONS PREVIOUSLY APPROVED BY THE ELECTED COUNCIL – AMENDMENT OF
STRATEGY:	LAND USE & DEVELOPMENT
BUSINESS UNIT:	PLANNING & ASSESSMENT
RELEVANT LEGISLATION:	ENVIRONMENTAL PLANNING & ASSESSMENT ACT LOCAL GOVERNMENT ACT
RELATED POLICIES:	NONE

Objective

Transparency and Consistency in the Development Application Council Decision Process.

Policy Statement

1. In relation to any application for amendment of a previous decision of Council relating to a Development Application that these applications be referred to the elected Council on the basis that Council staff have no delegation to vary decisions taken by the elected Council unless such decisions are made in accordance with the Delegations Of Authority Manual.

E20. Elections – Poll of Electors to be held in conjunction with Ordinary and Extraordinary Elections of Council

Title: Elections – Poll of Electors to be held in conjunction with Ordinary and Extraordinary Elections of Council Policy

Policy No: E20

Keywords: Elections, Poll, Questions

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to ensure that the conduct of polls of major affecting the Manly local government area are efficacious and are run in an open, democratic, and transparent manner.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to the conduct of polls of major issues affecting the Manly local government area.

The adopted policy position of Manly Council with respect to the subject-matter of this policy is as follows:

That a poll of major issues affecting the Manly Council area, to be approved by Council, be held at each Ordinary and Extraordinary Election for Councillors and that to assist with the holding of such polls:-

- (i) An item be included on an Ordinary Meeting agenda at least ten weeks prior to the election listing any suggestions for Poll Questions.
- (ii) The Precinct Committees be advised when the item mentioned in (i) above is to be listed and comment sought.
- (iii) The General Manager prepare a Yes/No case for each question referred to the Poll of Electors.

(O.M. 26.3.91)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle of this policy is the need to democratically involve the local community and, where appropriate, the wider public, as well as the community's duly elected representatives, in the subject-matter of proposed polls in order to ensure that the conduct of polls of major affecting the Manly local government area are efficacious and are run in an open, democratic, and transparent manner.

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Page 115 of 338

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

F20. Financial Reporting - Measures of Council Liquidity

Title: Financial Reporting – Measures of Council Liquidity Policy

Policy No: F20

Keywords: Financial Revenues, Current Ratio

Responsible Officer Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The objective of this policy is to make provision with respect to certain measures of Council liquidity.

2. POLICY STATEMENT

- A. That Council adopt as a desirable level a figure of \$400,000 for available working capital to be reviewed annually having regard to inflation and the level of cash reserves.
- B. That Council augment its available working capital forecasts with a forecast of expected cash backed financial reserves.
- C. That Note 13 to the Financial Statements (Statement of Performance Measures) be reviewed each year with a view to ensuring that:-
 - (i) Current Ratio (ie Current Assets less Restricted Assets divided by Current Liabilities) is maintained at a desirable ratio of 1.15:1 and not less than 1:1.

(O.M.5.3.96)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle of this policy is the recognition of the need (cf charter, s.8, Local Government Act 1993) for Council to bear in mind that it is the custodian and trustee of public assets and must effectively plan for, account for and manage the assets for which Council is responsible.

4. SCOPE

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

5. DEFINITIONS

Nil.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Council Policy – No 48	Adopted:	OM: 02.03.1998
	Reviewed:	OM: 05.08.2013
	Amended:	OM: 17.10.2011
	Revoked	

TITLE:	FREEDOM OF COLLECTION AND ACCESS FOR LOCAL GOVERNMENT LIBRARIES
STRATEGY:	COMMUNITY LEARNING
BUSINESS UNIT:	COMMUNITY LIBRARY AND ECONOMIC DEVELOPMENT
RELEVANT LEGISLATION:	LIBRARY ACT 1939
RELATED POLICIES:	NONE

Objectives

To provide all residents with equitable access to a comprehensive and balanced collection of materials and information in a variety of formats.

To provide all residents of Pittwater with access to Council's information and library collection.

To provide popular and contemporary material including fiction and non-fiction.

To provide broad based information and reference resources for lifelong learning

Policy Statement

Pittwater Council is committed to offering a Library and Information Service for residents of Pittwater and for people who work or attend educational institutions in the area.

Council will provide access to materials and information presenting, as far as possible, all points of view on current and historical issues including controversial issues.

Everyone has the right to use the public library, whatever their age, sex, race, religion, national origin, disability, economic condition, individual lifestyle or social views, unless prohibited by any order under the Library Regulations (1976) of the Library Act, 1939.

Book and non-book materials are made available to enable members to pursue their own interests. Any material not prohibited by State or Federal law may be provided, subject to budget, space, availability of material and the information needs of the community.

Collection development is conducted according to the Mona Vale Library Collection Development Strategy which has been developed to assist the library staff in providing a collection which meets the needs of the library community. All collections are available to all members and all materials are kept in open access except for restricted materials or for the express purpose of protecting them from injury and theft.

Monitoring the reading of children is the responsibility of parents/ guardians and not the library staff.

Council cooperates with other information providers in the Pittwater area including school libraries and the Avalon Community Library. Council participates in the wider network of public, state and national libraries throughout Australia.

G25. Gathering Information

Title: Gathering Information Policy

Policy No: G25

Keywords: Risk Management, Public Liability, Professional Liability

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The objective of this policy is to help support the consistent and systematic treatment and collection of information systems and procedures to be used to defend public liability and professional indemnity claims. The information is often valuable and needs to be formatted so that it is not rendered inadmissible when defending claims in court.

2. POLICY STATEMENT

Council as a matter of policy and good corporate governance recognises the need:

- to document the required standard of Council generated information and data needed to assist in defending a public liability or professional indemnity claim and ensure that they constitute admissible evidence;
- to support procedures for the gathering of information for such purposes;
- to meet operational business needs, accountability requirements and community expectations;
- to protection of Council's financial position through risk management; and
- to facilitate the minimum data requirements for information required to be used defending possible public and professional liability claims.

3. PRINCIPLES

Manly Council aims to protect the community, by providing services and making decisions that enhance the residents' quality of life and our economic and our natural environment. The effectual implementation of Council's risk management function serves, among other things, -to document and assist groups within Council by distributing the adopted procedures for gathering information and information systems.

This policy, together with the procedures, provides the minimum data standards for the gathering of information. It is aimed at providing Council's defence lawyers quality information to support their defence of claims against Council. The checklist should be used to ensure that all the appropriate data is gathered and contains the appropriate information. Listed information source documentation from the checklist, must be appropriately recorded and archived in accordance with Council's records.

Council will within its budgetary constraints and using existing information systems available to it, endeavour to ensure accurate and systematic information.

4. SCOPE

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

5. DEFINITIONS

Nil.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Manly Council Risk Management Plan

Title	Type
Incident Reporting Work Flow	Flowchart
Gathering Information Checklist	Checklist

Reference(s): Gathering of Information Manual

11. RELEVANT COUNCIL POLICIES

R65. Risk Management Policy.

12. REVISION SCHEDULE

Minute No	Date Issue	Action	Author	Checked by
174/07	15/10/07	Policy adopted	Office Manager, Corporate Services	Manager, Administration
PS53/11	2 May 2011 June 2013	Periodic Review Comprehensive Review	Secretariat, Corporate Services	Manager, Administration General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

G32. Graffiti Reward Policy

Title: Graffiti Reward Policy
Policy No: G32
Keywords: Reporting Graffiti, Rewards
Responsible Officer: Divisional Manager - Human Services and Facilities

1. PURPOSE AND AUTHORITY

The objectives of this policy are as follows:

- to reduce acts of graffiti on Council property;
- to encourage the public to report acts of graffiti; and
- to strengthen community pride.

2. POLICY STATEMENT

Council has decided to introduce a reward scheme for successful reporting of graffiti.

3. PRINCIPLES

The underlying principle of this policy is that members of the public who successfully report graffiti should be rewarded in accordance with the terms and provisions of this policy, which is to operate as follows.

Reward Conditions

The reward scheme for successful reporting of graffiti is subject to an annual cap of \$10,000 per financial year. Conditions for the Graffiti Reward Policy apply:

- to graffiti offences committed on Council owned and Council managed property only;
- a reward will only be paid to one person for each graffiti incident reported to the Police which results in a criminal proceeding and a conviction under any of the governing legislation;
- a reward under this scheme will be payable for information leading to a criminal proceeding resulting in: a conviction, formal caution, or conference under relevant legislation, or where guilt has been found or admitted;
- persons providing information must be aware that they may be required to attend a police station and make a formal statement and/or appear in a court to give evidence;
- any person providing information must not be associated with the criminal offence;
- fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading; and
- Council may seek financial compensation or community service work for adult or juvenile graffiti offenders under the relevant legislation.

Assessment of Claims

All applications for the reward will be verified with NSW Police and Manly Council records to ensure compliance with the conditions of the Graffiti Reward Policy. The value of the reward will be determined by the following formula:

- Fine determined by Magistrate less graffiti removal costs = reward. The maximum reward is \$1000.

Graffiti is a crime punishable by fines of up to \$2200, however the level of fine is determined by the Magistrate.

4. SCOPE

This policy applies to instances of graffiti committed on Council owned and Council managed property only.

5. DEFINITIONS

For the sake of a working definition, graffiti vandalism refers to “illegally defacing private and public property with markings and/or graphics without the owner’s consent” (Stop Graffiti Vandalism – Lawlink, NSW Attorney General’s website). See the Graffiti Control Act 2008 for definitions of relevant terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council’s policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

An annual review of the policy will be undertaken as part of the reporting process to council. Whenever relevant legislation, other policies or funding impact on the policy in its current form, the policy will be reviewed and amended accordingly.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Graffiti Control Act 2008
Local Government Act 1993
Young Offenders Act 1997
Young Offenders Amendment (Graffiti Offenders) Regulation 2009
Children (Community Services Orders) Act 1987
Summary Offences Act 1988
Crimes Act 1900.

11. RELEVANT COUNCIL POLICIES

G30 Graffiti Management Policy.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
147/09	19 October 09	Adopted OM 191009.		
n/a	22 Oct 2009	Added to the Policy Register.	OM, Corporate Services	Manager Administration
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Warringah Council Policy

Policy No. FIN-PL 730

Guaranteeing and/or Providing Loans for Community Organisations

1 Purpose of Policy

The purpose of this policy is to establish clear direction for Warringah Council in relation to the provision of financial assistance to community organisations either by guaranteeing commercial loans or otherwise by providing loans directly to such organisations.

2 Policy Statement

Warringah Council is committed to principles of good governance, including the prudent management of its finances. Council recognises that, in managing its financial assets, it must have due regard for the needs of the Warringah community as a whole and for the strategic priorities established through its Strategic Community Plan.

In order for Council to deliver on its own strategic priorities, as well to contribute to the broader strategic community outcomes identified in its Strategic Community Plan, Council can take on a variety of roles. These include provider, facilitator, partner, enabler and advocate.

The provision of loans, or the guaranteeing of loans to community organisations, is acknowledged as a valid means by which Council can support strategic community outcomes for Warringah. Council's capacity to lend or guarantee monies to external organisations is subject to the provisions of the NSW Local Government Act 1993 and Council's overarching responsibility to manage its finances in a responsible and fiscally prudent manner.

Warringah Council will only consider loaning funds or guaranteeing loans for community organisations where certain criteria, as detailed in this policy, are met.

3 Principles

- 3.1 Council's preference will at all times be to provide loan guarantees, rather than to loan funds directly to a community organisation.
- 3.2 Council may set a maximum limit of outstanding loans and/or outstanding loan guarantees in order to ensure that Council does not have excessive potential liabilities
- 3.3 The provision of loans by Council, or an agreement by Council to act as guarantor for a commercial loan to a community organisation will only be considered where the purpose of the loan is in keeping with the strategic community outcomes identified in Council's current Strategic Community Plan.
- 3.4 Any arrangement referred to in clause 3.3 will only be entered into with a properly constituted, incorporated organisation capable of demonstrating its capacity to service the relevant loan and being free of any other liabilities to Council.



Policy No. **Error! Reference source not found.**

- 3.5 Subject to clauses 3.1 - 3.4 above, Council will only consider an application by a community organisation to loan or guarantee loan funds to that organisation in the following circumstances:
 - 3.5.1 The application must clearly detail the aims, objectives, components and value (financial and otherwise) of the relevant project and its compliance with the provisions of this policy
 - 3.5.2 The application must demonstrate the organisation's capacity to manage the project within the established budget and timeframes
 - 3.5.3 The purpose of the application must be for the renewal or upgrade of community assets, including the provision of new community infrastructure
 - 3.5.4 The assets referred to in clause 3.5.3 must be situated on lands owned and/or managed by Warringah Council
 - 3.5.5 The assets must have the capacity to deliver a demonstrable financial return to Council and/or the community organisation (and to Council specifically in the event of default)
 - 3.5.6 The application must be for no more than one-third of the total value of the asset improvement works, with the community organisation being able to clearly demonstrate its capacity to meet the remaining project costs as well as loan servicing costs associated with any arrangement entered into with Council
 - 3.5.7 Where the application is for Council to guarantee a loan from a third-party provider, the community organisation must be able to demonstrate that the third-party provider has approved the loan subject to Council acting as guarantor and that the term of the loan is for a period not exceeding ten years
- 3.6 In the case of applications for loan funding from Council, any such arrangements agreed to by Council will be strictly on commercial borrowing terms and will be secured against the relevant community asset
- 3.7 In the case of applications for Council to guarantee a loan for a community organisation from a third-party provider, such an arrangement will be secured against future revenue streams of the improved asset, at least to the value of works and funds outstanding in the event of default
- 3.8 All arrangements agreed to by Council to loan funds to, or guarantee a loan for, a community organisation will also be subject to inclusion in Council's Strategic Community Plan



Policy No. **Error! Reference source not found.**

4 Authorisation

This Policy was adopted by Council on 25 June 2009

It is effective from 25 June 2009

It is due for review on 25 July 2014

5 Amendments

N/A

6 Who is responsible for implementing this Policy?

Director Corporate Services

7 Document owner

Director Corporate Services

8 Related Council Policies

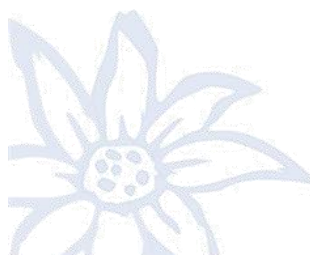
Nil

9 Legislation and references

Nil

10 Definitions

Nil





Policy – No 162	Adopted:	OM: 09.05.2005
	Reviewed:	OM: 05.08.2013
	Amended:	OM: 17.10.2011
	Revoked:	

TITLE:	HOME BASED BUSINESS
STRATEGY:	ECONOMIC DEVELOPMENT
BUSINESS UNIT:	COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT
RELEVANT LEGISLATION:	NONE
RELATED POLICIES:	NONE

Objectives

To support and promote home based micro businesses in all residential areas of Pittwater as an important economic development activity.

Home based businesses support sustainable local communities which are vital to the long term future of the local economy.

Home based businesses help promote economic as well as social benefits and opportunities for the local and regional area.

To provide an alternative to commuting to work to external locations and an opportunity to support and retain the high levels of professional skills in the area.

To support employment containment within Pittwater.

To support recognition of the national trend towards home based businesses and that many future small and medium businesses will grow from home based businesses.

To complement support for the eventual rollout of the NBN to help reinforce working from home as a legitimate form of employment now and for the future.

Policy Statement

Home based businesses are growing by 16 percent a year and it is estimated that between 750,000 and 1,000,000 Australians use their home in some capacity to earn an income.

In Pittwater LGA there are already numerous home based businesses and this trend is expected to expand even further as a result of existing demographics, new communication technology advances, desire for telecommuting and self employment across a number of business sectors, flexibility and low overheads.

Background

Operating a business from home has become increasingly common because of the digital revolution, outsourcing, the trend to self-employment and the growth of service industries.

This accelerated emergence of micro business operating in recent years can also be linked to better technology and trends toward more flexible lifestyles. Apart from the economic value this growth entails, local communities also gain with social and environmental benefits of those working from home.

Pittwater and the Northern Beaches have historically experienced high levels of containment. Residents have chosen to live and work in the LGA due to lifestyle advantages, the geographical distance from the Sydney CBD and lack of efficient public transport infrastructure for easy access connecting to employment centres elsewhere. Women in business for example often use home businesses as an opportunity to be in close proximity to young families.

A "home based business" or a "home activity" is a business that operates from home instead of a commercial premises. In some cases, all aspects of the business might be conducted from the home. In other cases the administrative aspects of the business are carried out in the home, which might be the case for contractors or tradespeople for example.

Typical home based include professional consultants such as accountants or solicitors, clothes design, graphics, craft workers or artisans, people involved in IT, computer/electronics assembly or repair, family day care and telecommuting or virtual offices.

Pittwater Council is keen to support doing business from home which is a growing sector, provided that the particular business is compatible with the broad amenity and environment of the local area.



Policy – No 158	Adopted:	OM: 14.02.2005
	Reviewed	
	Amended:	OM: 18.06.2010, OM: 17.10.2011 OM: 04.11.2013
	Revoked:	

TITLE:	ISSUING OF INFRINGEMENT NOTICES
STRATEGY:	COMMUNITY ENGAGEMENT, EDUCATION AND AWARENESS
BUSINESS UNIT:	ENVIRONMENTAL COMPLIANCE
RELEVANT LEGISLATION:	ROADS AND TRAFFIC ACT AND ROAD RULES NEW SOUTH WALES
RELATED POLICIES:	COMPLIANCE ENFORCEMENT AND ORDERS POLICY

Objective

To ensure the timely notification of a breach of the Road Rules that has resulted in the issue of an infringement.

Policy Statement

That all infringement notices should be served personally or affixed to the windscreen except in exceptional circumstances.

When such exceptional circumstances exist the letter accompanying the infringement notice must state the exact place, date, time and the circumstances why the notice could not be served at the time of the offence.

Such letters and infringement notice must be posted within 2 working days of the date of the offence.

Rangers must display, so that it can be seen, appropriate Council identification.



POF-PL 810

Kimbriki Recycling & Waste Disposal Centre – Principles for Fees & Recyclable Waste

1. The purpose of this policy is

to provide a service to the residents of the Joint Services Committee Councils by the provision and operation of the Kimbriki Recycling and Non-Putrescible (foodstuffs) Waste Disposal Centre.

2. Policy statement

This policy states Council's intention to provide the Kimbriki Recycling and Non-Putrescible (foodstuffs) Waste Disposal Centre.

- Council will charge for entry at an equitable rate, sufficient to cover expenses with a reasonable margin for the use of the facility by residents, commercial operators and the Joint Services Committee Councils disposing of waste sourced from outside the region.
- Council has established penalty charges for use of the facility by users disposing of waste sourced from outside the region.
- Council recognises the social need to divert waste materials from landfill thus maximising and extending the lifespan of the landfill activity at Kimbriki.

3. Principles

Council will:

- create diversion of waste from landfill by pricing and promotional initiatives to encourage separation of reusable or recyclable waste materials
- undertake recycling of waste materials by processing on site to divert PET, HDPE, glass, paper, vegetation, garden waste, metals, demolition waste materials from landfill.
- adopt charges from the fees outlined in the Joint Services Committee's report.
- authorise the Manager of the Joint Services Committee to restructure the fees should circumstances arise which necessitate reconsideration.

Note: for details of current fees, contact the Kimbriki Office on **9486 3512**.



POF-PL 810

Warringah, Manly, Mosman and Pittwater residents depositing household recyclable waste will be admitted free of charge only if proof of residency is provided. These fees will be paid by the respective councils. Carparking stickers, drivers' licenses and rates notices are acceptable resident identification documents.

Conditions of use:

- Liquid wastes, putrescible waste, chemical and highly flammable materials will not be accepted at the depot
- Persons using the depot are required to deposit as close as possible to the tip face and to comply with attendant's instructions.
- The collector or attendant on duty is authorised to refuse materials which, in his or her opinion, do not meet the Committee's requirements. and determine by inspection the type of waste.
- The collector has the authority to request any customer to use the weighbridge service.
- Persons entering the depot area do so at their own risk.
- Scavenging and removal of materials is forbidden.

4. Amendments

Fully amended 1.7.1996.

5. Authorisation

POF-PL 810 supersedes STR-PL 810 and STR-PL816. The Kimbriki Recycling and Waste Disposal Centre Policy STR-PL 810 was authorised by Council on 1.7.96.

This policy was previously known as Policy no. 4.5.04.

This policy is due for review on 31 December 2003.

6. Who is responsible for implementing this policy?

Manager, Business Operations

7. Document owner

Director, Customer and Community Services



POF-PL 810

8. File number

220.004.001
225.003.002
225.003.003.

9. Legislation and references

-

9.1 Definitions

None.



Policy – No 51	Adopted:	OM: 02.03.1998
	Reviewed:	
	Amended:	OM: 20.06.2011 OM: 17.10.2011 OM: 04.11.2013
	Revoked:	

TITLE:	LAKESIDE CARAVAN PARK
STRATEGY:	BUSINESS MANAGEMENT
BUSINESS UNIT:	CORPORATE STRATEGY & COMMERCIAL
RELEVANT LEGISLATION:	RESIDENTIAL PARKS ACT 1998
RELATED POLICIES:	NONE

Objective

To protect and enhance the intrinsic qualities of the site as a recreational, tourist, environmental and community resource.

To promote a more effective management framework for the site and derive optimum return on the asset to ratepayers.

To satisfy the needs of tourists and long term residents.

To maintain, as a minimum, the site's current NRMA rating of 4.5 stars.

Policy Statement

Site

The main area of the caravan park is on land owned by Council and this land is classified as community owned land under the Local Government Act, 1993. An area of the caravan park fronting Narrabeen reserve is Crown Land and is subject to the Crown Lands Act, 1989.

Council is empowered, subject to approval from the Minister for Lands to lease the site for up to 21 years.

The caravan park is licensed for 99 long term sites and 276 short term sites. Within the site but not forming part of the caravan park operations is the Coastal Environment Centre which functions as an environmental training centre and community facility under Council control.

Management

Under a contract with Council, Australian Tourist Park Management Pty Ltd manages the caravan park for a management fee. Council fixes site fees and charges and retains all income from which it meets all operational expenses.

Legislation, Codes, Delegations

Residential Tenancies Act (Residential Tenancy Agreements for relocatable homes and caravans with rigid annexes attached).

Caravan and Relocatable Home Park Industry Code of Practice.

Local Government Act, 1993.

Residential Parks Act 1998

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Delegation to Council pursuant to Section 745 Local Government Act from Director General to Department of Local Government dated 12 October, 1995 (to issue an Approval to Operate).

Documentation

Lakeside Caravan Park Rules

Residential Tenancy Agreement (Long Stay)

Residential Site Condition Report

Tourist Site Hire (Weekend/Holiday Van) Agreement

Van Storage Agreement

Site Fees and Charges.

Compliance Issues

Approval to Operate a Caravan Park/Camping Ground (issued by Council under Section 68 Part F2 Local Government Act, 1993).

Building Code compliance (Certificate of Compliance or 'work as executed' issued by Council); see Recommendation 5.2.4 of Council Meeting of 7 April, 1997.

L05. Late Night Venues 2005 Development Control Plan

Title: Late Night Venues 2005 Development Control Plan Policy

Policy No: L05

Keywords: Late Night Venues, Development Control Plan

Responsible Officer: Divisional Manager – Human Services and Facilities

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to make policy-based provision for, and to advise the public of, Manly Council's considered and adopted policy position with respect to the operation of late night venues, for the better government and enhanced amenity of the Manly local government area, particularly the Manly CB and nearby areas.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to the operation of late night venues.

Council adopted the Development Control Plan for Late Night Venues 2005. The Development Control Plan for Late Night Venues 2005 can be found on the website www.manly.nsw.gov.au under Planning and Development, LEP, DCP and Policies.

(OM 19.12.2005 Res.406/05)

3. PRINCIPLES

The principles governing this policy, in brief, are as follows:

- the need to promote, enhance and maintain local amenity;
- the need to provide and maintain a safe place for residents and visitors to Manly; and
- the need to balance competing interests, and competing aspects of the public interest, for the better government of the Manly local government area.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all beaches and reserves in the Manly local government area on or from which boats operate or can be operated.

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Page 165 of 338

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

L50. LIBRARY POLICY

Title	Library Policy
Policy No:	L50.
Replaces Policies:	L30, L40, and L60
Keywords:	Access, Borrow, Borrowers, Librarian, Library, Local History, Record
Responsible Officer:	Divisional Manager – Human Services and Facilities

1. PURPOSE AND AUTHORITY

The broad objective of this policy is to make policy-based provision with respect to various aspects of the Manly Library so as to ensure equity, fairness, openness and non-discrimination.

A local government library has a role as an unbiased source of recorded knowledge and ideas and has a special responsibility for providing free access to materials and information presenting - as far as possible - all points of view on current and historical issues, including controversial issues.

This policy has been authorised by the Council and is available to all Council officials and the community. It has been developed in consultation with staff and will be revised on a regular basis. Ownership of the policy rests with the Divisional Manager, Human Services and Facilities who is responsible for its implementation.

2. POLICY STATEMENT

Everyone has the right to use a public library, whatever their age, sex, race, religion, national origin, disability, economic conditions, individual lifestyle, or political or social views.

All persons, including residents and non-residents, are eligible to join Manly Library free of charge subject to their producing current proof of their name and address, completing the Manly Library Membership application, and otherwise complying with the relevantly applicable rules pertaining to the Library.

3. PRINCIPLES

Librarians should not exercise censorship in the selection of materials.

The continuous review of library materials is necessary as a means of maintaining a current and useful collection. This policy should not be used as a means of removing materials presumed to be controversial or disapproved of by sections of the community.

Librarians should protect each user's right to privacy with respect to information sought or received and materials consulted, borrowed, or acquired.

Librarians should cooperate with persons and groups concerned with promoting free expression and free access to ideas.

By joining Manly Library, borrowers undertake to:

- observe the rules of Manly Library
- make good the loss or damage of any item lent to them
- pay any charges or fines incurred
- observe the requirements of relevant legislation related to libraries.

Holders of Manly Library cards may also borrow from any Shorelink Library.

Libraries should endeavour to provide comprehensive and balanced collections, as far as budget, space and availability of materials allow.

Books and non-book materials that have not been subject to Federal or State prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other sensitive

grounds alone. Nor should books be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.

Adult collections should not be limited because of the possibility that materials may fall into the hands of children.

The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, e.g. by holding them in special collections available on request, can be an indirect form of censorship. No materials should be held in closed access except for the express purpose of protecting them from injury or theft.

The continued development of a collection of materials on Local Studies/Local History should be pursued jointly by the Manly Library and the Manly Art Gallery & Museum (MAGM).

The function of the Manly Library being to collect, organise, record, preserve, and make accessible materials of a "documentary nature", these being published and unpublished written works, maps, plans, newspapers, audio and video material, and the function of the MAGM being to collect, organise, preserve and display "Realia and Artistic Works", these being artifacts, historical objects, pictorial works.

Any exemplary, interpretive examples of original photos, maps and plans which are older than thirty years and which relate to or feature: beach culture, artistic content, classic shots, fashion, transport or panoramas are the responsibility of the Museum for storage and preservation.

4. SCOPE

This policy applies to all Manly Library members and visitors to Manly Library, including Council officials.

5. DEFINITIONS

Library – a place set apart to contain books, periodicals, and other material for reading, viewing, listening, study, or reference, as a room, set of rooms, or building where books may be read or borrowed.

Librarian – a person trained in library/information science and engaged in library service.

Shorelink – The Shorelink Library Network is a consortium of 5 public libraries on the lower north shore of Sydney. They utilize a shared infrastructure to give the best possible service to their members.

6. IMPLEMENTATION

This Policy will be implemented without delay once adopted by Council. Upon adoption this Policy will be entered into Council's Policy Register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

A list of fees and charges, which are approved and adopted by Manly Council annually, is on display in the Manly Library.

Council reserves the right to ban any borrower who does not observe the rules of Manly Library or the rules of any other Library.

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific compliance reporting is required under this Policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Library Act 1939

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct, 2013

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	September 2013	Created new Policy combining old policies L30, L40, L50 and L60	Divisional Manager, Human Service & Facilities	Governance, Legal & Risk
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

M65. Mayor and Councillor's Remuneration Fees

Title: Mayor and Councillors Remuneration Fees Policy

Policy No: M65

Keywords: Remuneration Fees, Mayor, Councillors

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Council's adopted policy position with respect to what Council sees as being the appropriate levels of remuneration fees for the Mayor and Councillors of Manly Council.

2. POLICY STATEMENT

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

(O.M. 27.7.98)

(Confirmed 19.6.06)

(Confirmed 21.5.07)

3. PRINCIPLES

The underlying principle of this policy is that the Mayor and Councillors of Manly Council ought to be appropriately reimbursed for their performance of their respective civic duties.

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

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

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Council Policy – No 22	Adopted:	OM: 07.07.97
	Reviewed:	OM: 24.06.2013
	Amended	OM:17.10.2011
	Revoked	

TITLE: NUCLEAR

STRATEGY: LAND USE & DEVELOPMENT

BUSINESS UNIT: PLANNING & ASSESSMENT

RELEVANT LEGISLATION: NONE

RELATED POLICIES: NONE

Objective

Make the Pittwater LGA a Nuclear Free Zone.

Policy Statement

Pittwater Council supports the concept of a nuclear free zone for the Pittwater Council area and the wider Sydney region with the exception of radioactive isotopes or other radioactive material used in medical treatment, testing equipment or research.

O10. Overgrowth of Vegetation

Title: Overgrowth of Vegetation Policy
Policy No: O10
Keywords: Overgrowth, Vegetation, Revenue
Responsible Officer: Deputy General Manager – Land Use and Sustainability

1. PURPOSE AND AUTHORITY

The overall purpose and broad objective of this policy is to set out Council's adopted general policy position with respect to how best to deal with overgrowth of vegetation in circumstances where privately owned land abuts a Council reserve and both properties are overgrown with vegetation and Council has no immediate plans to remove the vegetation from its reserve

2. POLICY STATEMENT

Where privately owned land abuts a Council reserve and both properties are overgrown with vegetation and Council has no immediate plans to remove the vegetation from its reserve, a notice will not ordinarily be served under the *Local Government Act* on the owner of the privately owned land. The owner, however, may be required to make a fire break on property.

(Date Not Known)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle behind this policy is one of equity and fairness, namely, that it is generally inequitable and unfair for Council to demand that a private landowner attend to the management or removal of vegetation overgrowth on land abutting a Council reserve in circumstances where both properties are overgrown with vegetation and Council has no immediate plans to remove the vegetation from its reserve.

However, the policy position set out in this policy is a general one, and is not intended to fetter in any way the lawful exercise of Council's statutory discretions. Each case must be dealt with on its respective merits, on a case-by-case basis.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all Council reserves.

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Page 185 of 338

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005
Noxious Weeds Act 1993

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

P10. Pamphlets & Leaflets – Distribution on Public Roads and in Shopping Centres

Title: Pamphlets & Leaflets – Distribution on Public Roads and in Shopping Centres
Policy No: P10
Keywords: Distribution, Pamphlets, Leaflets
Responsible Officer: Deputy General Manager – Land Use and Sustainability

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to set out Manly Council's policy position with respect to the distribution of pamphlets and leaflets on public or other government land within the Manly local government area.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to the distribution of pamphlets and leaflets on public or other government land within the Manly local government area. The adopted Council policy position is as follows:

Where appropriate, Council regulate the distribution of pamphlets and leaflets subject to the provisions of s.632 of the *Local Government Act 1993* (NSW)

(Confirmed F & GP 14.6.83)
(Confirmed 20.10.97)

3. PRINCIPLES

The contents of this policy are general guides to administrative decision-making. As such, the policy must not be automatically or inflexibly applied with a due, proper and genuine consideration of the merits of a particular case. Thus, even if an application or a case falls outside the "four corners" of this policy, but is otherwise legally permissible subject to an approval being given, the application or case must be considered on its merits, despite anything contained in this policy. To that end, any prohibition or restriction in this policy will not apply where a good case is made out that the prohibition or restriction ought not to apply, or ought to apply in a modified way, on the facts and circumstances of a particular case.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all public or other government land within the Manly local government area.

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Warringah Council Policy

Policy No. PL 910 Policy

Policy Development and Management

1 Purpose of Policy

To document the process for proposing new policies, amending existing policies and rescinding obsolete policies.

2 Policy statement

A policy is a formal statement of Council's position covering the principles it will adopt in administering its statutory responsibilities and promotes consistency of approach and administrative efficiency.

A policy is established by the resolution of Council.

A policy can be distinguished from

- a strategy, which records Council's long term needs and wants (often including an intended course of action to achieve them and an allocation or identification of resource needs), and
- an Operational Management Standard (OMS), which is an internal organisational procedure approved by the General Manager, who is empowered under Section 335 of the Local Government Act to carry out the 'day to day' management of Council, and
- a procedure, which is a set of rules and processes designed to facilitate Council operations at a team, service unit or divisional level.

This policy does not apply to strategies, OMS or procedures; however these could be treated in a similar way.

3 Principles

The following principles will be followed when proposing new policies, and amending or rescinding policies.

3.1 New policies or amending existing policies

The Deputy General Manager (DGM) that is primarily responsible for carrying out a policy, or the DGM otherwise nominated by the General Manager, shall be responsible for the development of a policy or the amendment of an existing policy ('the responsible DGM'). The responsible DGM will generally become the owner of the document.

The responsible DGM will ensure that the Governance Manager is promptly alerted about an intention to develop a new policy or to amend an existing policy. Governance officers will advise the responsible DGM or their staff if similar or complementary policies are being developed in other areas of Council and direct the responsible DGM or staff to the policy process scoping document.

The responsible DGM will ensure that any proposed amendment to an existing policy (except for minor amendments to existing policies), or a proposal for a new policy:

PL 910 Policy

- follows the policy development and review process
- has been scoped and presented to Leadership Group for review or acknowledgement
- is concise and clearly worded
- is presented in the standard Warringah Council policy template format
- does not conflict with any existing policy, and if it does, recommends the necessary amendments, rescissions or rationalisation of all affected policies
- considers any legal and any financial or administrative implications

Council will determine whether to make a resolution to place the draft policy on exhibition (with or without amendment) or reject the amendments or new policy, or adopt the amendments or new policy.

Council's decision whether or not to place a draft policy on exhibition will be based on whether, in Council's opinion, the benefit likely to be realised from the exhibition would justify the costs of the exhibition and the delay in adopting the amendments or new policy.

Draft policies adopted for exhibition must be exhibited for public comment for a minimum period of fourteen (14) days unless a statutory exhibition period is provided. At a minimum, public exhibition must consist of advertising in the Manly Daily, exhibiting the policy at the Civic Centre and Warringah libraries and online on Council's website. However, a higher-level consultation may be appropriate and therefore due regard must be given to Council's Community Consultation Matrix and Tool Kit.

At the closure of the exhibition period a report detailing the submissions received will be made to Council. Council by resolution will adopt or reject the amendments or new policy.

3.2 Minor Amendments to Policies

Amendments to existing policies must accord with clause 3.1 of this policy, unless the amendments are minor in nature.

Amendments minor in nature include the following:

- changes to the format of the policy
- changes to the policy number or policy name
- changes to policy owners or those responsible for implementing the policy as a result of an organisational restructure/realignment
- correction of errors, grammar and punctuation in the policy, including but not limited to incorrect references to other policies or documents or legislation.

The General Manager can approve minor amendments to policies if in their opinion the amendment does not:

- change the intent of the policy
- impact upon the community
- result in a conflict with any existing policy
- have legal or financial implications.

Councillors are to be informed as soon as practicable of minor amendments to policies approved by the General Manager.

3.3 Conflicting Policies

PL 910 Policy

Where policies conflict, prima facie the later policy will prevail to the extent of any inconsistency.

The responsible DGM shall act to resolve all conflicts that arise as a result of the passing of a policy as soon as practicable, including recommending to Council the necessary amendments, rescissions or rationalisation of all affected policies necessary to resolve all conflicts.

3.4 Rescinding Policies

A policy can only be rescinded by a formal resolution of Council.

3.5 Owners and Responsible Officers

A policy owner is to be a DGM or the General Manager. A person responsible for implementing a policy may be any member or members of Council staff, but must include at least one DGM, Group Manager or Manager.

3.6 Timing of Review

Every policy shall contain a review date. A review date is a date or a month and year in which the policy is to be reviewed to determine whether it is likely to remain appropriate for Council's activities until the next review date. A review date will generally be calculated by a whole number of years from the month that the policy, or its latest amendment, has been adopted by Council.

A review does not necessarily require amendment to a policy. However, the responsible DGM shall ensure that a policy is reviewed on or before the review date, and that Strategic Planning officers are informed that a review has taken place and whether or not amendments will be proposed.

The criteria to determine review dates are as follows:

- Where legislation requires a review of the policy within a certain period or by a certain date, the review date shall be no longer than that period or that date.
- Policies without specific legislative requirements shall be reviewed within four (4) years of their adoption or their last amendment.

Notwithstanding the above criteria, Council may decide to stipulate a different review date in special circumstances. A stated review date does not prevent a policy being reviewed at an earlier date.

Where a policy becomes inappropriate to the operations of Council or non-compliant due to a change in legislation, the policy shall be amended as soon as practicable to render it appropriate or comply with the legislation as the case may be.

4. Who is responsible for implementing this policy?

Executive Management Team, Group Managers, Governance officers, and Councillors.

5. Document owner

DGM Environment.

6. References

Definitions

N/A

Legislation

PL 910 Policy

There are references to 'policy' in the *Local Government Act 1993*, Sections 12 and 232 and the *Freedom of Information Act 1989*, Section 6.

Council

This policy supports the service of Good Governance under Council's Delivery Program.

Other

N/A

7. Authorisation

This policy was adopted by Council on 19 October 2010.

Revision 4.0 is effective from 17 September 2014.

It is due for review on 17 September 2018.

8. Document History

Revision	Date	Change	TRIM Ref
1.0	14 August 1984	Council authorised this policy as number 1.3.22	N/A
2.0	24 May 2005	Council amended the policy. It was re-numbered as GOV-PL910.	2280883
3.0	19 October 2010	Council amended the policy. It was re-numbered as PL 910 POLICY and name changed.	2013/133622
4.0	17 September 2014	The General Manager approved minor changes following a review by staff.	2014/066983

P90. Printing and Stationary – Use of Recycled Paper

Policy Title: Printing and Stationary – Use of Recycled Paper

Policy No: P90

Keywords: Recycled Paper, Printing and Stationary

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to ensure that, as respects the subject-matter of this policy, Manly Council acts in a manner that is as environment-friendly as possible.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to the use of recycled paper in Council's operations and activities. The policy position is as follows:

1. That Council adopt in principle a policy of using recycled paper and paper products wherever such items are suitable for use and cost competitive.
2. That the General Manager or such officer delegated by the General Manager continually monitor the opportunities for substituting recycled paper for other paper products for use within Council.

(O.M. 12.12.89)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle of this policy is the recognition by Manly Council of the need to act as responsibly as possible as respects its operations and activities so as to protect, restore, enhance and conserve the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all beaches and reserves in the Manly local government area on or from which boats operate or can be operated.

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

P100. Property Acquisition Reserve Fund

Title: Property Acquisition Reserve Fund Policy

Policy No: P100

Keywords: Property, Acquisition, Fund

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The overall purpose and objective of this policy is to set out Council's adopted policy position with respect to the banking of the proceeds of sales of Council properties, with a view to ensuring that the proceeds of all sales of Council properties are held in a property acquisition reserve fund, for which this policy makes provision.

2. POLICY STATEMENT

That Council establish a Property Acquisition Reserve Fund and that the proceeds of all sales of Council properties be held in that fund.

(F & G P 15.9.81)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle of this policy is the "like for like" principle, namely, the need (having regard to Council's charter: s.8, Local Government Act 1993) to ensure that there is no overall diminution in public assets when Council properties are sold, and that there will always be funds available for future property acquisitions.

4. SCOPE

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

However, this policy shall not apply where there exists a legal requirement to keep or maintain any proceeds of sale in some special or other account or fund. In addition, nothing in this policy can override any obligation that may exist where certain monies are impressed with a trust obligation (including an obligation arising out of a constructive trust where, for example, certain monies may be impressed with an obligation to be used for some public purpose other than acquisition of land, eg, car parking).

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Policy – No 111	Adopted:	OM: 21.9.1998
	Reviewed,	OM: 24.06.2013
	Amended:	OM.01.11.1999, OM.16.09.2002, OM: 14.02.2005, OM: 17.10.2011
	Revoked:	

TITLE: PUBLIC PROPERTY VANDALISM - REWARD FOR SUCCESSFUL PROSECUTION

STRATEGY: Vegetation Management
Town & Village
Recreation Management

BUSINESS UNIT: Reserves, Recreation & Building Services

RELEVANT LEGISLATION: None

RELATED POLICIES: None

Objective

To reduce the incidences of vandalism against *Public* property.

Policy Statement

That a reward of between \$1,000 - \$10,000 be paid to persons who supply Pittwater Council with useful evidence, in the form of, for example, photographic or eye witness accounts, which lead to the successful prosecution of the offender(s) under Pittwater Council's Tree Preservation and Management Order and/or the successful prosecution by Council of a person(s) charged with an offence relating to damage to *Public Property* including, but not limited to the spraying of graffiti or damage to landscaping and trees.

The General Manager is authorised to determine the appropriate reward to be paid for information leading to a conviction from between \$1,000 - \$10,000 and that in major events, the level of the reward is to be determined by the Council. (OM14.02.05)

That the following signage be erected at those locations that have experienced public property vandalism, as appropriate.



PITTWATER COUNCIL

will pay up to
\$1,000 Reward

for information which leads to the successful prosecution of any
person or persons who wilfully damage or graffiti *Public Property*,
including landscaping and trees in this area.

General Manager

Q10. Quadruple Bottom Line Reporting Policy

Title:	Quadruple Bottom Line Reporting Policy
Policy No:	Q10
Keywords:	Integrated Planning and Reporting, Local Government Act
Responsible Officer:	Executive Manager, Corporate Support Services

1. PURPOSE AND AUTHORITY

The purpose of this policy is to retain Council's Triple Bottom Line Policy and make it consistent with the requirements in relation to Integrated Planning and Reporting for reporting on Manly Council's operations.

2. POLICY STATEMENT

Manly Council has adopted the following policy:

"That reports to both Planning & Strategy and Ordinary Meetings of Council include a short report, preferably in a standard format, on staff's assessment of the Triple Bottom Line implications of proposals contained in the report." (OM 18.12.06)

This policy aims to ensure that this reporting policy is now consistent with Council's Integrated Planning and Reporting (IPR) requirements under the Local Government Act.

The IPR guidelines recommend a quadruple bottom line approach for integrated plans. This is how Manly Council reports the progress of its actions under the adopted Community Strategic Plan, Delivery Programs, and its one year Operational Plans, and does so on a quarterly and annual reporting basis.

Council's integrated planning reports are consistent with the previous Triple Bottom Line policy approach followed and add the additional area of civic leadership/ governance to the reporting outcomes.

Council progress Delivery Plan and Annual reports, as well as new proposals will continue to assess and consider the quadruple bottom line as a reporting framework that is consistent with its integrated Community Strategic Plans.

PRINCIPLES

The Integrated Planning and reporting guidelines contain a number of requirements and principles that Council is required to consider in its plan preparation.

These principles are available on the NSW Office of Local Government (www.dlg.nsw.gov.au) and have been considered thoroughly in the preparation of this policy.

3. SCOPE

This policy applies to Council Delivery Plan progress quarterly reports, Annual Report requirements, other Manly Council reports (e.g End of Term Reports) as required that are considered significant proposals or projects.

4. DEFINITIONS

This policy references the Office of Local Government's Integrated Planning and Reporting Manual issued in line section section 406 (5) of the Local Government Act 1993. This provides detailed definitions, guidelines and reporting requirements for NSW Local councils.

5. IMPLEMENTATION

This policy is implemented in Council's reporting framework for its relevant Planning and Strategy and Ordinary meetings.

6. MONITORING

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the General Manager and staff.

7. REPORTING

Council is required to continue reporting in this manner to be consistent with the requirements of the Local Government Act and its associated legislation.

8. POLICY REVIEW

This policy is subject to regular review at a maximum interval of 2 years or as required by legislation.

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

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

9. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

[*Integrated Planning and Reporting Guidelines for local government in NSW: planning a sustainable future*](#) (NSW Department of Premier & Cabinet, Division of Local Government, March 2013).

10. RELEVANT COUNCIL POLICIES

List relevant Council PoliciesOMS's, guidelines, procedures or forms which apply to this Policy.

11. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS 53/11	2 May 2011	Periodic Review	Secretariat Corporate Services	Manager Administration
PS16/14	March 2014	Policy sent to CI with Periodic Policy Review. CI resolved to Pt 5 (resolution # 16/14) 'retain the Triple Bottom Line policy and make it consistent with the requirements of the Integrated Planning & Reporting requirements'.		
	April 2014	Draft revised Policy sent to Governance for approval	Principal Analyst – Corporate Performance and Strategy	Corporate Governance
	May 2014	Memo sent to GM requesting approval to add to Policy Register		Manager Corporate Governance
	May 2014	Included in Policy Register, included in Policy section of website, Distributed to staff and Councillors		Manager Corporate Governance

R10. Rates - Pensioners – Accrual of Rates and Charges and Writing off Interest

Title: Rates – Pensioners- Accrual of Rates and Charges and Writing off Interest

Policy No: R10

Keywords: Rates, Pensioners, Extra Charges

Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Manly Council's considered and adopted policy position with respect to pensioners' rates and, more specifically, with respect to the accrual of rates and charges and the writing off of interest on such rates.

2. POLICY STATEMENT

Manly Council is committed to ensuring that the "eligible pensioner" provisions of the *Local Government Act 1993* (NSW) with respect to rate rebates and the like are applied in the widest and most expansive way possible, so as to ensure that the policy objectives of those statutory provisions are fully realised.

3. PRINCIPLES

1. That pensioners entitled to a rate rebate under the provisions of the *Local Government Act 1993*, and who are above the age of 60 years be permitted, upon written application, to accrue rates and charges on the property during the pensioner/pensioners' lifetime subject to:-
 - (a) Extra charges being raised in accordance with the provisions of the *Local Government Act 1993*.
 - (b) The pensioner occupying the dwelling or flat as their sole or principal place of abode.
2. That where a pensioner who is entitled to a rate rebate under the provisions of the *Local Government Act 1993*, has no arrears of rates at the date of issue of the rate notice and pays rates and charges within the current year, any extra charges raised through late payment be written off and abandoned.
3. That in the case of a person claiming hardship under the provisions of the *Local Government Act 1993*, Council require such a applicant to provide:-
 - (i) A Statutory Declaration giving details of the applicant, the property and the hardship claimed. The onus of proof is to be on the applicant. The applicant must be the property owner.
 - (ii) A certified copy of the applicants Birth Certificate.
 - (iii) A confidential statement of all assets (other than the home) and income.
 - (iv) Proof that the subject property is their sole or principal place of abode.
4. That all information required be dealt with in the strictest confidence.
5. That the General Manager be delegated authority to consider and to determine each application for hardship on the merits of the individual application.
6. That any applicant for hardship who is not satisfied with the decision of the General Manager may appeal to the Council.
7. That all applications approved be subject to extra charges raised in accordance with the provisions of the *Local Government Act 1993*.

(O.M. 14.2.89)
(Confirmed 20.10.97)

Page 230 of 338

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting (other than that required by the annual reporting provisions contained in the Local Government Act 1993) is required by this policy.

9. POLICY REVIEW

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Policy – No 191	Adopted:	OM: 17.10.2011
	Reviewed:	OM: 03.06.2013
	Amended:	
	Revoked:	

TITLE:	RATES AND CHARGES ADMINISTRATION
STRATEGY:	Business Management
BUSINESS UNIT:	Finance and IT
RELEVANT LEGISLATION:	Local Government Act 1993
RELATED POLICIES:	None

Objective

To provide the legislative framework and procedures to administer the function of rating within Council, especially with respect to:

- Pensioner rebates and accrual of rates and charges
- Rate debt recovery
- Sundry debt recovery
- Kerb & Gutter debt recovery from Pensioners
- Relief from rate increases due to hardship (for the first year of a new valuation)
- Aggregation of Values for rating purposes

Policy Statement

REBATES AND ACCRUALS OF PENSIONERS RATES AND CHARGES

That Council's procedure under section 579 of the Local Government Act, 1993 is that all pensioners make initial application for rebate on the prescribed form. If the application is not made in the year for which the rates are levied, then prior year rebates can be granted providing the applicant is the current owner of the subject property and council is able to satisfy itself that the owner was an eligible pensioner (as defined by the Local Government Act) on the dates being claimed.

That Council's procedure for non-mandatory rebates under section 582 of the Local Government Act, 1993, is as follows:-

1. (a) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to eligible pensioners who are under the accepted retirement age at the time of making application and continues whilst the owner remains an eligible pensioner and under the retirement age.

- (b) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to persons in receipt of blind pension, regardless of age.
- (c) The commencement and ending of the extended rebates is as prescribed respectively under section 574(4) and section 584 of the Local Government Act, 1993.
- 2. (a) That where, after granting of either the mandatory or the mandatory plus extended rebate, the owner is unable to make payment of rates by the usual instalments, council may write off any accrued interest charges if the rates and charges are paid in accordance with an agreed payment arrangement.

That Council's procedure under section 564(1) of the Local Government Act, 1993 is as follows:-

- (1) Where, after rebate of rates and charges, payment of the balance will cause hardship, an eligible pensioner that is over the accepted retirement age, on a property where all owners are eligible pensioners, and the property is not the subject of a crown lease or licence, may make application to enter into an agreement with Council to accrue rates, charges and interest against the pensioner's estate and no action for recovery be taken. Those rates and charges become payable once the property is sold or transferred (regardless if the sale or transfer is to a family member).
- (2) An eligible pensioner accruing the balance of rates and charges against the estate is required to make annual application where the accrual is to continue.

DEBT RECOVERY

Council has a responsibility to recover debts owing to it in a timely and efficient manner to finance its operations and ensure effective cash flow management. Council aims to ensure effective control over debts owed to it and to establish procedures for the efficient collection of receivables. Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances.

Rates Debt Recovery

That the General Manager be authorised to enter into arrangements with any ratepayer, to have rates and charges paid by agreement as per Section 564 of the Local Government Act, 1993. Ideally these agreements are to be for regular instalment payments (weekly, fortnightly or monthly), with the debt to be finalised by financial year-end.

That the General Manager be authorised to write off or reduced any current interest for a ratepayer who has adhered to a rate payment agreement.

That all ratepayers, excluding those paying by agreement as above, who have overdue instalments, be issued with a Reminder Letter requesting them to either make full payment of the overdue amount, or make a suitable agreement for the payment of the outstanding amount. The Reminder Letters are to be issued within three weeks after the instalment due date.

Generally within one month to six weeks from the issue of the Reminder Letter, further recovery action to be commenced. This recovery action will occur twice throughout the year, being after the first and third instalments. All ratepayers (excluding eligible pensioners) who have two or more overdue instalments are to be sent a second Reminder Letter. After three weeks from the issuance of the second Reminder Letter, a Letter of Demand for payment within seven days, or a suitable arrangement for payment is issued. The Letter of Demand is to be sent by Council's current mercantile agent on their letterhead.

Generally within twenty-one to thirty days from the issue of the Letter of Demand, further recovery action to be commenced. All ratepayers who received a Letter of Demand, and who have not made payment or entered into a suitable arrangement for payment, will be issued with a Statement of Liquidated Claim (SLC). Council's current mercantile agent is to organise the issue and service of the SLCs. All legal costs are recoverable from the ratepayer.

Any further legal action required for the recovery of the outstanding rates and charges to be either a Writ of Execution; an Examination Summons; a Garnishee Order; a Rental Order; or a Notice of Bankruptcy. Council is to be guided by our mercantile agent as to the most suitable form of recovery action.

That where legal action is unsuccessful and rates and charges are overdue in excess of five years, the property be sold by public auction in accordance with section 713 of the Local Government Act, 1993 subject to the concurrence of Council.

An application from a debtor for the waiving or reducing of costs will be considered under the following circumstances – if it is deemed the costs were raised in error; the debtor is experiencing financial hardship; the debtor is a new property owner and their solicitor had notified Council of an erroneous postal address.

Sundry Debt Recovery

The terms for payment of sundry debts are 14 days.

That the General Manager be authorised to enter into arrangements with any debtor, to have the outstanding amounts paid by agreement.

A Statement is to be sent every fortnight to the debtor requesting payment until the debt is finalised.

Once a sundry debt is overdue, a Reminder Letter is issued requesting payment or a suitable arrangement for payment. If the debt remains outstanding after the first Reminder Letter a second Reminder Letter is sent to the debtor again requesting payment of the debt within seven days, or an arrangement for payment. This letter will advise the debtor of the likelihood of legal action and costs, should payment or an arrangement for payment not be made.

If the debt remains outstanding after the second Reminder Letter a Final Notice is issued that indicates legal proceedings could be commenced if payment is not received within seven days.

If the debt remains outstanding after this seven day period, the relevant contact in the specific Business Unit is to be notified of the debt and seek further instructions. Possible recovery action to include – removal of outdoor seating; cancellation of dinghy pole storage; issuing of a Council Order and infringement notice; notation of debt on section 603 certificates; or legal action.

Kerb & Guttering Recovery - Pensioners

Where charges such as kerbing and guttering construction are owing for more than 6 months in respect of any property owned by a pensioner who qualifies for rate rebates, and legal action is being taken to recover the debt:

1. The pensioner is advised that Council, in taking legal action, is doing so to secure the debt as a charge on the property and will not take action to enforce the Court Judgment whilst the property remains in the same ownership.
2. Action to enforce the Court action be deferred accordingly.

RELIEF FROM RATE INCREASES – HARDSHIP IN FIRST YEAR OF NEW VALUATIONS

Deferral of Rates

1. That authority be delegated to the General Manager to defer the amount of the rate increase in excess of the previous year following applications lodged under section 601 of the Local Government Act, 1993, requestion relief as a result of the valuation change.
2. That in the event of a dispute that the application be referred to the General Manager for determination.
3. That where the application is approved and payment of the amount of the increase is subsequently made within the current year, interest charges will be written off under section 564 of the Local Government Act, 1993.

Waiving or Reduction of Rates

Council will not reduce or waive the increase in rates in excess of the previous year, but will negotiate an arrangement for payment of the rates if the owner is unable to make payment by the usual instalments.

AGGREGATION OF VALUES FOR RATING PURPOSES

That the provisions of section 548A of the Local Government Act, 1993 be adopted to allow aggregation of values of certain parcels of land for the purposes of levying rates, in order to avoid causing financial hardship. (An example would be where a person owns a home unit in a strata complex and has separate title to a non-dwelling type parcel such as a car space or storage space. Council could aggregate the values of the unit and the non-dwelling type parcel and levy one rate assessment).



Policy – No 110	Adopted:	CO: 24.08.1998
	Reviewed:	OM: 03.06.2013
	Amended:	OM:17.10.2011
	Revoked:	

TITLE:	RATES ON LEASED COUNCIL PROPERTY/FACILITIES
STRATEGY:	Business Management
BUSINESS UNIT:	Corporate Strategy & Commercial
RELEVANT LEGISLATION:	None
RELATED POLICIES:	None

Objective

To provide a clear statement of Pittwater Council's treatment of levying rates on leased Council property/facilities.

Policy Statement

That Council adopt the following policy in regard to the levying rates on leased Council property/facilities:-

A) Full Commercial use of Council Facility/Building

The Lessee shall be liable to pay the full amount of Council rates levied on the property

B) Club Use with Public Access

- (i) Where the valuation per square metre is less than 50% of neighbouring residential valuations, then the Lessee shall be liable to pay the full amount of Council rates levied on the property
- (ii) Where the valuation per square metre is greater than 51% of neighbouring residential valuations, then the Lessee shall be entitled to a contribution towards rates in proportion with the measurable public access to the facility

C) Community Service/Public Benefit

The Lessee shall be liable to pay the full amount of Council rates levied on the property. However, Council is prepared to contribute up to the full amount of rates providing that the organisation complies with the service standards in regard to meeting the obligations of the organisation to the public as established in the service standards as contained in the lease documents.

- D) Exempt in accordance with legislation.

R35. Regional Collaboration and Forced Amalgamations of Councils

Title: Regional Collaboration and Forced Amalgamations of Council

Policy No. R35.

Keywords: Amalgamation, Collaboration, Regional

Responsible Officer: Executive Manager, Corporate Support Services

1. PURPOSE AND AUTHORITY

The purpose and objective of this policy is to set out Manly Council's considered and adopted policy position and statement with respect to enforced amalgamations.

2. POLICY STATEMENT

At an ordinary meeting of Council held on 11 March 2013 Manly Council resolved as follows;

Adopt as a matter of policy the continuation of regional collaboration on policy development and operational issues as an alternative to forced Council amalgamations; and Manly Council rejects any proposal for amalgamation.

3. PRINCIPLES

The underlying philosophical principle behind this policy is that any council amalgamations should be voluntary and not compulsory (that is, enforced by the State Government). Manly Council is of the view that there is no convincing evidence to support the proposition that larger local government areas, and fewer local councils, result in greater efficiency, costs savings, or other palpable, tangible benefits for either the local residents or the wider public.

Manly Council is fully committed to regional collaboration on policy development and operational issues as an alternative to forced Council amalgamations.

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy will be subject to a review every two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
OM 21/13	11 March 2013	Draft Policy prepared	Manager Administration	Manager Corporate Governance
	3 April 2013	Approved by the General Manager		
	4 April 2013	Added to Policy Register		
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

S05. Saturated and Trans Fat Reduction Policy

Title: Saturated and Trans Fat Reduction Policy
Policy No: S05
Keywords: Diet, Saturated, Trans, Fatty Acid
Responsible Officer: Divisional Manager – Human Services and Facilities

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is assist in the promotion of the health of persons within the Manly local government area as well as the wider public particularly insofar as the dangers of saturated and trans fats are concerned.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to the dangers associated with the consumption of saturated and trans fats.

Manly Council supports and encourages the continual reduction of saturated and trans fatty acids within the process of all food premises in the Manly local government area. This policy aims to raise awareness of health risks associated with the consumption of saturated and trans fats as well as provide information to assist in safe choices for both the consumer and food service industry. Professional medical advice should be sought for individual assessment and recommendation in relation to the intake of saturated and trans fats.

3. EXECUTIVE SUMMARY

The National Heart Foundation™ has raised concerns in relation to the health risks associated with the consumption of trans and saturated fats. There is strong evidence to suggest that eating a diet high in saturated and/or trans fats is linked to increased risk of coronary heart disease and also long-standing evidence linking saturated fat and heart disease (Heart Foundation 2007). With an increase to the consumption of processed foods and as such; Saturated and Trans Fats in the everyday Australian diet, Manly Council raises concerns about the potential health effects to residents and visitors to the Manly Local Government area.

This policy aims to raise awareness of this issue, provide information and provide a guideline to saturated and trans fat reduction for consumers and the retail food industry within the Manly Local Government area.

Fats are an essential part of our diet however some fats may increase bad cholesterol and hence cause associated health risks such as heart disease. Saturated fats are the highest dietary cause of high "bad" cholesterol levels. Saturated Fats are commonly found in animal products such as butter, cheese, whole milk, ice cream and fatty meats (U.S.A National Library of Medicine 2010). Trans fatty acids also known as trans fats, formed when liquid vegetable oils are partially hydrogenated or 'hardened' for use as spreads such as margarine, cooking fats for deep-frying and shortening for baking. Some trans fatty acids are formed during high temperature cooking. Trans fatty acids are also found naturally in meat and milk (FSANZ 2009).

Information in relation to the reduction of saturated and trans fatty acids for the consumer and foodservice industry has been developed by the Heart Foundation Tick of approval program and campaign. The Three step guide has also been developed to assist further (Heart Foundation 2007).

DEFINITIONS

- Council All circumstances refers to Manly Council
- Development As prescribed by the Environmental Planning and Assessment Act, 1979
- Fat An organic compound(s) made up of Carbon, Hydrogen & Oxygen
- Hydrogenation A chemical reaction converting unsaturated fatty acids to saturated fatty acids
- LGA Acronym for Local Government Area
- Saturated Fat A compound existing of triglycerides containing only saturated fatty acid radicals
- Trans Fat Unsaturated fat with trans-isomer fatty acid(s)

-
- Trans Fatty Acids See trans fat
 - TFA Acronym for Trans Fatty Acids

ACKNOWLEDGEMENTS

- National Heart Foundation of Australia
- Food Standards Australia and New Zealand
- Kogarah Council
- NSW Food Authority

INTRODUCTION

Fat in our diets is a source of energy, however diets high in saturated fats increase the risk of excessive weight gain, developing diabetes, coronary and heart diseases, high blood pressure, and cancer (FSANZ 2005).

Trans fatty acids (TFA) occur naturally in the fat of dairy products and meat. They are formed within the gut of ruminant animals, such as cows and sheep. Trans fatty acids are also formed during industrial processing or superheating of vegetable oils and fats – for example, in the chemical process of making semi-solid fats from liquid polyunsaturated fatty acids (partial hydrogenation) for use as edible oil spreads, margarine or as shortening for baking (FSANZ 2005).

Concerns exist about human intake and the potential health effects of TFA particularly those that are derived from partial hydrogenation of vegetable oils. As a consequence, many countries including the United States (US), Canada and some European countries have either placed limits on the permissions for TFA in processed foods or more commonly, mandated labelling requirements for TFA in foods (FSANZ 2005).

FOOD STANDARDS

At present, the Australia New Zealand Food Standards Code does not require manufacturers to label the trans fatty acid content of foods unless they make a nutrition claim about cholesterol, saturated, unsaturated or trans fatty acids. However, voluntary labelling is permitted and many edible oil spread manufacturers in Australia and New Zealand have chosen to voluntarily label their products.

The World Health Organization (WHO) recommends we consume no more than 1 percent of our daily kilojoules from trans fatty acids (FSANZ 2009).

OBJECTIVE

In the interest of public health, this policy aims to raise awareness and provide guidance to reduce consumption of trans and saturated fats by:

- Raising awareness of health risks
- Providing information to the consumer and retail food industry
- Providing reduction strategies for consumers and the retail food industry
- Outlining Council process with respect to Council services and development approvals for the retail food industry.

FAT FACTS

Fats are a necessary commodity of a healthy diet however there are many different types of fats in modern cuisine. Fat is one of the three nutrients which supply calories to the body, the others being proteins and carbohydrates (U.S.A National Library of Medicine 2010). While not all fat is bad for us, overconsumption of any fat is well known to lead to health risks.

Within Food, fats provide a source of energy and belong to a group of substances called lipids and may come in solid or liquid form. Fat is essential for the body to function properly, providing essential fatty acids which are not made by the body and must be obtained from food. Essential fatty acids are linoleic and linolenic acid and are important for controlling inflammation, blood clotting and brain development (U.S.A National Library of Medicine 2010).

Fats serve as a substance to store extra calories of the body assisting in insulating though most importantly an energy source both immediate and in reserve. When the body has used all calories from carbohydrates it begins to depend on the calories from fat (U.S.A National Library of Medicine 2010).

Healthy skin and hair are maintained by fat through assisting the body to absorb the vitamins A, D, E and K through the bloodstream.

All fats consist of combinations of either saturated or unsaturated fatty acids.

SATURATED FATS

Saturated Fats are the highest dietary cause of high "bad" cholesterol levels. Saturated Fats are found in animal products such as butter, cheese, whole milk, ice cream and fatty meats. They are also found in some vegetable oils (U.S.A National Library of Medicine 2010).

UNSATURATED FATS

Unsaturated fats consist of a high calorie load however can help to lower blood cholesterol if used in place of saturated fats and consumed in moderation (U.S.A National Library of Medicine 2010). Most, though not all, liquid vegetable oils are unsaturated fats and essentially there are two types:

- Monounsaturated fats
- Polyunsaturated fats

TRANS FATS

Trans Fats are those fats which consist of Trans Fatty Acid (TFA) which refers to a change in the fat after being processed i.e: when vegetable oil hardens. This process is called hydrogenation, and can increase the levels of bad cholesterol. Importantly, this process can also decrease the levels of good cholesterol (U.S.A National Library of Medicine 2010). Trans fatty acids are found in fried foods, commercially baked goods, processed foods and some margarines.

HEALTH RISKS

There is compelling evidence that trans fatty acids (TFA) increase bad cholesterol in the blood stream which is a key indicator for risk of heart disease. In addition, trans fatty acids decrease good cholesterol. Common health risks include but are not limited to:

- excessive weight gain
- developing diabetes
- coronary and heart diseases
- high blood pressure
- cancer

Consuming high amounts of saturated fats is one of the major causes of heart disease (U.S.A National Library of Medicine 2010). A diet high in saturated fat causes cholesterol (a soft, waxy substance) to build up in arteries. Too much fat in general can increase the risk of heart disease due to the high calorie content which increases the chance of becoming obese, another risk factor for heart disease and some forms of cancer. Reducing daily fat intake is not a guarantee against developing cancer or heart disease but it does help reduce the risk factors (U.S.A National Library of Medicine 2010). In addition, a balanced healthy diet assists in reducing the health risks associated with saturated and trans fats consumption.

FOOD STANDARDS

At present, the Australia New Zealand Food Standards Code does not require manufacturers to label the trans fatty acid content of foods unless they make a nutrition claim about cholesterol, saturated, unsaturated or trans fatty acids. However, voluntary labelling is permitted and many edible oil spread manufacturers in Australia and New Zealand have chosen to voluntarily label their products.

The mandatory labelling of TFA was considered during the review of the Code. The decision not to mandate the labelling of TFA content of foods was made based on the relatively low levels of TFA consumption and

Page 263 of 338

most importantly that a similarly sized reduction in saturated fatty acid intake was more likely to have a larger impact on health outcome compared with reductions in TFA intake (FSANZ 2005).

COUNCIL PROCEDURES

Mainly Council considers the reduction of Saturated and Trans Fats within Council services and the community a priority in the interest of preventing heart disease. As such, Council aims to continually reduce the use of saturated and trans fatty acids (TFA) and provide education within Council services including but not limited to the following:

- Council Catering Services
- Meals on Wheels
- Andrew "Boy" Charlton Swimming Centre Café
- Childcare Centres
- Food Safety and Hygiene Inspections of retail food industry
- Development Approval Process

The Development Assessment process shall give consideration to the use of saturated fats and trans fatty acids (TFA) within the food service industry. In the event of an approval of an application for food industry, conditions of consent will be included in relation to trans fatty acids (TFA).

STANDARD CONDITIONS OF CONSENT

1. Saturated and Trans Fats –General

To minimise the risk of cardiovascular disease to the community, the ongoing operation of the premises shall be in accordance with Council's Saturated and Trans Fats Reduction Policy. Reason: To comply with Council Policy in minimising saturated and trans fats in the retail food industry in the interest of public health and safety.

2. Saturated and Trans Fats – Foodservice Industry

Cooking oils containing trans fats cannot be used when preparing or cooking food in order to minimise the risk of cardiovascular disease to the community.

Reason: To comply with Council Policy in minimising saturated and trans fats in the retail food industry in the interest of public health and safety.

CONSUMER INFORMATION

A Saturated and Trans Fats Guide has been developed for commonly available fats, oils and spreads and aims to provide comprehensive information on the use of fats and oils in the preparation of food within the home and retail food industry. Each table identifies the common food product and an approximate health rating identified by the National Heart Foundation and the Encyclopedia of Foods (Dole Food Company Inc. 2002). The health rating is demonstrated as follows:

- 1 =healthiest 2 = next best option 3 = not so healthy 4 = unhealthiest of the lot
X = variable factors

For those items that depend on many variables they have been marked with an (X). Variables include the type of cuisine, cultural preference of the consumer, availability and the cost of the item.

The Saturated Fats Guide is available in Appendix 1 and 2 (Dole Food Company Inc. 2002).

SATURATED AND TRANS FATS GUIDE

- 1 =healthiest
2 = next best option
3 = not so healthy
4 = unhealthiest of the lot
X=variable factors

FATS			
Type of Oil	Description	Food industry	Consumers
Whipped butter	Slightly lower in fat and calories than	3	3

Page 264 of 338

Butter		regular butter		
	Light butter	Has half the calories of regular butter, less fat, less salt, water added to it	1	1
	Unsalted butter	No salt added	2	2
	Clarified butter	Milk & solids removed from it, “ghee”	X	X
	Reduced-fat or non-fat margarine	25-65% less fat than regular butter. Modified by adding varying amounts of water, thickening agents such as gelatin, rice starch, & guar gum.	2	2
Margarine	Butter margarine blends	40% butter 60% margarine	3	3
	Soft margarine	Usually made from vegetable oil	1	1
	Whipped margarine	Air beaten into it	X	X
	Liquid margarine	Regular margarine, 80% fat, high in TFA's, about 100 calories & 11grams of fat in 1 teaspoon.	4	4
Lard		A name for processed pure animal fat that has been bleached, filtered, hydrogenised & emulsified.	4	4
Vegetable Shortening		A solid fat made from hydrogenation of vegetable oils. High in TFA's as that is created by hydrogenation	4	4

(Dole Food Company Inc. 2002)

SATURATED AND TRANS FATS GUIDE - OILS

1 =healthiest
2 = next best option
3 = not so healthy
4 = unhealthiest of the lot
X=variable factors

OILS				
Type of Oil		Description	Food industry	Consumers
Cooking oils	Canola oil	Made from rapeseed, lowest in saturated fats of all oils	1	1
	Coconut oil	One of few non-animal highly saturated fats	3	3
	Corn oil	One of most widely used cooking oils, has a high level of essential fatty acid Linoleic acid and less saturated fats than others	1	1
	Cottonseed oil	Original veg. oil of US, fat is mostly polyunsaturated	2	2
	Flaxseed (Linseed) oil	Low in saturated fat & high in omega-3 fatty acids	2	2
	Olive oil Extra virgin Virgin	Finest olive oil, made without heat or solvents	1	1
		Made without heat or solvents, more acidic, widely used in cooking	1	1
		Regular or pure	2	2
		Light	2	2
	Palm oil and Palm Kernel oil	Palm oil – reddish brown Palm kernel oil – yellowish white, highest of all oils in saturated fats	4	4
	Peanut oil	Comprises 50% oil, high in monounsaturated fat, high smoke point (210°C)	2	2
	Safflower oil	Least amount of saturated fat	2	2
	Soybean oil	Produces veg. oil, high in polyunsaturated fat & low in saturated fat, high smoke point (210°C)	1	1
	Sunflower	Low in saturated fat & high in polyunsaturated fat	1	1

...table continued...

(continued)...SATURATED AND TRANS FATS GUIDE - OILS

1 =healthiest
2 = next best option
3 = not so healthy
4 = unhealthiest of the lot
X=variable factors

OILS ... (continued)				
Type of Oil		Description	Food industry	Consumers
Speciality Oils	Almond oil	Made from either bitter or sweet almond kernels	X	X
	Grape-seed oil	Low in saturated fat & contains mostly polyunsaturated fat	1	1
	Hazelnut oil	Mostly contains monounsaturated fat	2	2
	Sesame oil	High in monounsaturated & polyunsaturated and low in saturated fat	2	2
Gourmet Oils	Pumpkin seed oil	Used as a condiment	X	X
	Mustard seed oil	Used as a substitute for ghee	X	X
	Poppy seed oil	White oil	X	X
	Wheat germ oil	Rich in vitamin E & low in saturated fat	1	1
	Walnut oil	High in polyunsaturated fat & low in saturated fat	1	1

FURTHER ADVICE

National Health and Medical Research Centre - The Australian dietary Guidelines and Food for Health Information: www.nhmrc.gov.au/publications/nhome.htm

The National Heart Foundation of Australia – Trans Fatty Acids:
<http://www.heartfoundation.com.au/index.cfm?page=717>
The Dietitians Association of Australia (DAA):www.smarteating.com.au

Nutrition Australia www.nutritionaustralia.org
For individual dietary advice, find an Accredited Practising Dietitian (APD) at www.daa.asn.au

CONCLUSION

Manly Council supports and encourages the continual reduction of saturated and trans fatty acids within the process of all food premises in the Manly local government area. This Policy aims to raise awareness of health risks associated with the consumption of saturated and trans fats as well as provide information to assist in safe choices for both the consumer and food service industry. Professional medical advice should be sought for individual assessment and recommendation in relation to the intake of saturated and trans fats.

6. PRINCIPLES

The underlying principle of this policy is the recognition by Manly Council of the need to promote an awareness of the dangers of saturated and trans fats and the need to do all Council can to improve the overall health and wellbeing of residents of the Manly local government area as well as the wider public.

More specifically, Council seeks to minimise the risk of cardiovascular disease to the community by minimising saturated and trans fats in the retail food industry in the interests of public health and safety.

7. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council).

Page 267 of 338

8. DEFINITIONS

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

9. IMPLEMENTATION

Council together with the NSW Food Authority through the Food Regulation Partnership, are responsible for enforcing powers under the Food Act 2003 so that all persons and organisations meet their food safety obligations and requirements under the Act. The Australian and New Zealand Food Standards Code identifies trans fats as follows: trans fatty acids means the total number of unsaturated fatty acids where one or more of the double bonds are in the trans configuration and declared as trans fat. Under the Food Standards Australia New Zealand Act 1991, FSANZ may review a food regulatory measure on its own initiative and in a manner it considers appropriate.

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

10. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

11. REPORTING

No specific reporting is required by this policy.

12. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

13. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005.

More specifically, the regulation of trans fatty acids (TFA) is governed by food safety legislation as follows:

- Australian and New Zealand Food Standards Code www.foodstandards.gov.au
- NSW Food Act, 2003 www.austlii.edu.au
- NSW Food Regulations 2004 www.austlii.edu.au

Dole Food Company Inc. 2002 "Encyclopedia of Foods: A Guide to Healthy Nutrition" Dole Food Company Inc. UCLA Centre for Human Nutrition, America 2002

FSANZ, 2007 "Trans Fatty Acids" 9 May 2007. Food Standards Australia and New Zealand. Retrieved 30 June 2010, <http://www.foodstandards.gov.au/scienceandeducation/factsheets/factsheets2007/transfattyacidsmay203552.cfm>

FSANZ 2009 "Roundtable on trans fats in the quick service restaurant industry – report on survey of progress of voluntary initiatives to reduce trans fatty acids in the Australian Food Industry Supply" Food Standards Australia and New Zealand, July 2009.

FSANZ 2005 "Trans Fatty Acids" Food Standards Australia and New Zealand, Retrieved 30 June 2010 <http://www.foodstandards.gov.au/scienceandeducation/factsheets/factsheets2005/transfattyacids12apr2869.cfm>

Heart Foundation 2007 "The 3 Step Guide: A Guide for the Australian Foodservice Industry on reducing trans and saturated fats" August 2007 – Heart Foundation Tick. National Heart Foundation of Australia

U.S.A National Library of Medicine 2010 "Fat - Medline Plus", U.S National Library of Medicine and National Institutes of Health, Retrieved 30 June 2010 <http://www.nlm.nih.gov/medlineplus/ency/article/002468.htm>, United States of America, Page last updated 7 May 2010.

BIBLIOGRAPHY

FSANZ 2009 "Report on Quick Service Restaurants plans and progress towards reducing Trans Fatty Acids in the New Zealand food supply"

NSWFA 2009 "Report on 2009 trans fatty acid survey – analytical results" June, 2009. New South Wales Food Authority, Newington, Australia 2009.

FSANZ 2009 "Review Report: Trans Fatty Acids in the New Zealand and Australian Food Supply", July 2009. Food Standards Australia and New Zealand

FSANZ 2009 "Intakes of Fatty Acids in New Zealand and Australia – Review Report 2009 Assessment" Food Standards Australia and New Zealand

FSANZ 2009 "Risk Assessment Report: Trans Fatty Acids in the New Zealand and Australian Food Supply – Update 2009" Food Standards Australia and New Zealand

14. RELEVANT COUNCIL POLICIES

Nil.

15. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	July 2010	Initial Policy developed	S Clements	
P&S	2 August 2010	Adopted		
	11 August 2010	Policy added to Policy Register	Office Manager, Corporate Services	Administration Manager
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

S15. Section 94 Contributions Plan

Title: 94 Contributions Plan
Policy No: S15
Keywords: Section 94 Contributions, Development Applications
Responsible Officer: Deputy General Manager – Landuse and Sustainability

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to draw the public's attention, and to make policy provision for and with respect, to the making by Council of a contributions plan under Subdivision 3 of Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979 (NSW), it being noted that this policy is not itself, and is not to be construed as being, the actual contributions plan which is a separate but related document.

2. POLICY STATEMENT

This policy sets out Manly Council's considered and adopted policy position with respect to its "section 94 contributions plan".

Council has adopted the 2004 Section 94 Contributions Plan pursuant to Section 94 (B) of the *Environmental Planning and Assessment Act 1979*. Public notice of the 2004 Section 94 Contributions Plan was given, and the Plan came into effect on the 16th April 2005, at the date of the public notice.

The 2004 Section 94 Contributions Plan can be found on the website www.manly.nsw.gov.au under Planning and Development, LEP, DCP and Policies.

(P & S meeting 11.4.2005)

3. PRINCIPLES

The underlying principles of this policy are those set out in the Contributions Plan and relate to the overriding concepts of equity, fairness, reasonableness, and proportionality.

4. SCOPE

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

5. DEFINITIONS

See section 4 of the Environmental Planning and Assessment Act 1979 (and other relevant provisions in that Act and in the regulations made under that Act) for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Environmental Planning and Assessment Act 1979.
Environmental Planning and Assessment (Regulation) 2000.

11. RELEVANT COUNCIL POLICIES

Manly Council Section 94 Contributions Plan 2004 (or any instrument replacing or amending the same).

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Warringah Council Policy

Policy No. PL-240-SHOROC

SHOROC Governance

1 Purpose of Policy

To formalise the SHOROC governance matters in relation to Warringah Council, including but not limited to: Terms of Reference for Warringah Council in relation to SHOROC; Council's delegates on the SHOROC Board; the process for the placing of items on the SHOROC meeting agendas; and processes for Councillors to be involved in SHOROC meetings and policy formulation.

2 Principles

2.1 Warringah Council's Terms of Reference for SHOROC

SHOROC may be requested to represent the interests of Warringah Council on matters touching on the following:

- Planning and collaboration to address regional needs, problems, opportunities and challenges.
- Cooperation and resource sharing to improve the quality, efficiency and cost effectiveness of council services and facilities where there are benefits to Warringah and our community in doing so.
- Advocacy and regional leadership to attract funds and resources and to influence the decisions of other levels of government, the private and the non-government sector to meet social, economic, service and infrastructure needs of the region and its residents and to protect the area's environment and lifestyle.

2.2 Council's delegates on the SHOROC Board

Warringah's representation on the SHOROC Board comprises the Mayor and General Manager. Each delegate is entitled to one vote in regard to SHOROC decisions.

The General Manager exercises discretion and votes independently insofar as this is in the best interest of Warringah and in accordance with Council policy or resolutions

2.3 Items on SHOROC meeting agendas

Items sponsored by Warringah for consideration of the SHOROC Board must be consistent with:

- the objectives of SHOROC, its constitution and Corporate Plan; and
- Warringah Council's Terms of Reference for SHOROC

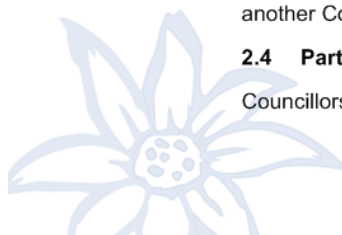
Items from Warringah Council will only be placed on the agenda where:

- there is a Council resolution referring the matter to SHOROC; or
- it is sponsored by the Mayor as a Warringah Council's SHOROC Board representative

The Mayor will represent Council on the SHOROC Board on matters brought for consideration; unless the council has made a specific resolution and the SHOROC Board has approved that another Councillor or representative speak on behalf of council for that matter.

2.4 Participation in SHOROC meetings and policy formulation

Councillors will participate in SHOROC meetings and policy formulation through:



Policy No. PL-240-SHOROC

- An annual Councillor Forum to raise and discuss regional issues, priorities, cost savings and efficiencies.
- Councillors will be consulted by SHOROC early in the process of developing major policies or projects.
- SHOROC Board agendas and business papers will be circulated to Board members two weeks prior to Board meetings; with the exception of late items or matters of urgency. The Agenda will be displayed for Councillors on the Councillor portal. Prior approval of the Board is to be obtained for Councillors to attend and address the Board meeting on items on the agenda; the request is to be received 7 days prior to the Board meeting.
- SHOROC will inform Councillors of media releases prior to circulation to media.

Council will consult with the community in the development of key SHOROC policies and strategies where appropriate. The draft policies and strategies will be placed on public exhibition for comment by the Warringah community. Submissions received will be considered in formulating Council's position to SHOROC.

2.5 SHOROC meeting minutes

The minutes of SHOROC meetings will be published on the SHOROC website.

Minutes of the SHOROC Board will be reported to the next available meeting of Council (subject to the minutes being available to meet the Council agenda deadlines).

2.6 Financial support for SHOROC

Warringah's annual financial contribution to SHOROC will be reported in the Strategic Community Plan and Annual Report.

3 Authorisation

This Policy was adopted by Council on 23 August 2011, Council Decision No. 232/11

It is effective from 24 August 2011

It is due for review on 24 August 2013

4 Amendments

This Policy was last amended on [insert date].

5 Who is responsible for implementing this Policy?

General Manager, Directors and Managers

6 Document owner

Director Strategic and Development Services

7 Related Policies

- a) SHOROC constitution

8 Legislation and references

- a) N/A

9 Definitions

SHOROC – Shoreline Regional Organisation of Councils (Manly, Mosman, Pittwater and Warringah Councils)



S105. Siting of Microwave Base Stations Manly

Title: Siting of Microwave Base Stations Manly Policy
Policy No: S105
Keywords: Site, Siting, Microwave Base Stations, Radiation, Mobile Phone
Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to set out Manly Council's policy position with respect to the siting of microwave base stations on land within the Manly local government area.

2. POLICY STATEMENT

Council's considered and adopted policy position with respect to the subject-matter of this policy is as follows:

1. That Council adopt the Policy entitled "Siting of Microwave Base Stations, Manly" in respect of any proposed establishment of such facility within Manly.
2. That all submitters and mobile phone carriers be advised of Council's decision in this regard.
3. That staff monitor any changing research into the issue of the potential adverse impacts caused on human health by the exposure to both thermal and non-thermal microwave radiation and report further to Council should such information require any change to the adopted Policy.

(LUM 27.1.1998)

3. PRINCIPLES

The underlying principle of this policy is the need to protect the health and safety of residents of Manly local government area as well as members of the wider public.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all land in the Manly local government area.

5. DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy. See also the Telecommunications Act 1997 and instruments made under that Act including, most relevantly, the Telecommunications (Low-impact Facilities) Determination 1997.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

Relevant staff members of Manly Council are required to monitor any changing research into the issue of the potential adverse impacts caused on human health by the exposure to both thermal and non-thermal microwave radiation and report further to Council should such information require any change to the adopted Policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005
Telecommunications Act 1997
Telecommunications (Low-impact Facilities) Determination 1997.

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Warringah Council Policy

Policy No. STR-PL 825

Smoke-free Public Places Policy

1 The purpose of this Policy is

- To protect members of the community from the health and social impacts of smoking by others in public places;
- To provide a rationale and framework for the management of smoking in public places;
- To provide a consistent process to identify places where the Policy will apply; and
- To contribute to the protection of the environment from the impacts of discarded cigarette butts.

2 Principles

This Policy:

- Bans smoking in public places where people will be in close association, and/or are a focus for children's activities, due to Council provision of services and assets;
- Bans smoking in and near Council-owned buildings; and
- Promotes voluntary arrangements to improve management of smoking in other public places owned or managed by Council.

The Policy recognises that:

- Passive smoking has identified and quantified health risks;
- Children are most vulnerable to the effects of passive smoking on respiratory illness and asthma (Cancer Council; NHMRC);
- Where Council provides assets and services intended to be a benefit to children and other members of the community, Council has an obligation to promote public health outcomes;
- The data for public health impacts of smoking in well ventilated open space areas are complex, and that some of these impacts are indirect and cumulative and not related to the inhalation of smoke. Indirect effects can result from children playing with, and swallowing, discarded butts, and from the accumulation of cigarette-derived particles on clothing and skin;
- The *Smoke-free Environment Act 2000* has been amended increasing the public outdoor areas where smoking is banned. These areas include:
 - i) Within 10 metres of children's play equipment in outdoor public spaces;
 - ii) Swimming pool complexes;
 - iii) Spectator areas at sports grounds or other recreational areas during organised sporting events;
 - iv) Railway platforms, light rail stops, light rail stations, bus stops, taxi ranks and ferry wharves;
 - v) Within 4 metres of a pedestrian access point to a public building; and
 - vi) From 6 July 2015, in commercial outdoor dining areas.

Policy No. STR-PL 825

- NSW Health is the authority responsible for the administration and enforcement of the *Smoke-free Environment Act 2000*. Complaints relating to persons smoking in areas defined under the *Smoke-free Environment Act 2000* shall be referred to NSW Health.
- Council support further restrictions of areas, in addition to the current legislative requirements, where smoking is banned and that this be primarily implemented by education rather than by enforcement.

Additional smoke-free outdoor public places banned under this Policy include:

- i) Within the grounds of Brookvale Oval;
- ii) On beaches;
- iii) At all outdoor dining areas on Council land (footpaths and other access ways);
- iv) In Council-owned parking stations that are partly or fully enclosed by walls and ceilings;
and
- v) At all activities and functions run or promoted by Council.

In addition to the bans identified above, Council will:

- Encourage sporting clubs in Warringah to adopt the codes promoted by NSW Health as part of the "Smoke free NSW" program, including:
 - Banning smoking by under 18s at club activities;
 - Banning coaches from smoking whilst coaching or training;
 - Banning smoking by team players at training sessions;
 - Requiring team meetings on the field or during breaks to be smoke-free;
 - Banning the sale of tobacco products at club facilities;
 - Designating outdoor smoking areas in compliance with the Policy.
- Implement educational programs to support the Policy and to promote community awareness and acceptance;
- Include specific requirements that this Policy be enforced in any leases, licences or other estates that apply to Council owned and managed lands and properties.

Notices or signs shall be displayed indicating by words and or symbols that smoking is not permitted in the area, where required under the *Smoke-free Environment Act 2000* or by Council's lease agreement or approval.

For the purpose of outdoor dining areas and other areas leased or licensed from Council on an exclusive basis, an occupier must display signs, in a form approved by Council and at the cost of the occupier, in an outdoor dining area.

For the purpose of sports grounds and courses and sporting facilities leased or licensed from Council on an exclusive basis, a lessee or licensee must display signs, in a form approved by Council and at the cost of the lessee or licensee, near the boundaries of, and normal entrance points to, the sports ground or course or sporting facility.

3 Amendments

This Policy was amended on:

- 25 May 2010 and
- 6 August 2013

Policy No. STR-PL 825

4 Authorisation

This Policy was originally adopted by Council on 28 September 2004.

The Policy is due to be reviewed in August 2017.

5 Who is responsible for implementing this Policy?

Group Manager - Development and Compliance Services

Group Manager - Parks, Reserves and Foreshores

Group Manager - Roads, Traffic and Waste

Group Manager - Community Services

Group Manager - Buildings, Property and Spatial Information

Group Manager - Warringah Aquatic Centre

6 Document owner

Deputy General Manager – Environment

7 Legislation and references

Smoke-free Environment Act 2000

legislation.nsw.gov.au/maintop/view/inforce/act+69+2000+cd+0+N

NSW Health

health.nsw.gov.au/tobacco/Pages/smokefree-legislation.aspx

Cancer Council

cancercouncil.com.au/31928/reduce-risks/smoking-reduce-risks/going-smoke-free/smoking-and-the-law/?pp=31928

National Health and Medical Research Council

nhmrc.gov.au

Heart Foundation

heartfoundation.org.au/driving-change/current-campaigns/local-campaigns/Pages/nsw-smoke-free.aspx

8 Definitions

The relevant definitions of the *Smoke-free Environment Act 2000*, and the *Local Government Act 1993* apply to this Policy.



Policy – No 154	Adopted:	OM: 08.12.2003
	Reviewed:	
	Amended:	OM:17.03.2008 OM: 17.10.2011 OM: 04.11.2013
	Revoked:	

TITLE:	SMOKE FREE ZONES AROUND PITTWATER
STRATEGY:	BUILDING COMMUNITIES
BUSINESS UNIT:	COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT
RELEVANT LEGISLATION:	SMOKE-FREE ENVIRONMENTAL ACT 2000 PUBLIC HEALTH (TOBACCO) ACT 2008
RELATED POLICIES:	NONE

Objectives

The objectives of Pittwater Council in banning/encouraging the community not to smoke in various Council areas are to:

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

Policy Statement

Background

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, sudden infant death syndrome (SIDS), acute respiratory infections and ear problems.

While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. A recent study which measured cigarette smoke levels in a variety of outdoor locations showed that a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure of someone sitting in an indoor tavern where smoking is allowed.

Therefore, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues etc. can present a real health risk to patrons and staff.

There is also evidence to suggest that smoking bans or encouraging people not to smoke support smokers who are trying to quit as well as reduce their overall cigarette consumption. Fifty four percent of smokers who had tried to quit found that seeing someone with a cigarette was a trigger to relapse, according to a 2006 study.

In addition to the health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down. Cigarette butts are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

Principles

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces.
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Smoke Free Areas

That Council supports the banning of smoking in the following outdoor public places consistent with the Smoke-Free Environment Act 2000 (as amended 2013).

- (i) within 10 metres of children's play equipment,
- (ii) a swimming pool complex,
- (iii) a spectator area at a sports ground or other recreational area being used for an organised sporting event,
- (iv) public transport stops and stations (including ferry wharves and taxi ranks),
- (v) within 4 metres of a pedestrian access point to a building (with effect from 6 July 2015 for licensed premises and restaurants under the *Liquor Act 2007*),
- (vi) a commercial outdoor dining area (with effect from 6 July 2015).
- (vii) All public beaches (sand areas)

Signage

Smoke-free zones will be signposted, wherever practicable using internationally recognisable no smoking signage. These signposts will be displayed in positions deemed appropriate by the General Manager.

S135. Smoke Free Zones in Manly

Title: Smoke Free Zones in Manly Policy

Policy No: S135

Keywords: Smoke Free, No Smoking Implementation, Smoking, No-Smoking, Authorised Person

Responsible Officer: Manager, Customer service and Special Projects, General Manager's Unit

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Manly Council's policy position as respects the banning of smoking in various Council areas.

This policy will be enforced, by "authorised persons", on any leases, licences or other estates that apply to Council owned and managed lands and properties.

The responsibility for the implementation of this policy is with the Manager Customer Service and Special Projects.

2. POLICY STATEMENT

Rationale and commitment

Manly Council recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- an understanding that the damaging effects of passive smoking which, while well-documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas as well; and
- an acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts, cigarette-derived particles accumulating on clothing and skin, and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing, and asthma.

Signage

Smoke-free zones are to be signposted, wherever practicable, using internationally recognisable no smoking signage. These signposts are to be displayed in positions deemed appropriate by the General Manager.

The following Council open space areas are to be signposted, wherever practicable, to provide smoke-free zones:

- within 10 (ten) metres of all children's playgrounds;
- around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- on all land used for alfresco dining (alternatively lease conditions may be used);
- at all events run or sponsored by Council;
- within 10 (ten) metres of Council owned building entrances;
- at all ocean and harbour beaches;
- in all bushland, parks, reserves and public plazas;
- in all enclosed Council car parks; and
- at all covered bus stops and taxi ranks.

Signs are to be installed in prominent places in the open space areas listed above. The signs are to include the international no-smoking symbol and the wording:

"WARNING: Heavy Penalty. Regulated under s632 *NSW Local Government Act 1993*."

Leases, licenses and other Council agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council are to have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

In implementing Council's Smoke-free Policy a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken. Enforcement of this policy will be supported by persuasion and self-policing, rather than punitive enforcement.

Smoking – Council-owned buildings

Smoking was prohibited from all Council buildings at all times from 1 May 1992.

3. PRINCIPLES

Manly Council is committed to the following principles which underpin and support this policy, namely, the need and responsibility for Council to:

- improve the health of community members;
- improve public amenity and maintenance of Council property;
- raise community awareness of the issues associated with smoking;
- provide community leadership in taking measures to protect the health and social wellbeing of the community; and
- minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

4. SCOPE

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

Insofar as land is concerned, this policy applies to all land that is:

- situated within 10 (ten) metres of all children's playgrounds;
- located around any Council playing field or sporting ground as well as at any outdoor sporting facility;
- used for alfresco dining (alternatively lease conditions may be used);
- used for the conduct of any event run or sponsored by Council;
- situated within 10 (ten) metres of any Council owned building entrances as well as those managed by Council (including balconies and covered areas of those buildings);
- situated at any ocean or harbour beaches;
- within any bushland, park, reserve or public plaza;
- within any enclosed Council car park; and
- situated at any covered bus stop or taxi rank.

5. DEFINITIONS

Authorised Person: For the purpose of this policy, Council rangers and lifeguards are deemed to be "authorised persons" and may serve a penalty notice upon any person reasonably

suspected of failing to comply with the terms of any notice with respect to, relevantly, smoking.

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993 (in particular, sections 24 and 632 of that Act)
Local Government (General) Regulation 2005
Smoke-free Environment Act 2000.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

S215. Sustainable Investment Policy

Title: Sustainable Investment Policy
Policy No: S215
Keywords: Environment, Environmental, Sustainable
Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The purpose of this policy is set out Council's adopted policy position with respect to sustainable investments and to provide some broad-based policy guidelines with respect to that matter.

2. POLICY STATEMENT

Council is committed to the promotion of socially and environmentally sustainable investments, being investments which:

- avoid investment in the socially and environmentally harmful activities, and
- direct investment towards the socially and environmentally productive industries.

3. PRINCIPLES

The underlying principle of this policy is that encouragement should, wherever possible, be given to the promotion of socially and environmentally sustainable investments.

Background

Manly Council has demonstrated leadership on a wide range of environmental and social welfare issues. The opportunity now exists to extend this leadership to the Council's investment policy.

The NSW Local Government Investments Best Practice Guide states that NSW Councils can have an ethical/sustainable investment policy consistent with fiduciary duty. The NSW State of the Environment Guidelines now require Councils to apply the principles of Environmentally Sustainable Development (ESD) "throughout all of councils activities".

Manly Council's leadership has included the adoption of an Ethical Charter and inclusion of sustainability criteria in its Purchasing and Tendering Policy Guidelines.

Manly's Ethical Charter states:

"The Charter is an umbrella over Council's implementation policies to ensure that Council's business and operations abide by the Charter's principles. Council is committed to supporting the principles of Ecologically Sustainable Development (ESD) as defined in the Local Government Act 1993 and ethical business practices.

"Council believes that sustainability must be the guiding principle of our business, requiring policies that meet the needs and aspirations of the present generation without compromising the opportunity of future generations to fulfill their needs and aspirations."

Manly's Tendering Policy includes a Sustainability Checklist to guide purchasing decisions. The policy provides that Council may exercise a price preference of up to 10% to encourage the purchase and use of recycled or environmentally preferable products – the "sustainability preference".

Criteria include:

- "Value for money" ie the long term performance of goods
- Waste reduction (source and disposal of goods)
- Energy efficiency and greenhouse reduction

-
- Water use
 - Environmental Record of Service Providers.

Council makes it clear that it does not wish to be associated with companies who pursue environmentally destructive practices.

Investments need be given separate treatment due to their:

- Significance: investment decisions are crucial to Council's ability to pursue its programs and return from a sustainably invested policy must be at least on par with a conventional portfolio.
- Complexity: the placement of investments has far-reaching social and environmental implications.

In addition to its own policy framework, Manly is able to consider and adapt elements of:

- Ecologically Sustainable Development as defined in the Local Government Act
- The internationally supported United Nations "Principles of Responsible Investment" (PRI), The Equator Principles, and Earth Charter
- Sustainable Investment Policies of other social organizations.

Key issues for the policy are as follows:

- Sustainable investments to meet all legislative requirements and all requirements of Manly's Investment Policy (i.e. comply with prudent investor rule, deliver same or better risk/return/diversification profiles)
- Investment policy to be in line with broader Council values
- Policy to set clear expectations for Council's external investment managers
- The policy to be practical to implement and maintain .

NB: For the purpose of this discussion, the terms SRI, Ethical Investment and Sustainable investment are interchangeable.

Sustainable Investment Policy

1. Where a sustainable investment opportunity competes with other instruments, should the financial analysis be consistent, preference will be given to investment that complies with this policy to the greatest extent.

This is to ensure the investment performance is not compromised. Combined with paragraph 3, this provision means that if a proposed investment does not comply with the policy, Council Officers are required to search for alternatives which comply, or comply to a greater extent. However, if one cannot be found, Council is still able to invest in the "unsustainable" or "less sustainable" investment.

The paragraph recognises that there are a limited number of SRI products available to Councils, and that it is unrealistic to expect the portfolio to be 100% sustainable at this stage. However, the policy sends a strong signal to the market that sustainable investment products are in demand, and if supplied, will attract investment. Over time the market will respond, and this directs the flow of capital towards sustainable projects and companies.

2. In considering the sustainability of an investment, Council will consider both:

- the investment product (ie the social and environmental sustainability of the underlying assets)
- the investment provider (ie the social and environmental record and reputation of the organisation with whom the funds are placed)

This is particularly important for Local Councils as they usually have a higher proportion of funds in "cash". Often with cash management accounts, it is impossible to know where the money actually

"goes". As such the reputation and sustainability of the institution is more important than the product itself. For example, Council may find two term products with equal interest rates, but one is with a Credit Union with close ties to the community, another with an international merchant bank with Malaysian logging companies as key customers.

Giving weight to the sustainability of the provider also rewards companies who are acting as responsible corporate citizens, and encourages those who aren't to improve their performance. It also lends "teeth" strength to initiatives such as the "Reputation Index".

3. Council's investment officers will actively seek, and stay informed of, sustainable investment products and opportunities. Council may engage with providers on sustainability issues relevant to this policy. See comments above. This is one of the most important functions of the policy, and takes Manly into a leadership position on this issue.
4. Council officers will report monthly on the degree of compliance achieved by the portfolio by listing, for each investment, whether it:
 - Complies with the policy
 - Substantially complies with the policy
 - Does not comply with the policy

When placing a new investment, Council Officers will report on the degree to which the investment meets this policy, and, should it not comply, attempts that have been made to find investments that comply.

Transparency and reporting are in line with the rest of the investment policy and other Council policies. This provision recognises that Council will not always be able to find compliant investments. As investment turnover is low, and information is sourced from the provider, this provision should not be onerous.

5. Defining "Sustainable"
Socially and Environmentally Sustainable Investments are those which:
 - a. Avoid investment in the socially and environmentally harmful activities listed below, and/or
 - b. Direct investment towards the socially and environmentally productive industries listed below.

Environmentally Harmful Activities:

- Production of pollutants, toxins and greenhouse gases
- Habitat destruction, especially destruction of forests, marine eco-systems, wetlands and grasslands, and other endangered eco-systems.

Socially Harmful Activities:

- Abuse of Human Rights and Labour Rights
- Involvement in bribery/corruption
- Production or supply of armaments

Environmentally Productive Activities:

- Resource efficiency, especially water and energy efficiency
- Renewable energy
- Waste and emissions reduction

Socially Productive Activities

- Provision of housing, especially affordable housing
- Fair trade and provision of a living wage
- Human health and aged care
- Equal Opportunity Employers, and those that support the values of indigenous peoples and minorities.
- Provision of housing, especially affordable housing

6. This policy applies to new and rolled over investments. Many of Council's investments are for a fixed term, and it would be costly to unwind these investments. Therefore this policy only applies to new investments, and investments which are due to be rolled over.

(E.O.M. 24.09.2007)

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

NSW Local Government Investments Best Practice Guide, developed by the NSW Local Government Managers Association – Finance Professionals Special Interest Group. Note: The Guide can be found at <http://lgfp.lgmansw.com.au/images/uploads/Investment%20Best%20Practice%20Guidelines%20-%20Final%20Version.pdf>

Environmental Guidelines: State of the Environment Reporting by Local Government, 1999 Foreword by Harry Woods, Local Government Minister.

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/soe99.pdf>.

11. RELEVANT COUNCIL POLICIES

I20 Investment Policy.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

U10. Unemployment Relief Schemes

Title: Unemployment Relief Schemes Policy
Policy No: U10
Keywords: Training, Youth, Unemployment
Responsible Officer: Executive Manager, Corporate Services

1. PURPOSE AND AUTHORITY

The purpose of this policy is to set out Council's adopted position with respect to participation by Council in unemployment relief schemes and youth training.

2. POLICY STATEMENT

That Council continue to participate in unemployment relief schemes and youth training to its maximum ability.

(O.M. 24.3.87)
(Confirmed 20.10.97)

3. PRINCIPLES

The underlying principle of this policy is that Council has a role to play, in conjunction with other agencies and spheres of government, as respects the needs of persons, especially those living in the manly local government area, who are unemployed as well as those who are young and in need of training in order to secure gainful employment.

4. SCOPE

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

5. DEFINITIONS

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

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

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

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval as required by legislation, generally every two (2) years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

E05. Use of Eggs from Non-Caged Hens

Title: Use of Eggs from Non-Caged Hens
Policy No: E05
Keywords: Eggs, Non-Caged, Hens
Responsible Officer: Executive Manager Corporate Support Services

1. PURPOSE AND AUTHORITY

This policy provides guidance for the purchase of food items by Manly Council, using non-cage eggs and aims to encourage other Manly businesses, organizations and households to adopt a similar policy.

2. POLICY STATEMENT

Manly Council opposes the inhumane treatment of battery cage hens in the production of eggs and seeks to ensure that Council does not use eggs from caged chickens in its catering or freshly produced food.

3. PRINCIPLES

Citation

This Policy may be cited as the Use of Non-Caged Hen Eggs Policy.

Provisions

- a. Council will commit to making arrangements with caterers for the supply of freshly produced foods, where the use of non-caged eggs can be guaranteed.
- b. Council catering staff will only purchase eggs sourced from non-cage or free range chickens.
- c. Where a vendor cannot guarantee that non cage eggs are used in freshly produced foods, the Council will, where practicable, opt for products that do not contain eggs.
- d. The use of non-cage eggs will be stipulated in all tender and contract conditions relating to the supply of freshly produced foods to the Council.

Responsibility/Accountability

The purchasing section and catering staff are responsible for:

- Notifying Council's existing suppliers of freshly produced food of the requirements of this policy.
- Ensuring that all new catering tenders and contracts contain clauses which require the use of non-cage eggs in freshly produced foods.
- Monitoring compliance with the requirements of this policy by suppliers.

Council staff are responsible for complying with this policy and only sourcing freshly produced food from caterers who meet the requirements and who are listed in Council's purchasing system.

The Communications Manager is responsible for ensuring that this policy is promoted on Council's website.

4. SCOPE

This policy applies to all Council staff who purchase goods for Council and existing suppliers who provide goods to Council.

5. DEFINITIONS

Non Cage / Free Range Eggs: Eggs that are produced under conditions that are friendly to the bird and the environment. Labelling should denote "non cage" or "free range" and not "cage" laid eggs

Freshly Produced Food: Food that is produced at the premises of the supplier. Food that generally does not contain other pre-manufactured ingredients that contain eggs.

6. IMPLEMENTATION

This policy will be provided to all Council staff and available on its website.

The Communications Manager is responsible for ensuring that this policy is promoted on Council's website.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of 2 years.

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

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

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS08/10	1 Feb 10	Policy Adopted	Division Manager Human Services Division	Manager Administration
PS53/11	2 May 11	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	October 2013	Comprehensive Policy Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance



Value Network

Creating value solutions for your business

Major Capital Works Procurement Review

30 May 2017

Value Network Pty Ltd

P: (02) 9550 5922

www.valuenetwork.biz

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Mr Mark Ferguson
General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

30 May 2017

Review of Northern Beaches Major Capital Works Procurement

Dear Mark

In accordance with our assignment brief dated 27 February 2017 please find enclosed our Report.

Yours faithfully



Ted Smithies
Director

Contents

Foreword.....	1
1 Executive Summary	2
1.1 Key Findings	2
1.2 Recommendations	2
2 Introduction	6
2.1 Review Purpose	6
2.2 Review Approach	6
2.3 Review Personnel	7
2.4 Acknowledgement.....	7
3 Findings.....	8
3.1 Current Systems	8
3.2 Governance.....	9
3.3 Project Initiation.....	10
3.4 Budget and Estimating.....	12
3.5 Identification of Major Capital Projects.....	13
3.6 Sustainability	14
3.7 General Conditions of Contract.....	14
3.8 Role of the Superintendent	15
3.9 Tendering and Selection of Suppliers / Contractors	15
3.10 Contract Management and Project Completion	16
4 Way Forward	18
4.1 Governance.....	18
4.2 Service Delivery Options.....	19
4.3 Identifying a Major Capital Project	21
4.4 Business Case	22
4.5 Sustainability	23
4.6 Budgeting	24
4.7 General Conditions of Contract.....	26
4.8 Tender, Tender Evaluation and Contractor Selection.....	28
4.9 Contract Management and Project Completion	28
4.10 Post Completion Reviews	28
4.11 Role of Capital Projects.....	29
Appendix A: Documents provided By Council	31
Appendix B: Best Practice mapped against Current NBC Practice	35
Appendix C: Major Capital Works Procurement Review Working Group	48
Appendix D: List of Interviewees.....	49
Appendix E: About Value Network	50

Foreword

This Report presents the results of a review of documentation and information provided by the Northern Beaches Council (NBC) on the procurement of Major Capital Works by the NBC and interviews with key personnel, including the Major Capital Works Review's Working Group.

The analysis provided in this Report is intended to provide the Council with sufficient information to identify:

- The gap between current NBC Council procurement policy and process, Local Authority Guidelines (2009) and NSW Government Procurement Policy Framework (2015)
- How cost estimates used in budget preparation are determined, and the role and responsibility of the Capital Projects Group in the scope definition and costing process
- Opportunities for sustainable procurement outcomes in major project procurement activities
- Recommendations on strategies to achieve best practice in capital works procurement.

We do not make any representation as to the accuracy or completeness of the documentation or information provided to us for this Review. We accept no liability for any loss or damage, which may result from changing aspects of this Report without our agreement.

1 Executive Summary

Value Network was requested by Northern Beaches Council (NBC) to review:

- Current procurement practices across the organisation
- Identify the gap between current NBC Council procurement policy and processes and best practice in capital works
- How estimates used in the budget allocation process are determined
- Role and responsibility of the Capital Projects team.

1.1 Key Findings

Our review confirms that all procurement policies and procedures of the former three Council areas within NBC complied with the requirements of the NSW Local Authority Guidelines.

Overall the former Warringah Council had the most comprehensive framework (suite of documents and business processes) covering both goods and services and capital works. The framework includes procedures and processes covering project initiation through to project handover and provides the best basis for the development of a whole-of-council procurement system.

While the system provides a good platform, there are a number of issues that need to be addressed before Council practice can be said to approximate best practice and thereby assure best value for money outcomes. The issues include:

- Governance, including uniformity in take-up and implementation of Council's processes and procedures
- The need to give greater consideration to key project investment and initiation decisions, including service / procurement delivery options
- The existence of good practice within a particular group or project, but which is not available on a whole-of-council basis
- The need to better define roles of the key groups involved in the delivery of capital works, in particular the role of Capital Projects in major works at project initiation, the form of contracts used and contract management.

1.2 Recommendations

Summarised below are the recommendations that are detailed in Section 4 of this Report. It is recommended that each recommendation is considered in context and by reference to Section 4 of the Report.

Recommendation 1 – Governance (ownership)

Assign the following organisation roles and responsibilities to enhance governance arrangements in Capital Works procurement:

- Procurement Group to retain ownership and responsibility for the Procurement Framework (Manual, Tendering, Supplier Evaluation and Contract Forms) and governance of the processes

- Capital Projects Group to take ownership and responsibility for the Project Management Methodology and design / delivery strategies for major capital projects. The group is to provide expert advice on contract forms, including being involved when any changes to standard forms are considered
- Asset Management Groups to retain ownership and responsibility for the management of their programs (including construction of non-major capital works) and the development and maintenance of up-to-date forward estimates.

Recommendation 2 – Governance (discipline)

Changes or amendments to any of Council standard Capital Works procurement processes (documentation or procedures) should only occur with the approval of the process owner (refer Recommendation 1).

Recommendation 3 – Service Delivery Test

Introduce a 'service delivery' process requirement / test at the very beginning of Council's Project Management Methodology. The requirement / test should as a minimum address alternative service delivery (non-build solutions, demand management, etc.) and delivery methods such as joint ventures and aggregation.

Recommendation 4 – Delivery Strategy

The full range of delivery strategies should be considered for major capital works including Alliance / Joint Venture style contracts, D&C, DD&C, Lump Sum and Construction Management. This should include the adoption of a formal hold point which requires executive management level signoff of the recommended delivery strategy.

Recommendation 5 – Develop a Strategic Procurement Program

Undertake a strategic review of procurement opportunities to establish a strategic procurement program, and thereby realise value add opportunities across the full gamut of Council's capital works programs. The opportunities include:

- Aggregation of projects over time, geographically and between Council Asset Groups e.g. bundling a series of amenity blocks would offer a contractor a program of work that would provide economies of scale and work certainty, attract more capable contractors, resulting in a downward pressure on tender prices. Additionally, Council's tender management costs will be reduced with resources available for higher value activities
- Combining services and infrastructure to create partnerships or joint venture opportunities.

Following establishment of the strategic procurement program, an annual review should occur as a Council planning cycle requirement.

Development of the Strategic Procurement Program should be undertaken as priority action as part of the procurement strand of Council's services integration program.

Recommendation 6 – Project Impact Assessment

Adopt a Project Impact Assessment tool as a basis for identifying projects that would:

- Require Capital Works Group's involvement in the project's scope development
- Be subjected to enhanced project feasibility and implementation requirements e.g. business case and procurement strategy assessment.

Recommendation 7 – Business Case and Investment Decision

Expand the project initiation process to require preparation of a business case for major or high impact projects that will clearly identify project objectives, cost and benefits and facilitate an informed investment decision.

To ensure that the capital procurement process is not over burdened with unnecessary business case documentation, the scale / extent of the business case requirement could be linked to the Project Impact Assessment process (Recommendation 6 above).

The Business Case should be reviewed prior to accepting a tender and following project completion (refer Recommendation 14) to identify any differences between actual outcomes and the Business Case objectives / desired outcomes.

Recommendation 8 – Sustainability

Clearly identify sustainability objectives to be included / realised by the project early in project definition and incorporate these objectives in all stages of project implementation and delivery i.e. the objectives become part of the value for money measure of project success.

Recommendation 9 – Budget Reliability

Adopt the following 5 Step 'Best Practice' approach for the preparation and management of capital works budgets:

- 1 Project Scope Definition – ensure initial project scope clearly defines the required functionality / performance requirements
- 2 Base Estimate – adopt a consistent whole-of-council approach and / or understanding to estimate preparation. The Base Estimate should include all costs such as staff, approval / certification, design, construction, contingencies (risk based and general) and administrative costs
- 3 Risk and Contingency Allowances – apply a risk based approach to contingency allocation i.e. the contingency allowance to reflect the project phase, market conditions and associated risk profile
- 4 Budget Review – establish an annual budget review process (including CPI variances) to ensure projects included in forward programs reflect the anticipated final out turn cost
- 5 Change Management – implement a project change management process that will manage scope change and ensure any scope change request identifies the budget / cost impacts.

Recommendation 10 – Principal's Authorised Person Contract Model

Council transition to a Principal's Authorised Person (PAP) contract model in place of the current AS4000 suite of contracts.

Recommendation 11 – General Conditions of Contract

On the basis that Council adopts Recommendation 10, the following General Conditions of Contract are recommended:

- 1 For low risk – low impact works up to \$250K, adopt the NSW Government nine (9) page Mini Minor Works General Conditions of Contract
- 2 For medium risk – medium impact works over \$150K and up to \$1.0M, adopt the NSW Government MW21 General Conditions of Contract
- 3 For high risk – high impact works over \$1.0M, adopt the NSW Government GC21 (Edition 2) General Conditions of Contract.

Recommendation 12 – Procurement Manual

Review / recast (medium to longer term) the Procurement Manual to place a greater emphasis on what can be done i.e. encourage innovation in procurement.

Recommendation 13 – Contract Management

Establish a whole-of-council contract management system that would be incorporated as part of the Project Management Methodology. Significant elements of the system exist in the practices variously used by different groups within Council and / or project e.g. the major projects 'Project Dashboard'.

Recommendation 14 – Post Completion Reviews

A Post Completion Review should be carried out on all major capital works, identifying any differences to actual outcomes with the project objectives and desired outcomes identified in the Business Case. The lessons learnt from these reviews should be recorded and maintained by the Capital Works Group and provided to those responsible within the Asset Groups for the initiation / planning of major works.

Recommendation 15 – Centre of Excellence

Consistent with Recommendations 1, 2 and 6, the Capital Projects Group should be developed as a centre of excellence in capital works procurement. This would include:

- Identifying (from existing good practice) developing and maintaining whole-of-council practice
- Involvement in decisions on the project initiation phase especially project scope, service delivery and procurement strategies for all major projects
- For any current AS4000 series contracts, the Executive Manager, Capital Projects Group should be nominated as the Superintendent for those contracts
- Administer and co-ordinate training in administering capital works contracts and in the use of Council's Project Management Methodology.

2 Introduction

2.1 Review Purpose

The Northern Beaches Council has requested a review of its Major Capital Works Procurement, with a view to ensuring Council's processes reflect industry best practice and value for money.

The scope of the review was:

- Review the Procurement Policy of the former Councils (Pittwater, Warringah and Manly)
- Identify the gap between current NBC Council procurement policy and process, the Local Authority Guidelines (2009), and NSW Government Procurement Policy Framework (2015)
- Identify how cost estimates used in budget preparation are determined, and the role and responsibility of the Capital Projects Group in scope definition and costing process
- Identify opportunities for sustainable procurement outcomes in major project procurement and recommendations on government best practice
- Provide recommendations on strategies to achieve best practice in Capital Works procurement.

2.2 Review Approach

The review adopted a three (3) phase approach as outlined below.

2.2.1 Phase – 1 Current State Analysis (Review Current Practices)

Phase 1 involved:

- i. A desk top review of current policies, procedures and practices across Council both documented and adopted or practiced (Appendix A).
- ii. Validation of the desk top review:
 - a. An initial meeting with the Review Working Group (Appendix C) to facilitate understanding of the extent of implementation of the processes and perceived shortcomings and advantages
 - b. Meetings with individual members of the Working Party, and the Capital Projects Group
 - c. Examination of representative major project case studies (at least one) from each of the 3 former Council areas to validate the extent of process implementation.

Our analysis of the desktop review outcomes is provided in Section 3. The supporting notes from the desk top review are provided at Appendix B.

2.2.2 Phase – 2 Gap Analysis

The Gap Analysis assessed the actual performance with the desired performance. The desired level of performance considered current Government and best practice with the intent of identifying 'best of breed' options for consideration by Council. Key activities of this phase were:

- i. Analysis of Council's procurement documentation, including project impact assessment and governance requirements
- ii. Review of project scope definition, estimating / budgeting practices
- iii. Meeting with Working Group to discuss preliminary findings
- iv. Consideration of Roles and Responsibilities within Council
- v. Identification of core process elements and opportunities for improvement and thereby achievement of sustainable procurement outcomes.

The result of the Gap Analysis was assisted by interview with the Working Group and key staff (Appendix D). The results are summarised and discussed in Section 3.

2.2.3 Phase – 3 Review Feedback and Report preparation

This phase includes:

- i. Consolidation of review findings and preparation of draft recommendations
- ii. Presentation of findings and draft recommendations to the Working Group
- iii. Incorporate Working Group feedback and report finalisation
- iv. Preparation of Report for presentation to Council by May / June 2017.

2.3 Review Personnel

The following personnel completed the review:

Review Task	Review Personnel
Current State Analysis	Ted Smithies / Alan Griffin
Gap Analysis	Ted Smithies / Alan Griffin
Report Preparation	Ted Smithies / Alan Griffin / Rosemarie Risgalla

2.4 Acknowledgement

We gratefully acknowledge the co-operation and assistance provided by the Council staff in their openness, cooperation and insights into how capital works delivery might be improved. In particular we wish to thank Eilis O'Beirne for the support she provided, without which the review task would have been significantly more difficult.

3 Findings

3.1 Current Systems

3.1.1 Pittwater Council

The former Pittwater Council's principal document was its Procurement Guidelines (as amended November 2015), a comprehensive guide covering the Specification, Tendering and Supplier Selection phases of the procurement cycle. In summary, the document:

- Complied with the NSW Local Government requirements
- Adopted an easy to navigate modular approach (i.e. based on Financial Limits), making it a user-friendly guideline
- Has a Goods and Services focus
- Does not address project initiation or post capital works contract award.

Case study projects provided to illustrate procurement practice indicated that for those projects there was consistency in the level of documentation in terms of RFT, specifications and General Conditions of Contract. The adequacy of the documentation is discussed later in this report.

3.1.2 Manly Council

The former Manly Council's primary documents were a Procurement Policy (10 pages) and Procurement Guideline (35 pages). In summary, the Manly documents:

- Comply with the NSW Local Government's requirements
- Tends to focus on Goods and Services procurement.

Case study projects provided to illustrate procurement practice indicated varying levels or extent of documentation (RFTs, specification and General Conditions of Contract). The extent of documentation appeared to be dictated by the capability and / or preferences of the consultants used in development of the project. For example, the General Conditions of Contract adopted for the Andrew Boy Charlton Pool were the *MBA / RAIA's ABIC MW-2008 Major Works Contract*, whereas other projects use *AS4000 General Conditions of Contract*. The issue that this demonstrates is the lack of a cohesive overall capital works procurement framework.

3.1.3 Warringah Council

The former Warringah Council had a comprehensive framework (suite of documents and business processes) covering both goods and services and capital works. The framework included procedures and processes covering project initiation through to project handover. The attributes of the procurement framework are summarised as follows:

- The Procurement Manual is extensive and addresses Goods and Services and Capital Works. The manual complies with the NSW Local Government requirements
- A Project Management Methodology (also known as Business Process Map or BPN) which is based on a customised / simplified version of the Prince2 Methodology

- Adopts Major Construction Contract (Construct Only) AS4000-1997 for major works and Minor Construction Contract AS4905- 2002 for minor works.

The issue that was evident from the project(s) documentation reviewed was the inconsistent take up / implementation of procedures and processes (including conditions of contract) across the former Warringah Council. The review noted that the most notable adopters were Parks and Recreation and Transport and Civil Infrastructure Groups and Capital Projects Group in delivering the projects for these two groups.

3.1.4 Conclusion

In view of the foregoing, it is considered that the former Warringah Council framework provides the best basis for the development of a whole-of-council procurement system. That said, there are a number of issues that need to be addressed before Council practice can be said to approximate best practice and thereby assure best value for money outcomes. These issues are discussed in the following sections of this Report.

3.2 Governance

There was general recognition of the Procurement Unit's ownership of the Procurement Manual (Warringah) i.e. the management and control of the Tendering, Supplier Selection and Contract Award phases. However, there was no clear ownership or consistent take up of the other elements of the procurement processes, in particular the Project Management Methodology. Evidence of the lack of a consistent and disciplined approach is as follows:

- Discreet Asset Groups revising the AS4000 General Conditions of Contract mandated by the Procurement Manual (Warringah). The mandated form of the contract was 'corporately' endorsed and was a heavily modified form of AS4000
- Discreet Asset Groups amending or adopting in part the Project Management Methodology. Anecdotally, this was explained as the methodology was used / adapted commensurate with the project complexity, however there was no apparent process to guide this 'customisation'
- The varied use of Minor Works Contract AS4905 i.e. some groups used the contract whilst others did not. The reason given for not unilaterally using AS4905, including projects with a value of as little as \$150,000, was that it was heavily modified by Council and thereby little different in complexity to that of AS4000
- Management of scope and priorities of Major Capital projects. There did not appear to be a consistent Change Management Process that applied sufficient discipline to managing changes in project scope and thereby project budgets
- Differences in approaches across all former council areas in project estimating and budgeting. This ranged from reliance on past rates, advice of consultant service providers and the use of quantity surveyors. Common across all approaches was a limited appreciation (identified by Parks and Recreation) in the need to risk adjust budgets reflective of the stage of project development
- No consistent approach in referring major / high-risk projects to the Capital Projects Group. Currently, the discretion for referral resides wholly with the Asset Groups and projects might (or might not) be handed over depending on the nature of the project. The issue is that it appears that projects are referred after everything has been 'set in

stone' (budgets, procurement strategy, contract form and contractor selection). The result is that the Capital Projects Group is reduced to little more than a contract administrator.

3.3 Project Initiation

3.3.1 General

The former Warringah Council Project Management Methodology (Business Process Map or BPN based on the Prince2 Methodology) was developed following a review by Ernst Young. However, in keeping with the Prince2 focus, Council's Project Management Methodology primarily commences once a project and its preferred delivery strategy have been identified. The result is that the following basic business questions are for the most part not addressed by Council's Project Management Methodology processes and procedures:

- Are there alternate service delivery solutions e.g. non-build, leasing, out sourcing?
- What is the optimum procurement delivery methods such as joint ventures, alliance style contracts, aggregation (program based or across programs), Design and Construct?

Good project initiation practice would dictate that these questions should be addressed prior to implementing Council's current Project Management Methodology and / or Project Initiation Development processes.

3.3.2 Delivery Methods

Council's general delivery method for major works is the traditional approach of a documented design contract where most of the design, including drawings and other design documentation, is prepared in-house or by consultants. Tenders for the construction contract are not called until the whole of the work is designed. The reason for this approach appears to include:

- Staff are experienced and comfortable with the traditional form of delivery and are therefore reluctant to try alternative approaches
- There is the perception of 'losing design control' in moving to alternate delivery forms such a Design & Construct. This perception ignores the fact that design control would be retained by developing an adequate design brief i.e. getting the planning right up front rather than a process of brief / design evolution. The latter is also a contributor to difficulties in scope creep and difficulties in budget management.

Overall, Council's choice of delivery method in the main appears to be driven by not answering the two questions in Section 3.3.1 above.

A fully documented design contract (e.g. a Lump Sum Construct Only) may be appropriate for projects where:

- Design quality is critical and the client wishes to control the design process and be involved in selecting, engaging and directing the design consultants
- The organisation has the skilled resources required to manage the design process
- The design parameters are likely to change as the design develops.

However, a documented design contract has the following risks:

- Clients have flexibility to change the project brief during the design process, which can result in additional costs and / or delays
- The volume and complexity of the tender documents associated with major capital works significantly increases the risk of errors and omissions that can give rise to variations and associated additional costs and delays.

It is noted that Parks and Recreation are successfully using Design and Construct (D&C) for some of their projects including all lighting, neighbourhood and district playgrounds and boardwalks/bridges. This in part, is mainly driven by the propriety issues of the various artificial turf products. It was advised Pittwater used a D&C approach for the Church Point Car Park but the evidence presented to the review suggests it was more like a Design Development and Construct (DD&C) delivery method as a lot more design had been carried by Council before tenders were called than would normally be expected in a concept design.

Documentation provided to the review indicated a number of procurement options were originally considered for the PCYC project including Lump Sum, D&C, DD&C and Construction Management (CM). However, the analysis of the delivery options is considered misconceived, especially in respect of controlling design quality under the D&C and DD&C delivery methods. In addition, the early analysis recommended a CM approach, which is essentially a cost-plus arrangement that should only be used in situations where risks cannot be quantified e.g. latent conditions.

While it was advised the tender invitation for the PCYC Project sought offers for both a Lump Sum contract and a DD&C contract, the Tender Evaluation Report stated offers were sought for a Lump Sum and a D&C approach. Regardless of this confusion, given the existence of a completed design, the tenderers naturally opted for the traditional method as this places risks back with the Principal and reduces the contractor's costs and effort in not having to organise detailed designs.

In comparison to a Lump Sum contract, a DD&C delivery method has the following advantages:

- The contractor has flexibility to incorporate innovations, use proprietary designs and products and improve buildability, potentially improving project outcomes and increasing value for money
- The contractor can maintain project time targets by starting construction before the detailed design is finalised, if necessary, at the contractor's risk
- The risk of contract claims due to errors and omissions in the design is lower
- The contractor assumes responsibility for design and construction, fitness for purpose of the finished product, buildability and usually site / latent conditions
- Responsibility for obtaining authority approvals and meeting authority requirements can be allocated to the contractor.

Conversely the risks with a DD&C approach include:

- If the tender invitation documents are unclear or incomplete, the desired outcomes may not be achieved without disputes over interpretation, variations and additional expense and delays
- Tender prices will include allowances for the additional design risks offset by Council

not paying for design costs

- Tender evaluation is more complex and may increase costs with engagement of specialist advisors
- Higher tendering costs and a lower number of competent tenderers may reduce competition and increase tender prices
- Changes to the design requirements are likely to be costly, due to their potential to impact on the contractor's work and program.

3.3.3 Good Practice Observations

The Parks and Recreation Asset Group processes go part way in addressing key delivery questions by asking:

- Has the proposed asset been identified in a strategic, tactical or Masterplan related?
- Can the service ensuing from the proposed asset be delivered by another asset?
- In the case of a proposed asset upgrade, verifying if service being delivered or to be delivered is still required?

The Transport and Civil Infrastructure Asset Group makes extensive use of panel contracts and has structured its road maintenance program based on the financial investment required to match asset depreciation, resulting in a high level of certainty in program management and supplier performance. That said, the aggregation outcomes / benefits of the Group's major road re-sheeting program should be characterised as 'accidental' as there is only one company (Downer) capable of delivering all of the required services on its panel. The other supplier (Boral) declined to accept the contract for reasons unknown.

3.4 Budget and Estimating

A number of the annual works programs use historical data to frame estimates and / or budgets. While this might be a reasonable approach in respect of high volume programs, it was reported that a number of budget problems exist. For example:

- In other cases budgets were / are not being kept up-to-date in the source documents i.e. the estimates may be 4 years old leading to projects being significantly underestimated at the project initiation phase
- Anecdotal information provided to the review suggests that this problem could affect up to 50% of the estimates within the Property, Buildings and Commercial programs.

In the case of Transport and Civil Infrastructure Group, the annual allocations for the ongoing programs are based on the Asset Management Plans and the projects are then selected from a priority list. Adjustments to the number of projects carried out in the year are made to stay within the annual allocation.

Estimates for civil projects are determined using a ready reckoner tool based on the Schedule of Rates nominated in the Panel Contracts. In regard to major civil projects (e.g. bridge abutments, large retaining walls, etc.), estimates are either determined from historical data (adjusted for inflation) or in the absence of this data by engineering consultants. The adequacy of the latter is dependent on the capability of the consultant with anecdotal information indicating that the reliability was less than it should be.

Parks and Recreation has a similar approach to Transport and Civil in that annual program budgets are formulated by matching renewal investment with depreciation.

On large one-off Capital Projects, estimates are generally prepared using external quantity surveyors and / or consultants. However, these estimates tend to only reflect the actual construction costs. Evidence provided to this review suggests:

- The inclusion of or external design costs and internal costs within the approved budgets and cash flows have not been treated consistently in the past. This has in a number of instances led to the Project / Construction Manager, responsible for the delivery phase, having to manage within an inadequate budget. This in turn has resulted in the scope of works having to be modified or reduced to stay within budget (e.g. Church Point Car Park and Cromer Playing Fields)
- There is a limited application of a risk based approach in project budget / estimate formation i.e. when contingency is applied, it tends to be at a nominal rate instead of it being reflective of the stage of project development.

3.5 Identification of Major Capital Projects

There is no standard understanding or definition across Council of what constitutes a major capital project. Most staff interviewed agreed a major project would be characterised by its size and / or the level of risk of risk involved and to some extent the level of uniqueness of the project.

The foregoing has led to an inconsistent approach in terms of when and how to involve the Capital Projects Group as noted in Section 3.2 above. In some cases, the asset groups have established practices to hand projects over whereas other groups do this on a discretionary basis, including retention of the project because it is (anecdotally) 'interesting' or 'attractive' to retain control within the asset group. The issues here are:

- The application of varying levels of capability to both project formation and delivery
- Lack of consistency in use of project documentation, including varying forms / versions of contract
- Not making best use of the Capital Projects Group capability in project development i.e. when projects are handed over post contract award, the Capital Projects Group becomes little more than a contract administration group
- By retaining larger and more complex projects, the asset groups are being diverted from their primary role of providing services to the community. While it is understandable that the Asset Groups within Council will undertake programs of works (e.g. footpaths, park amenities, streetscapes, road re-sheeting etc.) in support of the delivery of these services, it is questionable that major capital projects should remain within the Asset Groups.

3.6 Sustainability

Sustainability is a broad term describing a desire to carry out activities without depleting resources or having harmful impacts. In its widest context it extends to meeting the needs of the present without compromising the ability of future generations to meet their own needs. In the Australian context, all jurisdictions seek to incorporate sustainability in their procurement activities with a typical working definition being:

Sustainable procurement is a process whereby organisations meet their needs for goods, services and capital projects, in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society, the economy and the natural environment.

Northern Beaches Council has adopted the quadruple bottom line approach to realising project sustainability outcomes. The quadruple bottom line approach integrates economic, environmental, social, and governance outcomes throughout the project lifecycle from initiation through to completion.

Considering the foregoing, it then follows that sustainability in capital projects / developments is a complex area that needs to be considered from the very earliest stages of a projects feasibility i.e. the 'case for the project'.

The Warringah Procurement Manual adopted the SHOROC Sustainable Procurement Policy in 2009. The policy notes that the 'Environmental Sustainability and Social Equity Questionnaire' will be attached to all Council tenders with an expected value over \$100,000 and will carry a pre-determined weighting. While the Policy contained actions and checklists these were mainly targeted at Goods and Services and there appears to be no enabling processes to assist in implementing the policy in Capital Works.

While the interviews undertaken in the course of this review indicated that the Northern Beaches Council seek to achieve sustainability outcomes, it was unclear from the documentation cited, the extent to which these outcomes were achieved. In making this observation we are not suggesting that sustainable outcomes were not targeted or achieved however, there was simply little or no visibility in the material sighted that demonstrated consideration or achievement to these outcomes.

3.7 General Conditions of Contract

Council's standard forms of contracts are as follows:

- Major Construction Contract (Construct Only) AS4000-1997
- Major Design & Construction Contract AS4902- 2002
- Minor Construction Contract AS4905- 2002.

All standard forms have been heavily modified with Warringah having 32 pages of Amendments and inclusions to AS 4000 and 23 pages of amendments and inclusions to AS4905. The Amendments have reportedly been made based on conditions precedent.

Pittwater had a similar approach, although recently it incorporated its amendments within the AS4000 document itself. This was carried out in an effort to simplify the contract document and stop some of the potential confusion that may arise from having to jump between the

large suite of Amendments and the standard AS 4000 form of contract. This resulted in 60% of the clauses being amended and the introduction of 4 new clauses.

Manly used the AS series of contracts, but had also used MBA / RAIA's ABIC MW-2008 Major Works Contract which is not a Client (risk) friendly contract and transfers more risk back to the Client. The use of the MBA / RAIA's ABIC MW-2008 Major Works Contract was decided by the consultant architect who prepared the tender documentation, further highlighting the lack of adequate control of contract documentation.

Apart from the potential confusion that may arise from the large set of amendments, it was also reported to the review by a number of Council Officers that the use of AS4000 and the suite of amendments (special conditions), was deterring some small to medium size contractors from bidding on Council projects. It also begs the question why continue to use this heavily modified form of contract and still pay a royalty to Australian Standards each time it is used.

3.8 Role of the Superintendent

AS4000 and AS4905 use the Superintendent and Superintendent Representative model of contract administration. In this model the Superintendent is required to act and make decisions independently of the Principal (i.e. the client) and the Contractor. The Superintendent under the law has an obligation to act honestly, fairly and reasonably.

Within Council, there was no consistent approach to the role of the Superintendent and the Superintendent Representative. There were a number of examples where the Superintendent was the head of the Asset Group. Under this arrangement the Superintendent has two roles: firstly, as project owner (client) and / or designer; and secondly, as Superintendent. The issues associated with this arrangement include:

- The NSW Supreme Court (Commercial Division) has increasingly found the dual role of the Superintendent creates a conflict of interest and the appearance of bias. As a result, the Principal could be in breach of contract by not maintaining the neutral or independent position required of the Superintendent
- Spreading the Superintendent's role across Council and among individuals of varying contract management capability, increases the risk of inconsistent contract decisions and exposing Council at increased risk in any contract dispute(s).

3.9 Tendering and Selection of Suppliers / Contractors

While the tendering, tender evaluation and contract award policies and procedures of the three former Councils were all compliant with the NSW Local Government and NSW Government tendering requirements, the former Warringah's suite of documents best addressed the full range of capital works projects. However, the following observations are made:

- The document was not as user friendly in structure and presentation as the Pittwater document
- The Procurement Manual fell short in providing a number of simple 'business rules'. Specific examples are:

- How to deal with a tender evaluation wherein two (2) tenders received are assessed as being very close with the tenderer with the lower tendered price scoring marginally less than the higher tendered amount
- More guidance on dealing with and / or pricing non-conformances in tenders
- The style of presentation of the Procurement Manual tends to be restrictive in interpretation i.e. it is all about what you cannot do rather than what you can do. The restriction extends to imposing constraints 'upstream' in the procurement process i.e. in the project formation phases.

3.10 Contract Management and Project Completion

3.10.1 Contract System Documents

It was advised that there are a range of Project Management Methodology processes, procedures and templates within the TRIM system aimed at addressing contract administration and project handover. While the full suite of documents has not been sighted, some appear effective whereas others somewhat simplistic.

In addition, it is evident there are a number proformas individually developed by staff to assist in their management of contracts e.g. Tender Clarification Meeting Checklist (Church Point) and Pre Contract Award Meeting Checklist (Clontarf Reserve). While these proformas are good documents, their existence demonstrates:

- There are gaps in the templates available in TRIM
- The existence of templates outside the 'corporate' endorsed system reinforces the review findings concerning the adequacy of the governance that exists for the capital works procurement system.

Further to the foregoing, the review noted that the Parks and Recreation Group have developed a detail procedure for project completion handover within the Project Management Methodology that essentially commences at project initiation.

3.10.2 Contract Management

In terms of Council's overall contract management approach, this review did not identify any Council wide contract management tools (including forecasting and reporting) that proactively managed the contract in terms of quality, cost and time outcomes. The Cromer Office uses a Project Dashboard which is a useful contract management tool. It was reported that a contract management system had previously been in place within the former Warringah Council but this has now fallen into disuse.

The overriding impression was that the general approach is one of contract administration rather than one of proactive contract management.

3.10.3 Post Contract Completion

There is no formal process / procedure for carrying out post completion reviews, documenting and recording lessons learnt or in comparing the final project results with the outcomes identified in the Business Case i.e. project objectives, costs and expected benefits.

Post Completion Reviews / Lessons Learnt were undertaken informally in some asset groups e.g. Cromer Office and within the Parks and Recreation Group.

4 Way Forward

4.1 Governance

In addressing the current issues concerning governance identified in Section 3.2, it is noted Council has established centres of expertise in Procurement and Capital Projects. Therefore, it would appear logical that the following governance arrangements should apply for Capital Works:

- The Procurement Group should retain process ownership and responsibility for the Procurement Manual, Tendering, Supplier Selection and Contract Award phases
- The Capital Projects Group should assume ownership and responsibility for the Project Management Methodology, standard forms of contract and delivery strategies for major capital projects
- The Asset Management Groups should retain ownership and responsibility for the management of their programs (including construction of non-major capital works) and the development and maintenance of up-to-date forward estimates.

Aside from the issue of who owns the procurement system, the freedom available for groups to readily amend or adapt documentation is not consistent with a best practice approach. Accordingly, once the procurement system 'ownership' questions are resolved, it is considered that any changes to standard documentation should require the approval of the document owner.

Recommendation 1 – Governance (ownership)

Assign the following organisation roles and responsibilities to enhance governance arrangements in Capital Works procurement:

- Procurement Group to retain ownership and responsibility for the Procurement Framework (Manual, Tendering, Supplier Evaluation and Contract Forms) and governance of the processes
- Capital Projects Group to take ownership and responsibility for the Project Management Methodology and design / delivery strategies for major capital projects. The group is to provide expert advice on contract forms, including being involved when any changes to standard forms are considered
- Asset Management Groups to retain ownership and responsibility for the management of their programs (including construction of non-major capital works) and the development and maintenance of up-to-date forward estimates

Recommendation 2 – Governance (discipline)

Changes or amendments to any of Council standard processes (documentation or procedures) should only occur with the approval of the process owner (refer Recommendation 1)

4.2 Service Delivery Options

4.2.1 Service Delivery Test

Prior to initiating a project, the two questions identified in Section 3.3 above need to be addressed i.e.

- Are there alternative service delivery solutions (e.g. non-build, leasing, out sourcing)?
- What are the alternative procurement delivery methods such as joint ventures, alliance style contracts, aggregation (program based or across programs).

Addressing these questions requires introducing a 'service delivery' process requirement / test at the very beginning of Council's Project Management Methodology. Further, and in recognising of the Prince 2 limitations in considering alternate service / delivery solutions, the following is recommended:

- The 'service delivery' process step requirements should be a new / additional and not an expansion of a current process (e.g. Parks and Recreation's process)
- Completion of the 'service delivery' step is required prior to any approval of a major capital work. The result of this assessment can be included in the projects business case.

Recommendation 3 – Service Delivery Test

Introduce a 'service delivery' process requirement / test at the very beginning of Council's Project Management Methodology. The requirement / test should as a minimum address alternative service delivery (non-build solutions, demand management, etc.) and delivery methods such as joint ventures and aggregation

4.2.2 Strategic Procurement

Aggregation

Aggregating a series of similar projects has the potential of providing savings through economies of scale and reducing internal cost and effort in tendering, contractor selection and contract administration. There are a number of programs that obviously lend themselves to aggregation such as road re-sheeting, pipe relining, street scapes, amenity blocks (new and refurbishments) to nominate a few.

It is recommended that a review be included in Council's planning cycle (e.g. annually) which considers the aggregation opportunities across the full gamut of Council's capital works programs. Quick wins are anticipated to include street scaping, pipe relining, amenity blocks and road maintenance.

Delivery Strategies

The choice of delivery method for a major capital work will depend on the answers to the questions raised in Section 4.2.1 above covering:

- The objectives and characteristics of the service required to be delivered
- The relative benefits and risks of the various delivery methods under consideration.
- The level of expertise available to Council.

Recommendation 4 – Delivery Strategy

The full range of delivery strategies should be considered for major capital works including Alliance / Joint Venture style contracts, D&C, DD&C, Lump Sum and Construction Management. This should include the adoption of a formal hold point which requires executive management level signoff of the recommended delivery strategy

Value Adding Strategies

Aggregation creates the opportunity to enter into partnering style contracts which are based on a cost-reimbursable, target-cost, open-book basis including both incentives, and penalties. These contracts require continual benchmarking, target setting, assessment, feeding back and adaptation.

Value Adding Case Study – Road Re-sheeting

The status of the road re-sheeting panel contracts was discussed in the staff interviews. The current status of the panel contracts provides an opportunity to highlight the strategic value add considerations that need to be injected in Council's procurement planning

Road resurfacing is currently delivered via two panel contracts, these being the former Warringah (\$4M p.a.) panel arrangement with Downer and the SHOROC panel arrangement (\$2.7M p.a.) used by the former Pittwater and Manly councils. It was advised that the Warringah panel rates provide better value for money

It was advised that the Warringah panel term had expired and that it was proposed to issue and RFT to establish a new contract arrangement for the former Warringah scope of work. The value add issues that need to be considered are:

1. What is the status of the SHOROC panel i.e. when can Council no longer be obliged to participate in the SHOROC panel
2. What are the market value benchmarks e.g. what rates are RMS paying for equivalent work
3. Why did Boral decline to participate in the Warringah panel e.g. did the reasons relate to the conditions of contract
4. Consider an alternate to a panel arrangement whereby Council invite tenders for a supplier to be awarded the re-sheeting contract with a guaranteed annual quantity or volume. This might include price and performance incentives linked to a contract extension option
5. Can the current Warringah (schedule of rates) panel arrangement be extended until a contract is established for the combined Council re-sheeting work volume i.e. \$6.7M p.a. in lieu of the current \$4M p.a. Alternatively, should the new RFT seek offers for the \$4M p.a. re-sheeting, with a the additional \$2.7M p.a. to be included at the conclusion of the SHOROC panel commitment

Recommendation 5 – Develop a Strategic Procurement Program

Undertake a strategic review of procurement opportunities to establish a strategic procurement program, and thereby realise value add opportunities across the full gamut of Council's capital works programs. The opportunities include:

- Aggregation of projects over time, geographically and between Council Asset Groups e.g. bundling a series of amenity blocks would offer a contractor a program of work that would provide economies of scale and work certainty, attract more capable contractors, resulting in a downward pressure on tender prices. Additionally, Council's tender management costs will be reduced with resources available for higher value activities
- Combining services and infrastructure to create partnerships or joint venture opportunities

Following establishment of the strategic procurement program, an annual review should occur as a Council planning cycle requirement

Development of the Strategic Procurement Program should be undertaken as priority action as part of the procurement strand of Council's services integration program

4.3 Identifying a Major Capital Project

A number of Council staff interviewed stated that the projects that should be referred to the Capital Projects Group were those identified as either being of high risk and/or high value. The early identification and involvement of the Capital Projects Group in a major capital works is essential to optimise the project's development and delivery especially in determining appropriate estimates/budgets, project scope, alternate service and contract delivery opportunities.

The issue then becomes how should a project be identified as a major capital work and when should it be referred to the Capital Projects Group. Rather than just rely on a financial and / or risk measure, and in recognition of the diversity of projects undertaken by Council, it is recommended that a *Project Impact Assessment* tool be developed which would:

- Be a simple online tool that quickly and easily assesses the project impact / profile in terms of consequences and complexity
- Recognise the diversity and sensitivity (e.g. community interest) of Council projects. Consequences would typically cover strategic areas such as political, stakeholders, financial, community and sustainability considerations. Complexity would consider issues such as service delivery implications, project interdependencies and duration.

The assessment outcome would be summarised as a high / low impact matrix score. Council can then determine the matrix score above which a project is identified as being a major capital work. At this time, the Capital Projects Group should be involved in the:

- Project's scope definition
- Decisions made on the type of business case that may need to be undertaken
- Governance arrangements that should apply in project development.

Recommendation 6 – Project Impact Assessment

Adopt a Project Impact Assessment tool as a basis for identifying projects that would:

- Require Capital Works Group's involvement in the project's scope development.
- Be subjected to enhanced project feasibility and implementation requirements e.g. business case and procurement strategy assessment

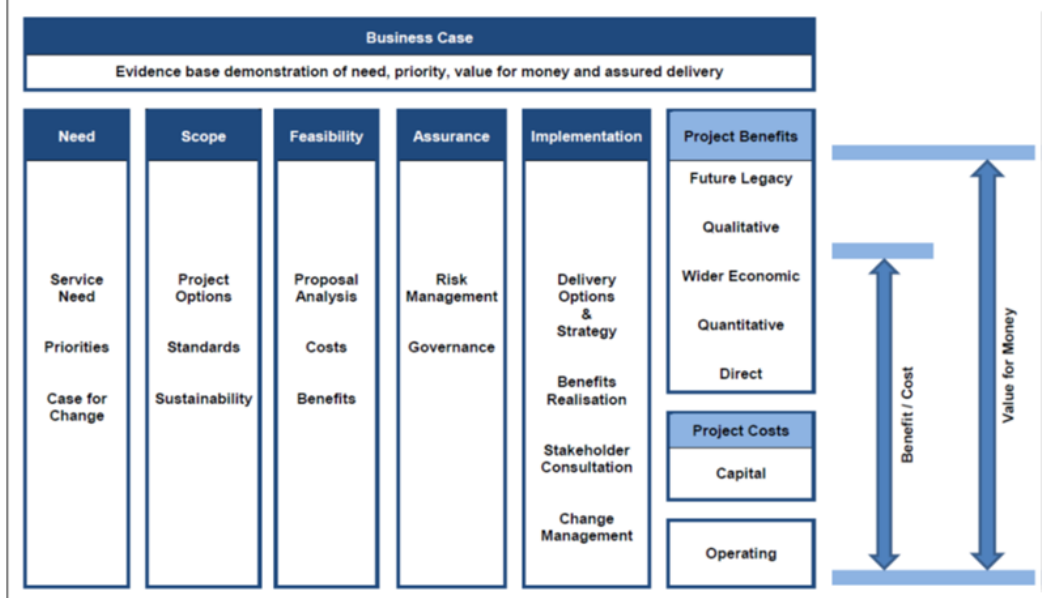
4.4 Business Case

In the context of Council's capital program, the approach adopted for this review is that business cases should only be necessary for those projects identified as a major capital works or high impact projects. Projects arising from ongoing programs of works (e.g. road re-sheeting, amenity blocks, street scaping) would not normally require a business case unless they are identified as having the characteristics of a major capital work (i.e. high risk), or that an alternative delivery strategy (e.g. aggregation) offers a significant value add opportunity.

There are essentially three types of business cases, the high level business case cited in the Project Management Methodology, the preliminary business case and the detailed business case. Projects identified as being major capital works require at least the preliminary business case (as required by NSW Treasury).

A key objective of a business case is to quantify Value for Money (VfM) that the project will deliver and thereby the decision criteria that will be used in deciding if the investment is worthwhile. While VfM is at one level a simple concept, it can be complex for major projects. Accordingly, Value Network has developed the following framework to illustrate the relationship between the project objectives, the project structure and activities, the project outcomes, costs and benefits and thereby the combined measure of VfM.

Value Network Value for Money (VfM) Framework



The above Vfm framework clearly indicates the need to look at service need, alternative service delivery options and project delivery options.

Care should be taken to ensure that any business case clearly identifies the project's objectives and provides the appropriate level of detail to enable Council to make an informed decision. Generally, this would only require a Preliminary Business Case.

The Business Case for major projects should be reviewed at key stages during the project, to ensure the projects desired objectives and outcomes are being achieved and / or identify any differences. As a minimum, this should occur prior to awarding the tender (when the tendered costs are known) and following completion of the project.

Recommendation 7 – Business Case and Investment Decision

Expand the project initiation process to require preparation of a business case for major or high impact projects that will clearly identify project objectives, cost and benefits and facilitate an informed investment decision

To ensure that the capital procurement process is not over burdened with unnecessary business case documentation, the scale / extent of the business case requirement could be linked to the Project Impact Assessment process (Recommendation 6 above)

The Business Case should be reviewed prior to accepting a tender and following project completion (refer Recommendation 14) to identify any differences between actual outcomes and the Business Case objectives / desired outcomes

4.5 Sustainability

Sustainable procurement is dependent on recognising and giving effect to the sustainability objectives incorporated in Council's Procurement Policy. The steps necessary for this to be achieved are as follows:

1. The Case for Doing Something

Whether it is a business case or feasibility study, sustainable outcomes need to be considered as part of deciding project / procurement objectives. That is not to say that all projects must have given weighting to sustainable outcomes, rather the desirability (or not) of including those outcomes must have been considered as part of the value for money decision making including whole of life benefits and costs.

2. Project Implementation

Project evolution / implementation should be tested on a regular basis to ensure ongoing alignment with the project raison d'être i.e. ensuring the project objectives are being achieved. Too often, project governance neglects to maintain these checks and balances with the outcome being that the final project fails to adequately deliver on the original suite of project objectives

Assuming that adequate governance is in place, once sustainability is incorporated as part of the project / procurement objectives, the outcomes should be reflected in the project brief, design, procurement (e.g. tender evaluation) and construction.

Recommendation 8 – Sustainability

Clearly identify sustainability objectives to be included / realised by the project early in project definition and incorporate these objectives in all stages of project implementation and delivery i.e. the objectives become part of the value for money measure of project success

4.6 Budgeting

4.6.1 Budget Elements

While it is appreciated that the use of historical project data is a valid input in identifying a project budget / estimate, there was no evidence that this occurred within a consistent 'whole of council' project cost estimate structure. An estimate structure would be expected to include:

- Base Estimate comprising the sum of Construction Costs and Council's Costs e.g. costs such as staff, approval / certification, design, construction, contingencies (risk based and general) and administrative costs. The current situation within Council is that some asset groups indicated they include 6% for staff costs in estimates, while others indicated staff costs were considered separate to the project budget
- Contingency allowance that is applied to the Base Estimate to cover a specified level of risk in the project implementation
- Cash Flow applied to the Base Estimate plus Contingency based on a project program
- Escalation that is applied to the Cash Flow and which takes account of increased costs through the period from the date of the estimate to the completion of construction. This should be applied annually on a program wide basis to avoid unrealistic expectations of the final out turn cost of projects.

4.6.2 Risk and Contingency

There was no consistent approach to the application of a contingency allowance to project budget estimation. Some groups (Parks and Reserves) appeared to adopt a risk adjusted approach, whereas others relied on a fixed level of contingency.

The latter approach is considered inadequate as a contingency allowance is used to cover risk i.e. the extent of uncertainty that exists for a particular stage of project development or implementation. The two basic requirements to set a contingency allowance are:

- What is the risk profile inherent in the project?
- What level or probability of risk occurring should be allowed for in the contingency?

Once these two requirements have been determined the contingency allowance can be established. While there is no specific formula or accurate correlation between a contingency allowance for risk exposure¹ the following table gives some guidance as on the percentage above the Base Estimate that would represent the P50 and P90 risk adjusted budgets:

¹ Department of Infrastructure, Transport, Regional Development and Local Government – Best Practice Cost Estimation for Publicly Funded Road and Rail Construction, Evans & Peck, June 2008

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Project Phase	Estimate Type	P50	P90
Project Identification	Strategic – pre business case	10% to 20%	40% to 60%
Project Scoping	Concept – business case	10% to 15%	25% to 40%
Project Development	Pre Tender	3% to 7%	5% to 15%
Project Delivery	Delivery / Construction	Actual Cost	Actual Cost

4.6.3 Summary

The review's Budget and Estimating summary findings have been categorised against the following best practice criteria:

1. Project Scope Definition
 - Project scope was not sufficiently developed at the initiation phase i.e. there was insufficient clarity of functionality and performance of the project
 - Projects scope subsequently changed with no clear process evident to manage change or review budgets
2. Preparing the Base Estimate

The approach to and use of estimating methods varied between the asset groups. Further, there did not appear to be a common understanding of estimating methods
3. Risk and Contingency Allowances

There was no consistent approach to setting budget contingencies, including recognition of the need for the contingency allowance to reflect the project phase and associated risk profile
4. Cash Flow

Managing cash flow (year to year) at times was given priority over managing the overall project budget
5. Review and Approval

There does not appear to be a process for review and updating project budgets i.e. the project can 'sit' on a works program for a number of years without the budget being updated to reflect escalation (e.g. CPI) and / or scope change
6. Change Management

There does not appear to be an adequate change management process to explain and deal with change. This has led to project scope change without adequate recognition of the budget / cost impacts.

Recommendation 9 – Budget Reliability

Adopt the following 5 Step 'Best Practice' approach for the preparation and management of capital works budgets:

- 1 Project Scope Definition – ensure initial project scope clearly defines the required functionality / performance requirements
- 2 Base Estimate – adopt a consistent whole-of-council approach and / or understanding to estimate preparation. The Base Estimate should include all costs such as staff, approval / certification, design, construction, contingencies (risk based and general) and administrative costs
- 3 Risk and Contingency Allowances – apply a risk based approach to contingency allocation i.e. the contingency allowance to reflect the project phase, market conditions and associated risk profile
- 4 Budget Review – establish an annual budget review process (including CPI variances) to ensure projects included in forward programs reflect the anticipated final out turn cost
- 5 Change Management – implement a project change management process that will manage scope change and ensure any scope change request identifies the budget / cost impacts

4.7 General Conditions of Contract

4.7.1 Contract Philosophy / Model

The contract risk issues associated with a Superintended based contract model expose council to unnecessary contract management risk. To recap, the issues identified in Section 3.8 are:

- Well established case law has highlighted that the dual role of the contract Superintendent (independent and client representative) creates a conflict of interest and the appearance of bias i.e. the Principal could be in breach of contract by not maintaining the neutral or independent position required of the Superintendent
- The current disaggregated organisational arrangement of the Superintendent's creates the likelihood of inconsistent contract decisions and exposes Council to increased risk in any contract dispute(s).

Additionally, it is obvious that the current set of general conditions of contract used by Council is not 'fit for purpose' given the extensive amendments made to both AS4000 and AS4905.

Accordingly, it is the strong recommendation of this review that Council move away from the AS4000 suite of contracts and adopt Principal's Authorised Person based contract model, which establishes a clear and unambiguous relationship between the Contractor and the Principal. Recommendations to give effect this recommendation are provided in Section 4.7.2 below.

Recommendation 10 – Principal's Authorised Person Contract Model

Council transition to a Principal's Authorised Person (PAP) contract model in place of the current AS4000 suite of contracts

4.7.2 Contract Form

It is recommended that Council should seek a more suitable set of General Conditions of Contracts as follows:

- For low risk – low impact works up to \$250K, adopt the NSW Government nine (9) page Mini Minor Works General Conditions of Contract. This contract is more than suitable for Council's standard projects (low risk) and should provide the small sized contractors with increased confidence in tendering for Council work and reduce Council's costs in preparing and administering these low value contracts.
- For medium risk – medium impact works over \$150K and up to \$1.0M, use the NSW Government MW21 General Conditions of Contract. This is a thirty six (36) page document (including 8 pages of forms) contract based on a flow chart making it simply to follow. Using this option has the same advantages as using the Mini Minor Works contract in that there is no royalty to be paid and the NSW Government will continue to maintain the relevance and currency of this set of conditions reducing costs to Council
- For high risk – high impact works over \$1.0M, adopt the NSW Government GC21 (Edition 2) General Conditions Contract. The contract reflects the needs of clients and provides a framework encourages positive and cooperative behaviour in all aspect of project delivery. It highlights the need for commitment and open communication and provides for joint evaluation of performance and resolving issues as early as possible.

The advantages of the above documents are that they are:

- Supported by extensive guide notes and proforma documentation
- Not subject to royalty charges
- There is an extensive public sector contract management knowledge bank.

Recommendation 11 – General Conditions of Contract

On the basis that Council adopts Recommendation 10, the following General Conditions of Contract are recommended:

- 1 For low risk – low impact works up to \$250K, adopt the NSW Government nine (9) page Mini Minor Works General Conditions of Contract
- 2 For medium risk – medium impact works over \$150K and up to \$1.0M, adopt the NSW Government MW21 General Conditions of Contract
- 3 For high risk – high impact works over \$1.0M, adopt the NSW Government GC21(Edition 2) General Conditions of Contract

4.8 Tender, Tender Evaluation and Contractor Selection

While current procedures and processes provided in the former Warringah Council's Procurement Manual are adequate for Council's purposes, the style of presentation is considered restrictive in interpretation. While it is not a short term imperative, it is considered that Council would benefit (medium to longer term) by having the Procurement Manual recast to place a greater emphasis on the positives and not the negatives, that is identifying what can be done not necessarily focussing on what cannot be done.

If and when the Manual is amended consideration should be given to incorporating Pittwater's more user friendly approach by incorporating all aspects of procurement within each financial group (i.e. below \$30K, between \$30K and \$150K and over \$150K).

Recommendation 12 – Procurement Manual

Review / recast (medium to longer term) the Procurement Manual to place a greater emphasis on what can be done i.e. encourage innovation in procurement

4.9 Contract Management and Project Completion

A whole-of-council contract management system should be established / implemented and incorporated into the Project Management Methodology. The Project Dashboard currently being used by the Cromer Office is a good practice example that should be incorporated in a whole-of-council system.

The dashboard component can then be used to develop an exception reporting process to assist the Capital Works Meeting of the Executive Managers in overseeing Council's capital programs.

There were sufficient other good practice examples for this review to be confident that a substantial basis for a complete management system exists within Council practice. It is simply a matter of identifying and bringing together these elements. An example is the Parks and Recreation Group procedure for project completion / handover and the Tender Clarification Meeting and Pre Contract Award Meeting proformas, which be incorporated into Council's Project Management Methodology.

Recommendation 13 – Contract Management

Establish a whole-of-council contract management system that would be incorporated as part of the Project Management Methodology. Significant elements of the system exist in the practices variously used by different groups within Council and / or project e.g. the major projects 'Project Dashboard'

4.10 Post Completion Reviews

Best Practice requires that lessons learned during major projects are captured and used to improve the formation, design and delivery of future projects. The extent of the review will depend on the complexity of the project, but essentially the following three questions need to be addressed:

- Was the project the right thing to do – the justification for the investment and whether the investment is still valid for the objectives the project set out to meet

- Was the project carried in the right manner – whether the required outcomes were / are being achieved
- Are there better ways of achieving the results – lessons learned, thus ensuring continuous learning in project delivery especially procurement and contracting strategies and contract delivery.

Addressing these three questions will require revisiting the project's Business Case to identify the differences, if any, between the actual and desired project outcomes.

The results of the post completion reviews should be maintained by Capital Works Group and provided to those responsible within the Asset Groups for the initiation / planning of major works.

Recommendation 14 – Post Completion Reviews

A Post Completion Review should be carried out on all major capital works, identifying any differences to actual outcomes with the project objectives and desired outcomes identified in the Business Case. The lessons learnt from these reviews should be recorded and maintained by the Capital Works Group and provided to those responsible within the Asset Groups for the initiation / planning of major works

4.11 Role of Capital Projects

Council has established the Capital Projects Group as a centre of expertise in managing large capital works. This allows the Asset Groups to focus on the delivery of their services and programs.

Currently, the Capital Projects Group is focussed on the delivery of capital works as projects are often handed to the Group post the tenderer selection phase when everything is set in stone. This does not take advantage of their expertise in project management, procurement strategies, project budgeting (including contingencies) or contracting strategies. In fact some staff interviewed suggested the former Major Projects Group was 'a delivery arm of overflow projects'.

As previously discussed in this Report, it is recommended that the Capital Projects Group:

- Assume ownership and responsibility for the Project Management Methodology (including the development and maintenance of the exception reporting system), standard forms of contract and delivery strategies for major capital projects (Section 4.1)
- Once a project is identified as a major capital project, the Capital Projects Group should be involved in decisions on the project initiation phase especially project scope, service delivery and procurement strategies (Section 4.3)
- For any current AS4000 series contracts, the Executive Manager should be nominated as the Superintendent for all contracts demonstrating Council is addressing the potential conflicts of interest, providing a level of independence in the role and ensuring a consistent approach in contractual decision making by Council (Section 4.7).

Recommendation 15 – Centre of Excellence

Consistent with Recommendation 1, 2 and 6, the Capital Projects Group should be developed as a centre of excellence in capital works procurement. This would include:

- Identifying (from existing good practice) developing and maintaining whole-of-council practice
- Involvement in decisions on the project initiation phase especially project scope, service delivery and procurement strategies for all major projects
- For any current AS4000 series contracts, the Executive Manager, Capital Projects Group should be nominated as the Superintendent for those contracts
- Administer and co-ordinate training in administering capital works contracts and in the use of Council's Project Management Methodology.

Appendix A: Documents provided By Council

Documents Provided on 2 March 2017		
No	Doc	Date
1	Report to Council	27/9/16
	Action Sheet	27/9/16
2	Integration of Procurement	23/12/16
3	Case Study Manly CBD works - Whistler St & Central Ave <ul style="list-style-type: none"> • RFT Evaluation Plan • Project brief • RFT • Tenderlink Ad • Tenderlink Summary 	
4	Pittwater Council Procurement Guidelines	Oct 2011 Amended Nov 2015
5	Warringah Council Procurement Manual	Nov 2015
	Audit Report Cromer Playing Fields	Sept 2014
6	Manly Council <ul style="list-style-type: none"> • Procurement Policy • Procurement Guideline • Tender Templates • Andrew Boy Charlton Aquatic Centre 	March 2012 June 2012
	<ol style="list-style-type: none"> 1. EOI's 2. DA Approval Docs 3. Responses 4. Tender Documents <ul style="list-style-type: none"> • Sydney Road Upgrade Evaluation 	

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Documents Provided on 2 March 2017		
No	Doc	Date
	<ul style="list-style-type: none"> Sydney Rd RFT 	
7	Ryde Contractors RFT for Major Works	
8	Northern Beaches Community Strategic Plan	Nov 2016
9	Northern Beaches Council's Operational Plan	July 2016

Documents Provided 10 March 2017		
No	Doc	Date
1	Manly Project Proposal Form	
2	Warringah Project Brief (Case Study)	16/6/16
3	Manly Sydney Road Upgrade	
	<ul style="list-style-type: none"> Public Notice of Tenders Received Disclosure of Interest Forms Evaluation Report Evaluation Matrix Table of Contents Tender box opening form 	16/7/15

Documents Provided on 14 March 2017		
No	Doc	Date
1	Manly <ul style="list-style-type: none"> AS4905 – 2002 Policy Register ABIC MW-2008 	10/3/ 2014 Nov 2014
2	Pittwater <ul style="list-style-type: none"> Macpherson St and Warriewood Rd Upgrade (\$6.9M) 	29/4/2016

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Documents Provided on 14 March 2017

No	Doc	Date
3	<ul style="list-style-type: none"> Stormwater pipe Diversion Clontarf Reserve Warringah Contract Templates <ul style="list-style-type: none"> AS4000-1997 RFT Major Works RFT Minor works Project Brief Project Plan 	23/2/2017 1997

Documents Provided on 23 – 24 March 2017

No	Doc	Date
1	Warringah Council <ul style="list-style-type: none"> Tender Evaluation Report PCYC Contract Management Manual Construction Procurement Checklist Business Process Map - Project Management Methodology Capital Justification and Evaluation Process Project Dashboard 	13/11/2014 Sept 2015
2	Pittwater <ul style="list-style-type: none"> Church Point Tender Clarifications 	17/8/16

Documents Provided on 26 April 2017

No	Doc	Date
1	PCYC Project <ul style="list-style-type: none"> Project Brief Establishment of a PCG 	Nov 2012 30/11/2012

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Documents Provided on 26 April 2017		
No	Doc	Date
	<ul style="list-style-type: none"> Minutes of initial PCG meeting 	24/1/2013
	<ul style="list-style-type: none"> Discussion paper on various procurement methods 	8/2/2013
	<ul style="list-style-type: none"> Minutes of PCG 	21/3/2013
	<ul style="list-style-type: none"> RFQ for QS services 	June 2013
	<ul style="list-style-type: none"> RFQ for QS services 	June 2014
	<ul style="list-style-type: none"> Tender Evaluation Report 	Nov 2014
	<ul style="list-style-type: none"> RFQ for QS services 	Dec 2014

Appendix B: Best Practice mapped against Current NBC Practice

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
1. Project Initiation	Identify the Need/Brief		Community Service Plans and/or Asset Management Plans are generally the source for identifying needs although some projects may arise from the need to carry out remediation (e.g. Collaroy sea wall) or to meet Community requirements (e.g. PCYC).
	Stakeholder Engagement	NSW Construction < \$1M	
	Project Team	NSW Construction < \$1M	
	Business Case including:	NSW Construction < \$1M	WC Capital Justification and Evaluation Process
	<ul style="list-style-type: none"> Service delivery options (including do nothing) Procurement Strategies Estimates 	NSW Treasury - TPP08-5 Guidelines for Capital Business Cases	<p>The document is a suitable Justification tool for low risk / low value projects. Not suitable for Major / High Risk Projects which should proceed through a formal Business Case process</p> <p>WC Procurement Manual</p> <p>The manual is primarily confined to the procurement tendering process. Accordingly, it only covers project initiation in a general sense by stating that issues such as needs analysis needs to be carried out. Examples include:</p> <ul style="list-style-type: none"> The manual refers to the 6 step NSW Government process which identifies Step 1 Needs Analysis. Beyond that there is only general reference to the implication of poor definition of need
	Financial Authority and Approvals	NSW Construction < \$1M	

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
			<ul style="list-style-type: none"> Suggests that 'User requirements should only be specified as mandatory where it is necessary to meet the needs of the procurement process (10.6.2)'. The emphasis is wrong as user requirements are the driver and procurement is the enabler Business Case is limited to obtained Deputy GM approval to initiate procurement for over \$150K <p>The Manual makes no reference to business case, risk management, stakeholder management</p> <p>The Manual is written in a negative context (i.e. what you can't do compared to what you can). This would tend to stifle innovation in service delivery and procurement strategies</p> <p>WC Project Management Methodology – PMM (also known as Business Process Map or BPN)</p> <p>Purports to cover whole project but instead focuses on front end of the project life cycle. Does not adequately stress or address the need to consider alternate service delivery solutions (e.g. non-build, out sourcing, etc.) or alternate procurement delivery methods such as joint ventures, alliance style contracts, Design and Construct aggregation, leasing, etc.</p>

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
			<p>The steps following the business case (i.e. identification of need, delivery solution, procurement strategy and estimates) are well documented and laid out.</p> <p>WC Project Initiation Document</p> <p>A part of the PPM (above) this 8 page document that requires development/ identification of project objectives, drivers, deliverables and scope. The document requires a risk management exercise requiring a more detail analysis for major projects however there is no guidance as to what is a major project. In addition, there is no guidance on what is required in project business cases. Includes a single sentence on possible alternate service delivery solutions but there is no incentive for staff to pursue. Stakeholder engagement is included.</p> <p>Overall document is very good for low value low risk projects. It requires substantial supporting documentation for high value high risk project (e.g. detailed business cases, risk management studies, stakeholder plans).</p> <p>WC Contract Manual</p> <p>Covers whole of project life but has same issue as the PMM that is it does not adequately stress or address the need to consider alternate service</p>

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
Governance and Accountability			delivery solutions (e.g. non-build, out sourcing, etc.) or alternate procurement delivery methods such as joint ventures, alliance style contracts, Design and Construct, aggregation, leasing, etc.
			There is some disconnect between the Manual and the PMM which needs to be addressed.
		LG Tendering Guidelines	
		WC Procurement Manual	General approach
			Reference to accountability confined to statement of Probity principles / requirements. No specific reference to the concept of governance although it might be argued that the Procurement Manual is all about governance.
Probity		MC Procurement policy	General Approach
		MC Procurement Guidelines	Centralised purchasing - decentralised financially
		LG Tendering Guidelines	Standard NSW Government Approach
		WC Procurement Manual	Very detailed description
		MC Procurement Policy	Reflects LG Tendering Guidelines

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
	Procurement/Project Plan	PW Procurement Policy	Reflects LG Tendering Guidelines
		LG Tendering Guidelines	Standard Government Guidelines
		WC Procurement Manual	WC Procurement Manual covers this very generally and effectively limited to the tendering process.
		WC Project Plan Template	12 page comprehensive document. Includes 3 gateways and refers to need for detailed schedules, budgets and cash flows, risk assessment, etc. Will require supplementation for high risk and/or high risk projects.
	Direct/Competitive Approaches	WC Procurement Manual	WC does not contemplate direct negotiation other than direct purchasing for small value purchases less than \$2K. This is determined by legislation Notes that a contract cannot be awarded directly from an EOI
		Review Previous Procurement	NBC - Using historical data to frame estimates and/or budgets. However, often the budgets are not kept up-to-date in the source documents and may be 4 years old leading to projects being significantly underestimated at project initiation.

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
3. Specify Requirements	Identify the Market and Segments (e.g. Aggregation)		Generally not being address by Council
	Identify Possible Solutions (e.g. service delivery v capital work, capital work v leasing, etc.)		Refer comments on Project Management Methodology in Stage 1 above
	Scope Definition (Brief)	LG Tendering Guidelines	
		NSW Construction < \$1M	
		MC Brief Template	Simple 2 page template with opportunity to add additional reports/plans etc.
	User Requirements	LG Tendering Guidelines	
		WC Procurement Manual	Covered in general detail.
		WC Contract Manual	Covered at a high level – no detailed information provided.
	Quality Requirements	LG Tendering Guidelines	
		WC Procurement Manual	Covered in very general detail.

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
4. Market approach	Required Deliverables	WC Procurement Manual	Covered in reasonable detail.
	Specification development	LG Tendering Guidelines	
		WC Procurement Manual	Covered in detailed.
		WC Contract Manual	Covered at a high level – no detailed information provided.
		MC Procurement Policy	Very General.
	Approach Strategy including type of tender (open or closed, RFQ/ROI/RFP/RFT etc.), use of multi-staged –treatment of alternative proposals etc.	LG Tendering Guidelines	
		NSW Construction < \$1M	
		WC Procurement Manual	Covered in reasonable detail
	Develop Tender Documentation	LG Tendering Guidelines	
		NSW Construction < \$1M	
WC Procurement Manual		Covered in detail but focuses on traditional D&C and Construct Only	
	WC Contract Manual	Focuses on traditional delivery methods – provides principles only	

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
	Evaluation Criteria	LG Tendering Guidelines	
		WC Procurement Manual	
		MC Procurement policy & Procurement Guidelines	Reflects LG Guidelines
	Evaluation Methodology/Plan	NSW Construction < \$1M	
	Type of Contract	NSW Construction < \$1M	
	Timetable (including tender period)	WC Procurement Manual	Limited to General Conditions
		LG Tendering Guidelines	
	Invitation to Tender	WC Procurement Manual	Covered in detail
		LG Tendering Guidelines	
		NSW Construction < \$1M	
5. Tendering and	Tender Closing and Opening	MC Procurement policy & Procurement Guidelines	<ul style="list-style-type: none"> Procurement policy reflects LG Guidelines. Tenderlink Invitation – Project Summary.
		WC Procurement Manual	Covered in detail.
		LG Tendering Guidelines	

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
Selection		NSW Construction < \$1M	
		MC Procurement Policy & Procurement Guidelines	Reflects L.G. Tendering Guidelines.
		PW Procurement policy	Reflects L.G. Tendering Guidelines.
		WC Procurement Manual	Covered in detail in terms of the steps. However, it applies a very narrow interpretation of 'non-conformance' to the point where items assessed as being major' leads to the tender potentially being set aside i.e. there is no discussion on the possibility of asking the qualification(s) being removed or alternatively pricing the qualification and thereby adjusting the tendered price in the evaluation process
Evaluation & Recommendation		LG Tendering Guidelines	The inconsistency is that the evaluation process refers to seeking clarifications where required
		NSW Construction < \$1M	
		MC and PW Procurement Guidelines and Evaluation Committee Guidelines	Detailed

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
		WC Procurement Manual	Process and scoring covered in detail
			Tender assessment with close scoring is discussed but the impression is given that accepting anything other than the highest score, despite the lower score offering a lower price, is a last resort approach
			Acknowledges that alternatives might be offered by stipulates that they will not be considered when the RFT stating that alternatives are not required. This limits the markets willingness to innovate. Normally the rule is an alternative value add can be considered when a confirming tender is also provided
	Selection	LG Tendering Guidelines	
		NSW Construction < \$1M	
		WC Procurement Manual	Covered in detail, includes clarifications, alternate tenders
	Due Diligence	LG Tendering Guidelines	
		WC Procurement Manual	Limited to Financial checks and references when used in Evaluation
6. Negotiate (if Required) and	Negotiation Plan (including obtaining approvals)	LG Tendering Guidelines	

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
Contract Award	Negotiation	LG Tendering Guidelines	Confines any negotiation with a single proponent, to 'exceptional circumstances – where tenders are rejected and council resolution is obtained to enter into direct negotiations with a party'
		WC Procurement Manual	Complies with above LG requirements.
		LG Tendering Guidelines	
		NSW Construction < \$1M	
	Finalise Contract	WC Procurement Manual	Covered in detail
		WC Contracts Manual	Provides details for Insurances, Risk Management, and Bank Guarantees. Also provides a high level overview on the Roles of the Principal and Superintendent.
		LG Tendering Guidelines	
		NSW Construction < \$1M	
	Supplier Debriefs	WC Procurement Manual	Only on request
		LG Tendering Guidelines	
	Post Award Notifications	LG Tendering Guidelines	GIPA
		NSW Construction < \$1M	

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
WC Procurement Manual Limited to Advising tenderers of outcome			
7. Manage the Contract	Contract Management plan and implementation including:	NSW Construction < \$1M	
	<ul style="list-style-type: none"> Contract administration Monitoring and evaluation of delivery Control of Changes (scope and cost) Manage risks 		
	Performance Management:	NSW Construction < \$1M	
	<ul style="list-style-type: none"> Review and report on supplier's performance Track delivery requirements Proactively managed underperformance 	WC Contract Manual	Includes check lists and flowcharts in respect of defective work, Extensions of Time and Variations. Also covers an overview on Latent Conditions, Penalties/Defaults and Dispute Resolution
		Project Dash Board (Cromer)	Covers tracking and monitoring budgets, projected expenditures, variations, RFIs. EOTs and time
Check invoices and authorise		NSW Construction < \$1M	

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Value Network

Best Practice mapped against Current NBC Practice			
Stage	Activity	Council Document	Comment
	payments	WC Contracts Manual	Covers record management and payments, project completion (including practical completion) and an overview on defects liability.
	Manage budget and costs	NSW Construction < \$1M	
8. Post Completion Review	Review and report on outcome / results	NSW Construction < \$1M	
	Identify Lessons Learnt and input into Continuous Improvement program	WC Project Management Methodology	Parks and Recreation have a formal lessons learnt process within their group – not shared across organisation.

Appendix C: Major Capital Works Procurement Review Working Group

Working Group Membership	
Name	Position
Lisa Neal	Executive Manager, Procurement
Jeremy Smith	Manager Parks & Assets Projects Parks and Reserves
Craig Sawyer	Executive Manager, Capital Projects
Jacqueline Grove	Manager Environmental Systems & Climate Change.
Katy Cristian	Principal Officer Sustainability, Natural Environment & Education
Michael England	Senior Project Manager, Major Projects
Stephen Watson	Manager Transport & Urban Assets & Planning
Grant Tighe	Manager Engineering Services
Peter Bartz	Manager Procurement
Campbell Pfeiffer	Executive Manager Property and Commercial
Eilis O'Beirne	Principal Manager, Capital Projects

Appendix D: List of Interviewees

Staff Interviewed	
Staff	Role
Peter Bartz	Procurement
Eilis O'Beirne	Principal Manager, Capital Projects.
Andrew Camarsh	Acting Executive Manager Capital Projects
Michael England	Senior Project Manager, Capital Projects.
Jacqueline Grove	Manager Environmental Systems & Climate Change
Bernard Koon	Senior Project Manager Property, Buildings and Commercial
Lisa Neal	Executive Manager, Procurement
Craig Sawyer	Executive Manager, Major Projects
Jeremy Smith	Manager Parks & Assets Projects Parks and Reserves
Ben Taylor	Deputy General Manager. Infrastructure and Environment.
Grant Tighe	Manager Engineering Services
Stephen Watson	Manager Transport & Urban Assets & Planning

Appendix E: About Value Network

Accreditation

Value Network (www.valuenetwork.biz) is a specialist consultancy providing innovative value adding business improvement solutions and strategies to clients. Value Network has established a reputation for excellence in service delivery covering all aspects of project formulation and delivery.

Value Network accredited with government includes:

- Accredited with Austrade as a Procurement Support Service Provider
- Appointed to Urban Growth NSW Probity Services Panel ITT
- Prequalified for Value Management Facilitation by the Department Finance, Services & Innovation
- Transport for New South Wales Probity Advisor Services Panel. Accredited Panel Members: Alan Griffin, Ted Smithies, Rosemarie Risgalla
- Commonwealth Department of the Environment: Multi-Use List Arrangement 0708-21, Provision of expert and specialised services related resources and their administration
- Prequalified under the Consultant Performance and Management Services Scheme with the NSW Department of Finance, Services and Innovation for:

Work Type 341 – Performance Review

Agency Reviews
Targeted Reviews
Management Reviews
Policy
Strategy Reviews

Work Type 344 – Organisational Capacity

Corporate and Business Strategy
Asset Management & Procurement
Governance & Reporting
Agency Procurement Assessment (Goods & Services)

Work Type 342 – Infrastructure and Major Projects

Strategy & Planning
Risk
Major Project Procurement & Delivery
Contracting

Work Type 345 – General Technical Expertise

Policy Development
Business Case Development
Contracts & Contracting
Economic Analysis

- Registered Adjudicators (Ted Smithies and Rosemarie Risgalla) for Queensland, NSW, ACT, VIC and TAS. Completed over 636 contract determinations / decisions for disputes worth \$105M.

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Relevant Experience

Value Network capability to perform this review is highlighted by the following achievements:

- Prepared business cases for Barangaroo Point (Headland Park), Wynyard Walk, Barangaroo Central Stage 1 and Barangaroo Integration Works
- Prepared business cases (18) for Housing NSW (5, including a PPP 'barter' arrangement), Centennial Parklands 2010-2019 CIP, State Water (7 major dam upgrades), Sydney Catchment Authority (Tallowa Dam Fishway and Environmental Flows and Bore Water Supply), NSW Maritime (Commuter Wharf Upgrades) and Department of Premier's and Cabinet (Public participation - Jenolan Caves)
- Instrumental in planning application for demolition of the Sydney Harbour Control Tower (Options Assessment Report). Subsequently, Value Network was the lead consultant in the successful submission to The Minister for Heritage to not have the Tower listed on the State Significant Heritage register
- Assessed the Economic and Financial Implications of Heritage Listing the Sirius Building (the Rocks) for Government Property NSW
- TfNSW – North West Metro: Facilitated and reported on the 2011 International Expert Review to validate / verify the Product Definition of the North West Metro. The purpose of the review was to confirm that the project met transport needs and enable Government funding of the next stage of development
- Advised the NSW Audit Office in performance reviews of WestConnex and NorthConnex (project formation and business case), Tippy Cotter Bridge, Moore Park (project formation, business case, contract and delivery) and Sydney Light Rail (project formation, business case, contract strategy and award, including early works and PPP)
- Provided probity advice to Parramatta Council on sale of 169 Macquarie Street, Parramatta. The sale was a key part of the \$2B Parramatta Square project, one of the largest urban renewal projects in Australia
- RMS Alliance Contract Governance Audit: Examined achievement of the objectives of Alliance projects, mechanisms for protecting the interests of RMS and the Government and the clarity in definition and understanding of roles and responsibilities of the RMS Alliance Leadership Team members and RMS's management in respect to the Alliance projects
- Provided project management support to RMS with development of the M5 West Widening BOOT / PPP scheme (\$400M) to obtain the best value for money for the NSW Government
- Energy Australia Overflow Alliance Contract Selection (\$8B): Facilitate Phase 1 & Phase 2. Plan, facilitate & report on outcomes for Alliance Partner Selection and Commercial Alignment
- Advised Port Macquarie Hastings Council on the delivery and management of the \$50M Cultural Centre (Glasshouse), commercial negotiations with Qantas over the use of Council's Airport and private sector participation in managing and operating the Port Macquarie Airport and Council's motor vehicular fleet.

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

Review Personnel

Ted Smithies, Director / Principal, Value Network Pty Ltd

B.Eng. (Civil) UNSW, Accredited VM Facilitator & Fellow of Institute of Value Management Australia

Prior to 2003, Ted was a senior executive in Public Works and Services (PW&S), responsible as Principal's delegate for \$1.4B p.a. in construction contracts. Ted represented Australia at APEC negotiations on transparency & probity in government procurement (1996). He also represented Australia on DFAT 'Capital Delegation' at WTO (Geneva) negotiations on Agreement in Government Procurement (1999).

Ted was a member of Parramatta Rail Link International Expert Review Panel (2001) that redefined the project & developed the procurement strategy that reduced Government risk exposure. Ted also completed a number of major whole-of-government reform initiatives in construction; developed/ implemented the NSW Total Asset Management (TAM) framework / manual and co-authored (with Rosemarie Risgalla) the NSW Government Smarter Buying for Government Strategy (2002) which introduced the Gateway Review System. Ted was a member of the taskforce, which developed 2002 NSW Working with Government PPP Guidelines.

At VN, Ted has delivered 50+ start-up, project alignment, risk management, value management and lessons learned workshops to various clients. Ted led development of business case including risk management report, economic / financial appraisals and procurement strategy for various clients and projects e.g. Barangaroo Point, Wynyard Walk, Millers Point Integration Works, Central Barangaroo. He has review / assurance experience in major infrastructure projects including: member of the of the International Expert Panel(s) for reviews of the CBD Metro and Stage 2 of Metro Line; facilitated and reported on the International Expert Panel project definition review of North West Rail Link (Sept 11 – Dec 2011) (now Sydney Metro Northwest); Wynyard Walk Gateway review and reporting (2010-11); and provided expert advice for Audit Office Performance Reviews of WestConnex (2014), CSELR (2016) and NorthConnex (2017) projects.

Alan Griffin, Director, Value Network Pty Ltd

B.Sc. (Civil Engineering) UNSW, Grad. Dip. Admin SIT, FIE (Aust)

Alan is a former Deputy Director General of the NSW Department of Commerce and Chair of SCCB (now the NSW Procurement Board) for 8 years responsible for \$5B annual procurement expenditure. He has extensive project director / management experience in infrastructure and IT procurement, dispute resolution.

Alan was also Administrator Jenolan Caves Trust and Alternate Administrator Port Macquarie / Hastings Council. Alan has led a number of performance reviews for the Department of Premier and Cabinet, including purchase and use of information technology by NSW Health and Piles Creek Culvert Collapse (Gosford City Council) and into two NSW Government Agencies.

Alan's VN experience since 2009 includes advice to Port Macquarie Hastings Council on private sector participation in managing airport & car fleet & commercial negotiation & settlement of \$50M Glasshouse contract dispute; review of TransGrid's procurement

MAJOR CAPITAL WORKS PROCUREMENT REVIEW

practice; project management support to RMS in the assessment of the M5 West Widening PPP and advisor to Downer EDI in delivery of the Waratah train PPP & to Northern Beaches Council on Manly Oval Car Park Review.

Rosemarie Risgalla, Director / Principal Value Network

Bachelor of Economics (Hons) University of Sydney; Master of Commerce UNSW

Prior to 2003, Rosemarie was a senior executive in PW&S & managed development and implementation of whole-of-government policy in asset management; office accommodation; procurement of goods & services; construction procurement; codes of practice, industry development; & introduction of the Gateway review system. Rosemarie was a member of the taskforce, which developed 2002 NSW Working with Government PPP Guidelines.

At VN, she has undertaken various assignments for TfNSW and RMS on major procurement planning and delivery (e.g. M5 Widening (2009-13) and NWRL project planning framework & construction readiness plan (2012)), & on-site RMS road projects audit of contractor implementation of Project Plans. Rosemarie has assisted in development of a number of business cases and provided asset management and or procurement support to FACS, Maritime (RMS), Housing NSW, State Library (digitisation of WW1 docs), Art Gallery of NSW (Sydney Modern Project) and Place Management NSW (TAM Strategy); and has provided expert advice to the Audit Office Performance Reviews of WestConnex, CSELR and NorthConnex projects.

Implementation Plan for Major Capital Works Procurement Review Recommendations

Recommendation	Timeframe	Comment
Governance		
<p>Recommendation 1 – Roles and System / Process Ownership</p> <p>1.1 Procurement Group to retain ownership and responsibility for the Procurement Framework (Manual, Tendering, Supplier Evaluation and Contract Forms) and governance of the processes</p> <p>1.2 Capital Projects Group to take ownership and responsibility for the Project Management Methodology and design / delivery strategies for major capital projects. The group is to provide expert advice on contract forms, including being involved when any changes to contract forms are considered</p> <p>1.3 Asset Management Groups to retain ownership and responsibility for the management of their programs (including construction of non-major capital works) and the development and maintenance of up-to-date forward estimates</p>	<p>July 2017</p> <p>July 2017</p> <p>July 2017</p>	<ul style="list-style-type: none"> Issue a direction reinforcing role of Procurement Group Procurement Group to consult with all stakeholders in respect of any proposed changes / amendments to Framework Issue a direction defining role of Capital Projects Group Capital Projects Group to consult with all stakeholders in respect of any proposed changes / amendments to PMM <p>Reaffirms current organisational roles and responsibilities</p>
<p>Recommendation 2 – Discipline in Process Management</p> <p>Changes or amendments to any of Council standard Capital Works procurement processes (documentation or procedures) should only occur with the approval of the process owner</p>	July 2017	Reinforces current organisational objectives in having a consistent approach across Council

Recommendation	Timeframe	Comment
Service / Investment		

Recommendation	Timeframe	Comment
Service / Investment		
<p>Recommendation 3 – Service Delivery Test</p> <p>Introduce a ‘service delivery’ process requirement / test at the beginning of Council’s Project Management Methodology (PMM). The requirement / test should as a minimum address alternative service delivery (non-build solutions, demand management, etc.) and delivery methods such as joint ventures and aggregation</p>	October 2017	Capital Projects Group to include the test within the approved PMM framework
<p>Recommendation 4 – Delivery Strategy ‘Hold’ Point</p> <p>4.1 The full range of delivery strategies should be considered for major capital works including Alliance / Joint Venture style contracts, D&C, DD&C, Lump Sum and Construction Management. This should include the adoption of a formal hold point which requires executive management level signoff of the recommended delivery strategy</p>	October 2017	Capital Projects Group in conjunction with Finance / Procurement to add the hold point within the approved PMM framework
<p>Recommendation 7 – Business Case and Investment Decision</p> <p>7.1 Expand the project initiation process to require preparation of a business case for major or high impact projects that will clearly identify project objectives, cost and benefits and facilitate an informed investment decision</p> <p>7.2 To ensure that the capital procurement process is not over burdened with unnecessary business case documentation, the scale / extent of the business case requirement could be linked to the Project Impact Assessment process (refer Recommendation 6)</p>	<p>October 2017</p> <p>December 2017</p>	<p>To be carried out by Capital Projects Group in collaboration with Finance and Major Capital Works Groups as part of the implementation of Recommendation 3, on projects identified from Community Strategic Plan</p> <p>To be carried out in conjunction with the implementation of Recommendation 6</p>

Recommendation	Timeframe	Comment
Service / Investment		
7.3 The Business Case should be reviewed prior to accepting a tender and following project completion (refer Recommendation 14) to identify any differences between actual outcomes and the Business Case objectives / desired outcomes	October 2017 and ongoing	To be carried out with the other recommendations augmenting the Project Initiation phase of the PMM
<p>Recommendation 8 – Identify Sustainability Goals</p> <p>Clearly identify sustainability objectives to be included / realised by the project early in project definition and incorporate these objectives in all stages of project implementation and delivery i.e. the objectives become part of the value for money measure of project success</p>	Ongoing	All Asset Groups to consult with Natural Environment and Climate Change in the development of project objectives for major capital works

Recommendation	Timeframe	Comment
Strategic Procurement		
<p>Recommendation 5 – Develop a Strategic Procurement Program</p> <p>5.1 Undertake a strategic review of procurement opportunities to establish a strategic procurement program, and thereby realise value add opportunities across the full gamut of Council's capital works programs</p> <p>5.2 Following establishment of the strategic procurement program, an annual review should occur as a Council planning cycle requirement</p>	<p>December 2017 and ongoing</p> <p>June 2018</p>	<ul style="list-style-type: none"> Each Asset Group is to review forward works program to ensure relevancy and accuracy (Oct 2017) The forward works programs are to be forwarded to the Capital Works Group (Senior Managers) to identify possible value adding opportunities (Nov 2017) The results of this exercise is to be forwarded to Procurement for input into the wider procurement strand of Council's services integration program (Dec 2017) The Capital Works Group is to be supported by the Capital Projects Group <p>Capital Works Group (i.e. Senior Managers) to be responsible carriage for the annual review, including benchmarking savings / efficiencies of strategic procurement program</p>
5.3 Development of the Strategic Procurement Program should be undertaken as priority action as part of the procurement strand of Council's services integration program	February 2018	To be implemented in conjunction with the actions identified under Recommendation 5.1
<p>Recommendation 6 – Project Impact Assessment (Scalability)</p> <p>6.1 Develop a Project Impact Assessment tool as a basis for identifying projects that would:</p> <ul style="list-style-type: none"> Require Capital Projects Group's involvement in the project's 	December 2017	<ul style="list-style-type: none"> Capital Projects Group Identify available options for consideration by Procurement and Capital Works Groups

Recommendation	Timeframe	Comment
Strategic Procurement		
<ul style="list-style-type: none"> scope development Be subjected to enhanced project feasibility and implementation requirements e.g. business case and procurement strategy assessment 		<ul style="list-style-type: none"> Develop and implement a tool Link to revised Project Initiation Phase (i.e. Recommendations 3, 4 and 7) and include in the PMM
<p>6.2 Establish Impact related project requirements that dictate:</p> <ul style="list-style-type: none"> Governance requirements, including internal and external consultation Capital Projects Group's involvement in the project's scope development Project feasibility and implementation requirements e.g. business case and procurement strategy assessment, including contract arrangements and general conditions 	December 2017	Requirements are to be developed in conjunction with implementing the Project Impact Assessment Tool

Recommendation	Timeframe	Comment
Project Budgets		
<p>Recommendation 9 – Budget Reliability</p> <p>Adopt the following 5 Step 'Best Practice' approach for the preparation and management of capital works budgets:</p>		

Recommendation	Timeframe	Comment
Project Budgets		
1 Project Scope Definition – ensure initial project scope clearly defines the required functionality / performance requirements	July 2017	To be implemented as part of the changes to the Project Initiating Phase under Recommendation 4
2 Base Estimate – adopt a consistent whole-of-council approach and / or understanding to estimate preparation. The Base Estimate should include all costs such as staff, approval / certification, design, construction, contingencies (risk based and general) and administrative costs	December 2017	Whole-of -Council budget / accounting policy to require all project costs to be included in preparation and management of project budgets
3 Risk and Contingency Allowances – apply a risk based approach to contingency allocation i.e. the contingency allowance to reflect the project phase, market conditions and associated risk profile		<ul style="list-style-type: none"> • Risk based approach to budget contingency allocation to developed by the Major Capital Works Group in collaboration with Finance and oversighted by the Capital Works Group (Senior Managers) • Implementation is to commence January 2018 and be embedded within the PMM by March 2018
4 Budget Review – establish an annual budget review process (including CPI variances) to ensure projects included in forward programs reflect the anticipated final out turn cost	June 2018	To be implemented in conjunction with strategic procurement program (Recommendation 5.2)
5 Change Management – implement a project change management process that will manage scope change and ensure any scope change request identifies the budget / cost impacts	March 2018	<p>Develop a Scope Change Management process to apply to any pre and post contract award changes. Key elements to include:</p> <ul style="list-style-type: none"> • Establishment of an approved Project Scope

Recommendation	Timeframe	Comment
Project Budgets		
		<p>Statement as part of the project feasibility stage</p> <ul style="list-style-type: none"> Where the project is to be delivered over time or in stages, individual works packages are to be framed in the context of the overarching Project Scope Statement A Scope Change approval process to be established within the overall governance arrangements for project delivery

Recommendation	Timeframe	Comment
Procurement and Delivery		

Recommendation	Timeframe	Comment
Procurement and Delivery		
<p>Recommendation 12 – Procurement Manual</p> <p>Review / recast (medium to longer term) the Procurement Manual to place a greater emphasis on what can be done i.e. encourage innovation in procurement</p>	June 2018	To be carried out within wider procurement strand of Council's services integration program.
<p>Recommendation 13 – Contract Management</p> <p>Establish a whole-of-council contract management system that would be incorporated as part of the Project Management Methodology. Significant elements of the system exist in the practices variously used by different groups within Council and / or project e.g. the major projects 'Project Dashboard'</p>	June 2018 and ongoing	<ul style="list-style-type: none"> Capital Projects Group to identify various practices been used across Council Using best of the existing practices develop a contract management system for incorporation within the PMM Obtain the Capital Works Group endorsement prior to implementation
<p>Recommendation 14 – Post Completion Reviews</p> <p>Post Completion Review should be carried out on all major capital works, identifying any differences to actual outcomes with the project objectives and desired outcomes identified in the Business Case. The lessons learnt from these reviews should be recorded and maintained by the Capital Projects Group and provided to those responsible within the Asset Groups for the initiation / planning of major works</p>	September 2017	<ul style="list-style-type: none"> Requires reinforcing and highlighting the requirement for Project Completion reports within PMM Copies of all future Post Completion Reviews to be forwarded to the Capital Projects Group
<p>Recommendation 15 – Centre of Excellence</p> <p>Consistent with Recommendations 1, 2 and 6, the Capital Projects Group</p>		

Recommendation	Timeframe	Comment
Procurement and Delivery		
should be developed as a centre of excellence in capital works procurement. This would include		
15.1 Identifying (from existing good practice) developing and maintaining whole-of-council practice	June 2018 and ongoing	<ul style="list-style-type: none"> Identify, review and document current practices across Council To be carried out in conjunction with the implementation of Recommendation 13
15.2 Involvement in decisions on the project initiation phase especially project scope, service delivery and procurement strategies for all major projects	December 2017 and ongoing	To be implemented in conjunction with Recommendation 6
15.3 For any current AS4000 series contracts, the Executive Manager, Major Capital Projects Group should be nominated as the Superintendent for those contracts	August 2017	<ul style="list-style-type: none"> Initially identify all contracts over \$0.5M and transfer the role of Superintendent to the Capital Projects Group or GM or CEO as appropriate. The Capital Projects Group is to identify organisational arrangements to carry out this role (i.e. roles and responsibilities with the Group) Advise all affected contractors of the change in the role of Superintendent For all future / transitional contracts the Superintendent is to be located within the Capital Projects Group.
15.4 Administer and co-ordinate training in administering capital works contracts and in the use of Council's Project Management Methodology	December 2017	<ul style="list-style-type: none"> Identify all current training programs In conjunction with the Capital Projects Group and Procurement identify training requirements Finalise integrated program in collaboration with Procurement, Legal and Human Resources

Recommendation	Timeframe	Comment
Contracts – how we do business		
<p>Recommendation 10 – Principal’s Authorised Person Contract Model</p> <p>Council transition to a Principal’s Authorised Person (PAP) contract model in place of the current AS4000 suite of contracts</p>		To be Implemented in Conjunction with Recommendations 11.2 and 11.3
<p>Recommendation 11 – General Conditions of Contract</p> <p>On the basis that Council adopts Recommendation 10, the following General Conditions of Contract are recommended:</p>		

Recommendation	Timeframe	Comment
Contracts – how we do business		
11.1 For low risk – low impact works up to \$250K, adopt the NSW Government nine (9) page Mini Minor Works General Conditions of Contract	March 2018	<ul style="list-style-type: none"> Capital Projects Group in consultation with Legal and Procurement to review and amend Mini-Minor Works to meet Council's requirements Revised contract (which should be in keeping with intent of the Mini-Minor Works Contract) to be used for all low risk–low impact works
11.2 For medium risk – medium impact works over \$150K and up to \$1.0M, adopt the NSW Government MW21 General Conditions of Contract	June 2019	<ul style="list-style-type: none"> Capital Projects Group in consultation with procurement, Legal and other key stakeholders to review contracts to identify the how Council wants to conduct business including risk profiles variances with current suite of AS contracts (by March 2018)
11.3 For high risk – high impact works over \$1.0M, adopt the NSW Government GC21 (Edition 2) General Conditions of Contract	June 2019	<ul style="list-style-type: none"> Develop transition program to preferred form of contract (by June 2018) Target full Implementation of revised suite of contracts by June 2019