

AGENDA

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

Tuesday 27 October 2015

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



Rik Hart
General Manager

Issued: 21 October 2015

OUR VISION

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

OUR VALUES

Respect

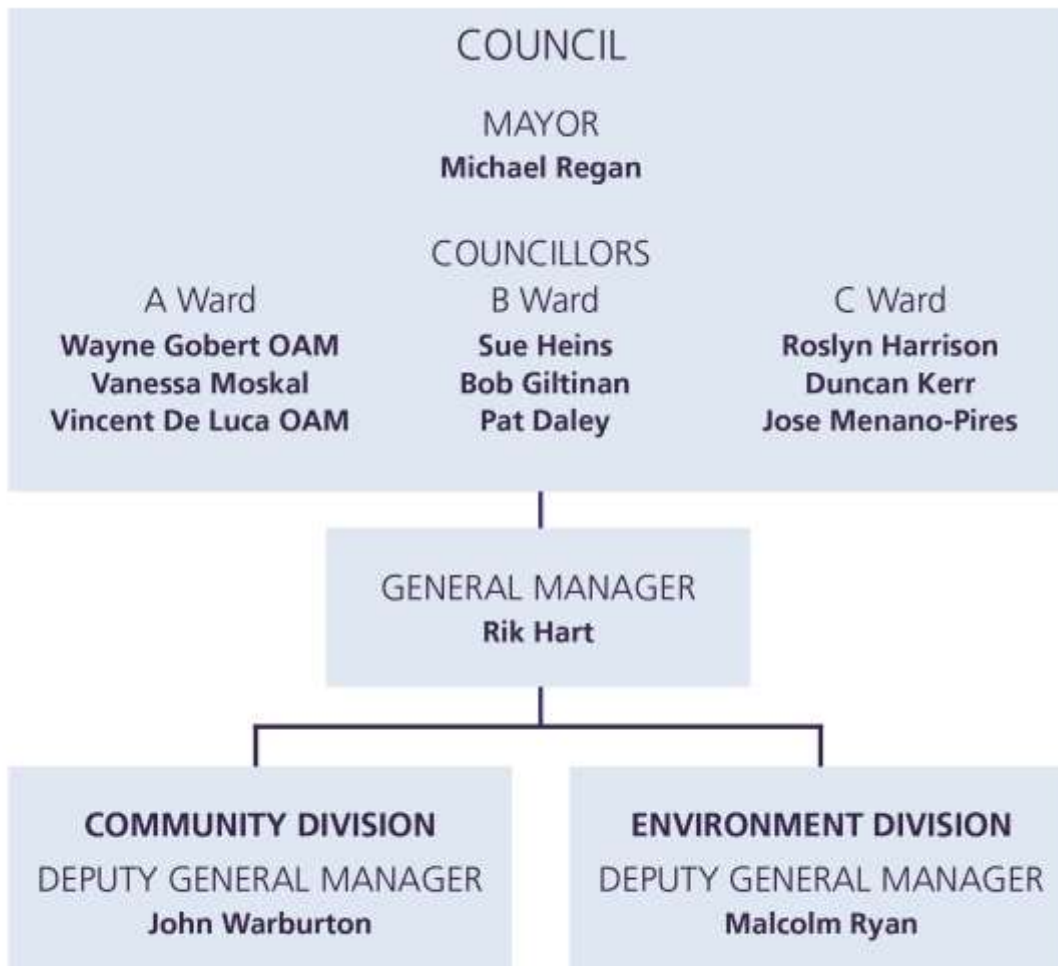
Integrity

Teamwork

Excellence

Responsibility

ORGANISATIONAL STRUCTURE



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 27 October 2015
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ACKNOWLEDGEMENT OF COUNTRY

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(Report not available at the time of publishing and will be circulated prior to the meeting)

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 SEPTEMBER 2015

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 22 September 2015, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 GENERAL MANAGER'S REPORTS

ITEM 6.1	MINUTES OF THE SHOROC INC BOARD MEETING HELD 2 SEPTEMBER 2015
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2015/274055
ATTACHMENTS	1 Minutes of the SHOROC Inc Board Meeting held 2 September 2015 (Included In Attachments Booklet)

REPORT

PURPOSE

To report the decisions of the SHOROC Incorporated Board Meeting held 2 September 2015 for the Council's information.

REPORT

Shore Regional Organisation of Councils (SHOROC) is a partnership between the councils that make up the region of the Northern Beaches from Bradleys Head to Barrenjoey – Manly, Mosman, Warringah and Pittwater councils. SHOROC meets quarterly every year and is led by a Board consisting of the four council's Mayors and General Managers.

The Board of SHOROC Incorporated met at Brookvale on Wednesday 2 September 2015. Minutes from the SHOROC Incorporated Board Meeting are submitted for Council's consideration

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That the Minutes of the SHOROC Incorporated Board Meeting held 2 September 2015 be noted.

ITEM 6.2	MONTHLY FUNDS MANAGEMENT REPORT SEPTEMBER 2015
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2015/296790
ATTACHMENTS	1 Application of Funds Invested (Included In Attachments Booklet) 2 Councils Holdings as at 30 September 2015 (Included In Attachments Booklet) 3 Investment Portfolio at a Glance (Included In Attachments Booklet) 4 Monthly Investment Income vs. Budget (Included In Attachments Booklet) 5 Economic Notes (Included In Attachments Booklet)

REPORT

PURPOSE

To report the balance of investments held as at 30 September 2015.

Certification – Responsible Accounting Officer

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

REPORT

The following attachments are provided as part of the Report:

1. Application of Funds Invested
2. Council's Holdings as at 30 September 2015
3. Investment Portfolio at a Glance
4. Monthly Investment Income vs. Budget
5. Economic Notes

FINANCIAL IMPACT

Actual year to date investment income to 30 September 2015 was \$690,883 compared to budgeted income of \$688,424, a variance of \$2,459.

POLICY IMPACT

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

Performance over the 2015/16 financial year to date, September 2015, is strong having exceeded the benchmark: 3.13%pa vs. 2.53%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing cash flow.

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The report indicating Council's Funds Management position as at 30 September 2015 is noted.
 - B. The Certificate of the Responsible Accounting Officer is noted and the report adopted.
-

ITEM 6.3	QUARTERLY BUDGET REVIEW STATEMENT SEPTEMBER 2015
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2015/282076
ATTACHMENTS	1 Quarterly Budget Review Statement September 2015 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To present the Quarterly Budget Review Statement for September 2015.

SUMMARY

The Quarterly Budget Review Statement for September 2015 is in a separate Attachment Booklet and is a progress report on the Delivery Program 2015-2019 and Operational Plan 2015/16.

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

The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$74,311 to \$13,562,963. This principally relates to the "Waste Less Recycle More" project expenditure which is funded from a grant received in June 2015 which therefore will not impact on Council's working capital

Of 121 actions covered by the report, 98% (or 119) are progressing in accordance with agreed timeframes (either completed or on schedule), and 2% (or 2 projects) are behind schedule.

FINANCIAL IMPACT

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

POLICY IMPACT

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

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The September 2015 Quarterly Budget Review Statement be noted.
 - B. The following changes to the Current Forecast in the September 2015 Quarterly Business Review Statement be approved:
 - a. The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$790,685 to \$18,465,828
 - b. Increase in capital expenditure by \$4,454,256.
-

REPORT

BACKGROUND

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

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

Income Statement

The result for the three months ended 30 September 2015 shows some variations between budgeted and actual results. Comments have been provided by responsible budget managers and the forecasts have been amended where necessary. The reports for the 17 services included in the 2015 Community Strategic Plan are each provided separately.

Forecast Changes

These overall movements are detailed in the table below:

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Income From Continuing Operations	179,680,074	179,680,074	0	180,361,541	681,467
Total Expenses From Continuing Operations	(162,004,931)	(162,004,931)	0	(161,895,713)	109,218
Surplus / (Deficit) from Continuing Operations	17,675,143	17,675,143	0	18,465,828	790,685
Surplus/ (Deficit) before Capital Grants & Contributions	13,637,274	13,637,274	0	13,562,963	(74,311)

The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$790,685 to \$18,465,828. This increase is principally due to additional grants including funding from the Department of Infrastructure and Regional Development towards Roads to Recovery of \$503,723 and an additional contribution from the Roads and Maritime Services towards road improvements of \$230,000.

The significant changes which result in an increase of \$681,467 in the forecast Income from Continuing Operations are as follows:

- User Charges & Fees are forecast to decrease by \$373,830. This is principally related to a decrease in Road Restorations income of \$290,000 due to reduced public utility restorations, a decrease in fee income within Information and Libraries of \$105,484 due to lower fees from member book holds and events and a reduction in fee income at Glen Street Theatre of \$41,254 reflecting current Box Office trends. These decreases are partially offset by increases in Children's Services Mobile Occasional Care income of \$46,171, Development Assessments planning and building fees income of \$10,000 and increased floodplain works fees of \$6,737.
- Other Revenues are forecast to increase by \$20,103. This is predominantly due to additional income within Information and Libraries of \$49,000 from overdue library books and an increase within Corporate Support of \$9,500 relating to fuel tax credits. These increases have been partially offset by a reduction within Glen Street Theatre of \$30,272, and reductions in Cultural Services of \$7,000 and Children's Services of \$1,125.
- Grants & Contributions – Operating Purposes have been forecast to increase by \$140,198. This principally relates to an increase in Natural Environment of \$167,563 for additional

grants relating to Coast, Lagoons, Bushland, Biodiversity and Floodplain works of \$86,287 and additional contributions of \$81,276 from the Rural Fire Service for masterplanning works. This has been partially offset by a decrease of \$27,365 within Children's Services for reduced salary grants due to lower utilisation within Inclusion Support.

- Grants & Contributions – Capital Purposes have been forecast to increase by \$864,996. This principally relates to increases in Roads and Traffic of \$739,996. These include grants from the Department of Infrastructure and Regional Development of \$503,723 for road resheeting as part of the Roads to Recovery funding, additional Roads and Maritime Service contributions of \$230,000, \$4,000 for the Regional Road Block Grant Road Component and a \$2,273 resident contribution for the relocation of a bus seat. Additionally Parks, Reserves and Foreshores are forecasting to receive a contribution of \$105,000 from the Warringah Netball Association for lighting upgrades at John Fisher Park and Corporate Support are forecasting to receive a contribution of \$20,000 from the Manly Warringah Women's Resource Centre for additional works on the centre.
- Gains on Disposal of Assets have been forecast to increase by \$30,000 within Corporate Support due to additional income anticipated from the disposal of motor vehicles.
- The significant changes which result in a decrease of \$109,218 in the forecast Expenses from Continuing Operations are as follows:
- Employee Benefits & Oncosts are forecast to increase by \$74,864. This principally relates to an increase within Children's Services of \$75,109 due to additional staffing requirements as a result of higher than anticipated utilisation at the Brookvale Children's Centre which has been offset by higher User Charges and Fees and lower Materials and Contracts. Parks, Reserves and Foreshores are forecasting an increase of \$16,000 for training. Waste are forecasting an increase of \$15,000 for additional casual staff associated with the 'Waste Less Recycle More' grant funded project, Natural Environment is forecasting an increase of \$13,740 and Development Assessments an increase of \$11,500. These increases have been partially offset by a reduction of \$56,484 within Information and Libraries due to vacancies.
- Materials and Contracts have been forecast to decrease by \$233,708. This is principally due to decrease of \$290,000 within Roads and Traffic due to reduced public utility restorations noted above. Glen Street Theatre are forecasting to decrease by \$71,526 due to lower royalty payments and performance fees. Corporate Support are forecasting to decrease by \$52,044 due to lower maintenance and servicing costs and the reallocation of \$18,000 of information technology costs to capital expenditure. Children's Services are forecasting to decrease by \$40,510 due to lower cleaning costs and Development Assessments are forecasting to decrease by \$1,500. These decreases have been partially offset by an increase of \$167,562 within Natural Environment for Coasts, Creeks and Lagoons, Biodiversity and Rural Fire Service Masterplanning works relating to the additional grant and contribution funding noted. Waste are forecasting to increase by \$77,308 for illegal dumping project investigation works associated with the 'Waste Less Recycle More' grant funded project noted above.
- Other Expenses are forecast to increase by \$49,626. This principally relates to an increase within Corporate Support for vehicle insurances of \$56,432 and an increase in Children's Services of \$194 which has been partly offset by a reduction of \$7,000 within Waste.
- The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$74,311 to \$13,562,963. This principally relates to the "Waste Less Recycle More" expenditure noted above in Materials and Contracts which is funded from a grant received in June 2015 which therefore will not impact on Council's working capital.

Capital Works

Expenditure on Capital Works for the three months ended 30 September 2015 totalled \$9,010,046

	YTD Actual \$	YTD Forecast \$	Variance \$
Total Capital Expenditure	9,010,046	12,491,173	3,481,128

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

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Capital Expenditure	58,436,395	60,441,165	(2,004,770)	64,895,421	(4,454,256)

Description	\$
Changes by Council Resolution during the first quarter:	
Forestville Sportsfields - Synthetic Surface and Ancillary brought forward to 2014/15 Item 8.3 - 28 April 2015	1,010,500
Sporting Club Capital Assistance - reallocation to 2016/17 Grant Program Item 7.4 - 23 June 2015	47,453
Reallocation of Funds Rolled Over from the 2014/15 Budget Item 6.1E - 4 Aug 2015	(3,062,623)
	(2,004,770)
Changes identified in the Proposed Forecast	
Description	\$
Manly Warringah Women's Resource Centre Renewal	(20,000)
Bus Stop Renewal	(2,273)
JFP Netball Lighting Upgrade Stage 2	(105,000)
Road Resheeting Program	(737,723)
Fisherman's Beach Seawall	(550,000)
South Curl Curl Beach Sea wall Works	(580,000)
Storm Damage - Oxford Falls Road	(323,570)
IT Software - New Works	(18,000)
Floodlighting Renewal Program	37,500
Parks Major Works Program	(17,500)
Manly Dam Trail Renewal	(20,000)
IT Infrastructure - New Works	(40,000)
IT Infrastructure - Renewals	40,000
Kimbriki - Cell Development	(862,418)
Kimbriki - Office and Amenities	(709,894)
Kimbriki - Leachate Treatment Plant	(169,176)
Kimbriki - Other	(135,848)
Kimbriki - Other (New Weighbridges)	(500,000)
Dee Why - Design & Construction - Traffic and Streetscape	95,617
North Narrabeen - Landscape Masterplan	95,175
Walter Gors Reserve & Shared Walkway Dee Why Pde	68,853
Other Forecast Changes Total	(4,454,256)
Total Net Changes identified in the Proposed Forecast	(4,454,256)
Total Net Changes	(6,459,026)

The changes above can be categorised into the following broad headings:

Description	\$
Works funded by additional Grants & Contributions	(864,996)
Works funded from Working Capital for unforeseen and unbudgeted expenditure such as storm works	(1,453,570)
Works funded by a transfer from Operational Expenditure	(18,000)
Kimbriki Environmental Enterprises Projects carried forward from 2014/15	(1,877,335)
Kimbriki Environmental Enterprises Projects brought forward from 2016/17	(500,000)
Works deferred to future years	259,645
Total	(4,454,256)

Performance Against Key Actions

A total of 121 actions are contained within the Attachment Booklet. “Traffic light” indicators are used in the Quarterly Budget Review Statement to show overall progress. Comments on progress are provided against each action in the report and where the action is not on schedule to explain the reason for delay.

The September 2015 results are as follows:

- 119 actions are on schedule
- 2 actions are behind schedule

FINANCIAL IMPACT

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

POLICY IMPACT

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

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	INTERNAL AUDIT ANNUAL REPORT 2014/2015
REPORTING MANAGER	GROUP MANAGER BUSINESS & ENTERPRISE RISK
TRIM FILE REF	2015/231966
ATTACHMENTS	1 Internal Audit Annual Report 2014/2015

EXECUTIVE SUMMARY

PURPOSE

To present the Internal Audit Annual Report 2014/2015.

The purpose of the Internal Audit Annual Report is to summarise the Internal Audit activity over the relevant period, and to include an overall opinion on Council's risk management, control and governance arrangements.

SUMMARY

In 2014/2015, Internal Audit at Warringah Council successfully completed a range of audits to ensure that management practices, internal controls and overall governance continues to be strong. Six audits and special reports were completed throughout the year. Additional governance and better practice work was also undertaken.

Within 2014/2015, Council also successfully commenced their outsourced Internal Audit model with Ernst & Young.

The Audit and Risk Committee Chair has commended Council for its well-resourced and managed Internal Audit function.

FINANCIAL IMPACT

All costs associated with undertaking the 2014/2015 program of audits was fully funded from within the Internal Audit operational budget.

POLICY IMPACT

All works undertaken were consistent with Council's Audit and Risk Committee and Internal Audit Charters.

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council endorse the Internal Audit Annual Report 2014/2015, including its upload onto Council's website.

REPORT

BACKGROUND

Warringah has had an Internal Audit function in place since 2005. This has been supported by an independent and robust Audit and Risk Committee (ARC) that provides additional oversight of Council's practices and levels of governance.

In 2014/2015, Council successfully commenced an outsourced Internal Audit model with the recently appointed international Chartered Accounting firm, Ernst & Young (EY). Internal Audit successfully completed a number of audits to ensure that management practices and governance continues to be strong.

The Internal Audit Annual Plan was coordinated by EY and the Group Manager Business and Enterprise Risk. The implementation of the Plan was overseen by the ARC and Internal Audit Management Committee (IAMC), and the Executive Management Team (EMT).

Six audit assignments were conducted - all of them by EY, and centrally managed by the Group Manager Business & Enterprise Risk. Each audit was also reported to the EMT, the IAMC and the ARC for their review and endorsement. One additional assignment had not reached final signoff by the end of the financial year, but had reached substantial completion.

With EY's broad expertise and insights, Council also developed its Strategic Risk Register, which is a list of those risks that have the greatest potential to impact on Council's ability to deliver its services. This strategic risk assignment was conducted first, enabling the audits to focus on these most significant areas of Council's operations.

Overall, Council was found to be compliant with relevant Government legislation and policies.

The recommendations for improvement that were contained within the individual audit reports principally relate to:

- There is a need to continue strengthening the effectiveness of internal controls.
- There is opportunity to further develop systems and processes generally to improve efficiency and management oversight of issues and performance.
- There is a need for more consistent and effective documentation of procedures.
- The closing out of outstanding audit recommendations continues to be a priority, and is monitored by the EMT and the ARC.

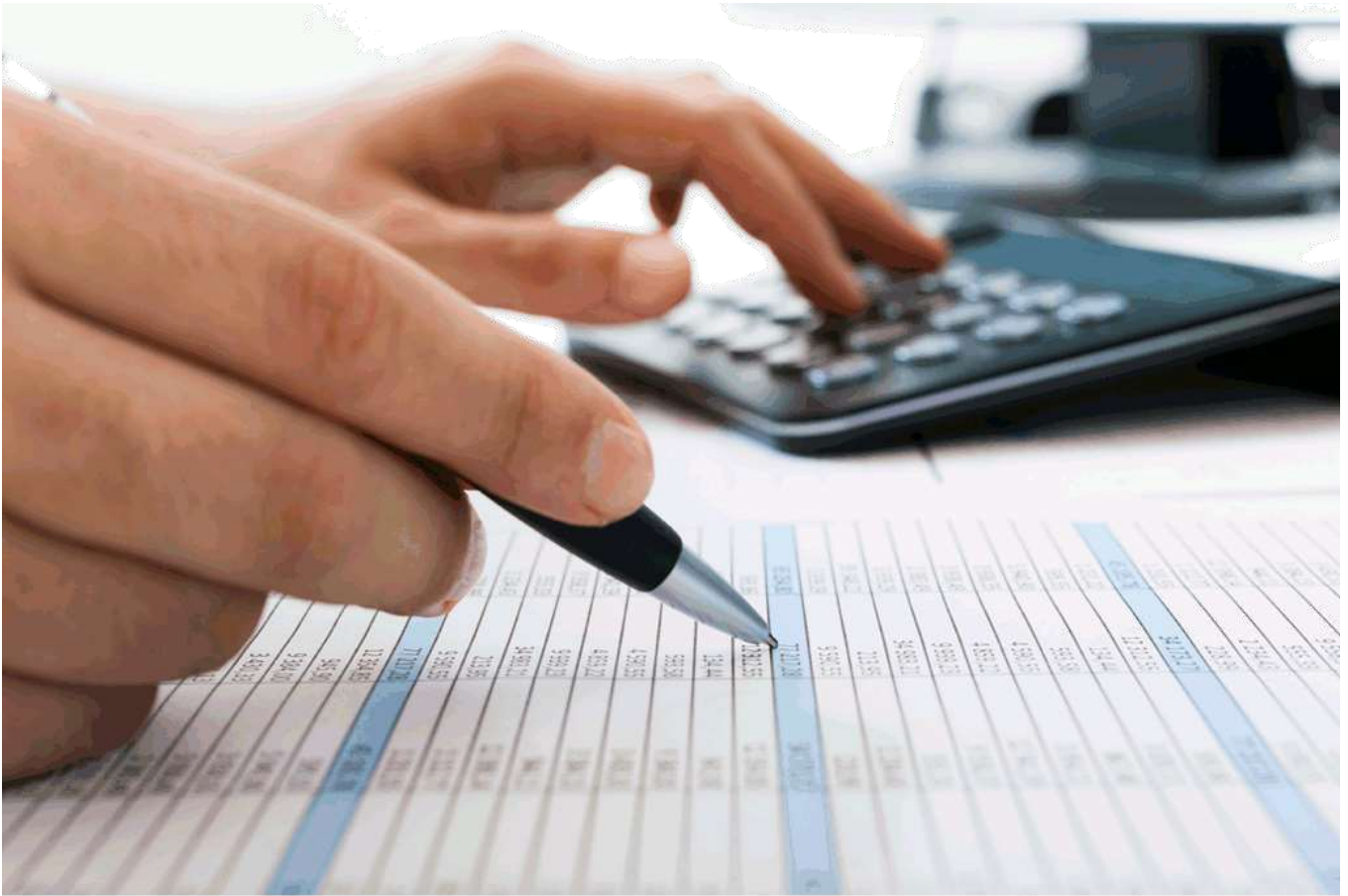
In 2014/15, Internal Audit continued to strengthen its integration with other governance functions within the organisation, including Enterprise Risk Management, the Office of the Internal Ombudsman, Legal, Human Resources, Workplace Health & Safety, Finance, Insurance and Information Management & Technology.

FINANCIAL IMPACT

All costs associated with undertaking the 2014/2015 program of audits was fully funded from within the Internal Audit operational budget, and consistent with the contract provisions with EY.

POLICY IMPACT

All works undertaken were consistent with Council's Audit and Risk Committee and Internal Audit Charters.



INTERNAL AUDIT ANNUAL REPORT

2014 - 2015

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WARRINGAH
COUNCIL

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Document Control

Version	Author	Date of Issue	Brief Description of Changes
1.0	Grp Mgr - B&ER	7 August 2015	Draft for ARC Review
2.0	Grp Mgr – B&ER	1 October 2015	Revised following ARC Review

TRIM Ref: 2015/303585.

Executive Summary

In 2014/2015, Council commenced a fully outsourced model for Internal Audit Services following a robust and extensive tender process whereby Ernst & Young were selected and engaged. This contract was managed by Group Manager Business & Enterprise Risk (BER). In the year, a range of internal audits and special projects have been undertaken and were overseen by the Audit and Risk Committee (ARC).

The Internal Audit Annual Plan was developed collaboratively by the Internal Auditor and Group Manager BER. Input from other Senior Managers and the ARC was also sought to set the Plan. Implementation of the Plan was overseen by the ARC and Internal Audit Management Committee (IAMC), and the Executive Management Team.

Before commencing with their audit work, EY were invited to facilitate a strategic risk process with senior management. By undertaking this work, they gained key insights into the Council's operations, and were able to build a strategic perspective. Once these risks had been identified and analysed, the Internal Audit Annual Plan was then devised, and it specifically listed reviews and audits of these risks. This helped to ensure that Internal Audit and Enterprise Risk Management were integrated from the outset, and also ensured that Internal Audit was being put to the most effective use.

The Internal Audit Annual Plan listed 7 audits and special projects for completion. The special projects were detailed risk assessments that were designed to assist Council with conducting deep dive reviews of several strategic risk exposures. Six of the assignments were completed in full, and the remaining project reached substantial completion.

The completed assignments contained considerable commentary on the positive observations made during fieldwork that set out the strength of the existing internal controls that are in place for each risk that was reviewed. The assignments also contained 26 discrete findings/areas for improvement. Importantly, there were no findings that were given an 'extreme' overall priority score for action. Of these findings, 11 were considered a 'high' overall priority for action, and a further 14 were considered a 'medium' overall priority – based on Council's Enterprise Risk Management Framework (ERMF). The remainder (1) was a 'low' (improvement) priority.

The findings had attached to them a range of recommendations for management to consider, and once endorsed by the ARC these were captured in the respective business plans of those business units that were responsible for them.

The recommendations for improvement that were contained within the individual audit reports principally relate to:

- There is a need to continue strengthening the effectiveness of a range of internal controls.
- There is opportunity to further develop systems and processes generally to improve efficiency and management oversight of issues and performance.
- There is a need for more consistency in the documentation and implementation of procedures, including training and awareness.

The closing out of outstanding audit recommendations continued to be a priority, and was monitored by the Executive Management Team and the ARC. Throughout the year, some 45 outstanding audit recommendations were closed out.

In 2014/15, Internal Audit continued to strengthen its integration with other functions within the organisation, particularly Enterprise Risk Management and the Office of the Internal Ombudsman.

In conclusion, the independent members of the ARC are pleased to be able to assure Warringah stakeholders that the internal audit function is appropriately resourced, well managed and respected by senior management and that Warringah is a leader in the field amongst NSW councils.

Introduction

Internal Audit at Warringah Council

Framework

Audit & Risk Committee

Council has in place an Audit and Risk Committee (ARC), whose charter states that their objectives are to:

1. "... provide independent assurance and assistance to Warringah Council on risk management, control, governance and external accountability responsibilities" and
2. "... ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal and External Audit Plans"

The ARC typically meets quarterly, and reports at least annually to Council. Its charter was most recently reviewed and adopted by Council in October 2013. Membership of the ARC in 2014/2015 was as follows:

1. Chair – Mr John Gordon, independent member
2. Committee member – Ms Liezel Preller, independent member
3. Committee member – Councillor Sue Heins
4. Committee member – Councillor Jose Menano-Pires

Council voted to elect the councillor members of the ARC.

In addition, the following were 'non-voting attendees' to ARC meetings – the General Manager, one Deputy General Manager, the Chief Financial Officer, the Internal Ombudsman, the Group Manager Business & Enterprise Risk, Governance staff (as minute takers), Council's appointed Internal Auditors (Ernst & Young), and a representative of Council's appointed External Auditors – Hill Rogers Spencer Steer. From time to time, other staff were invited to attend to speak towards specific areas of their control.

The ARC met 5 times in the financial year - in July, September and December 2014, and in February and May 2015.

Internal Audit Management Committee

Council also has in place an Internal Audit Management Committee (IAMC), whose focus is more operational than the Audit and Risk Committee.

Membership of the IAMC in 2014/2015 was as follows:

1. Chair – Mr John Gordon, independent member
2. Committee member – Ms Liezel Preller, independent member
3. Committee member – General Manager (Rik Hart)
4. Committee member – Deputy General Manager, Community (John Warburton)

In addition, the following were 'non-voting attendees' to IAMC meetings – the Chief Financial Officer, the Internal Ombudsman, the Group Manager Business & Enterprise Risk, Governance staff (as minute takers), Council's appointed Internal Auditors (Ernst & Young), and a

representative of Council's appointed External Auditors – Hill Rogers Spencer Steer. From time to time, other staff were invited to attend to speak towards specific areas of their control.

The IAMC met on the same days as the ARC (with the exception of the July 2014 ARC only meeting, where the Annual Financial Statements are considered).

Internal Audit

In 2014/2015, Council commenced a 4-year contract (based on annual reviews) with Ernst & Young (EY) for the provision of Internal Audit Services. EY are represented by their Engagement Partner, Melissa Broadhead; and their Engagement Manager, Will Asher.

The Internal Audit Services contract was administered by Group Manager B&ER, who is also responsible for the effective implementation of the Enterprise Risk Management Framework.

All Internal Audit activities (detailed below) were reviewed by the Group Manager B&ER, the Executive Management Team, the ARC and IAMC.

Internal Audit Function

Purpose

An effective Internal Audit function is a valuable resource for Warringah Council, management and employees, as well as for the Warringah community. Internal Audit is an essential component of good governance; therefore Council's proactive approach to the establishment and support of an Internal Audit function over the past 10 years demonstrates its commitment to improved governance and better practice.

As described by The Institute of Internal Auditors (IIA), *'an effective, professional internal audit activity can provide meaningful insights and assurance on all areas of risk, internal controls and governance'*.¹

Internal Audit encompasses Warringah's core values of respect, integrity, teamwork, excellence and responsibility, and helps to instil them throughout Council.

The internal audit function is governed by the Internal Audit Charter (approved by the ARC and IAMC) and the Audit and Risk Committee Charter.

Activities

Internal Audit used a suite of tools and techniques (interviews and workshops, assurance mapping and risk assessments) to investigate and understand the entire council organisation, and to identify all of the various functions, processes and deliverables throughout. As mentioned, to help give EY an effective introduction into Council's diverse operations, they were invited to host a strategic risk workshop with senior management. This exposure gave them a solid platform from which to understand the key issues that Council faces, and also where management believe that improvement can be made.

Based on the above work, EY prepared the following suite of documents to schedule their work on a 4-year horizon:

1. Strategic Internal Audit Plan – a 3-year document that gives the ARC and IAMC visibility of how Internal Audit proposes to undertake their work. This includes an indication of the areas of work that are proposed to be audited, and also the methodologies that are proposed.
2. Internal Audit Annual Plan – a yearly document that provides a detailed break down of each year's proposed program of audits.
3. Strategic Risk Assurance Map – a living document that captures the various assurance activities that have occurred in relation to each strategic risk. These activities include internal audit, external audit, and other external review/assurance type activities. The Assurance

¹ The Institute of Internal Auditors, Tone at the Top, issue 36, December 2007

Map provides a snapshot of where a particular risk may have minimal assurance activity against it, and therefore can be used to determine priorities for the Internal Audit Annual Plan.

4. Annual Report – reporting on the year completed and status of outstanding audit recommendations.

All of these documents are reviewed by the ARC and IAMC.

Since risks are not static, Internal Audit and the ARC assess requests for changes to priorities, based on input from Council's Executive Management team and on advice from Internal Audit and Group Manager BER.

As a result, some previously scheduled work may be re-assigned to different periods if it is deemed appropriate by management or the ARC.

Internal Audit also worked cooperatively with Council's External Auditors (Hills Rogers Spencer Steer) to ensure that both internal and external resources are used to the best effect and that efforts are not duplicated.

Scope of Annual Report

The purpose of this Internal Audit Annual Report (IAAR) is to summarise the Internal Audit activity over the period 01 July 2014 to 30 June 2015. In particular, the IAAR addresses:

1. Summarising the audit work undertaken during the year 2014/2015, and
2. Reporting on the implementation of audit recommendations.

Program Of Works

Internal Audit Annual Plan 2014/2015

Table1 below lists the audits and special projects (risk assessments) that were proposed to be undertaken in the 2014/2015 Internal Audit Annual Plan (IAAP). The IAAP was endorsed by the ARC at their September 2014 Meeting, after the Strategic Risk work had been completed and was endorsed by the EMT.

#	Audit Title
1	Project Management (Business Cases) (plus additional risk workshop)
2	Public Liability Exposures
3	Legislative Compliance
4	Corporate Credit Cards (Data Analytics)
#	Special Project Title
5	Strategic Risk Management Workshop (including a review of Enterprise Risk Management Framework and approach)
6	Child Protection Measures (risk assessment)
7	Fraud & Corruption Prevention Plan (including risk assessment)

The Annual Plan did not change throughout the year.

Status of Audits Undertaken in 2014/2015

The table below lists the status of all audits and special projects that were undertaken in 2014/2015. Included is the number of audit findings contained in each report, and they are ranked their overall Risk Rating score (High/Medium/Low), based on Council's adopted Enterprise Risk Management Framework. Each finding results in one or more recommendations for improvement.

No 'Extreme' audit findings were made in any 2014/15 audit.

#	Audit Title	Status	# High Findings	# Med Findings	# Low Findings	# Recs
1	Strategic Risk Management Workshop (including a review of Enterprise Risk Management Framework and approach)	Completed		6		6
2	Project Management (Business Cases) (plus additional risk workshop)	Completed	3			11
3	Corporate Credit Cards (Data Analytics)	Completed		1	1	5
4	Public Liability Exposures	Completed	2			7
5	Legislative Compliance	Completed	3			10
6	Child Protection Measures (risk assessment)	Completed	3	7		10
7	Fraud & Corruption Prevention Plan (including risk assessment) *	Substantially Completed	TBC	TBC	TBC	TBC

* - The Fraud & Corruption Prevention Plan fieldwork and subsequent draft reporting was completed in 2014/15, and supplied to Council for comment. Due to competing priorities, this

document remains a draft that is with management for comment. The report will be finalised by September 30 and endorsed by the ARC and Leadership Group. Due to a number of factors outlined below, the Fraud & Corruption Prevention Plan reached substantial completion by the end of the year.

Factors affecting the complete delivery of the 2014/15 Internal Audit Annual Plan, none of which were related to EY's performance:

- The Internal Auditors commenced at Warringah in July 2014. They had no prior knowledge of Council's operations, activities and risk exposures, and required some time to gain an understanding of these elements – plus our people and systems.
- In addition to this, EY's first deliverable was to conduct the Strategic Risk Workshop. This took some weeks to finalise, which hampered their ability to commence the Internal Audit Annual Plan, and therefore any audits. Audit fieldwork did not commence until November 2015.
- The nature of the audits and special projects on the Plan were all quite complex in their scope, and were dealing with major procedures and systems of work. Therefore, adequate time and resource was applied to them to ensure that they were high quality.
- Several times throughout the year, management had competing priorities, particularly in relation to major local government reform, and were not necessarily always promptly available to participate in audit fieldwork, exit meetings or document reviews.
- The preparation of a Fraud and Corruption Prevention Plan (and corresponding risk assessment) is a considerable undertaking, and for a local government entity this involves consultation with a large number of internal stakeholders. This work therefore had to be undertaken amongst competing priorities, and was not compromised to meet the end of financial year deadline.
- Significant resource was given to successfully embedding the new (outsourced) Internal Auditor, reducing staff availability to participate in particular audits;
- Priority was given to supporting the business groups in conducting operational risk assessments.

Synopsis of Findings & Recommendations

The message that was consistent in the audits and special projects undertaken in 2014/15 is that Council has strong governance arrangements, and adequate internal controls and oversight of those processes that were audited. Overall, Council was found to be compliant with legislation and policy.

The recommendations for improvement that were contained within the individual audit and special project reports principally relate to:

- There is a need to continue strengthening the effectiveness of internal controls.
- There is opportunity to further develop systems and processes generally to improve efficiency and management oversight of issues and performance.
- There is a need for more consistent and effective documentation of procedures, and their implementation.

In summary, some of the benefits of the internal audits and special projects conducted for the financial year 2014/15 include:

- Providing management with more insight into their key risk exposures.
- Validation of the effectiveness of those internal controls that are in place
- Strengthening of certain internal controls that required it

- Improved management practices (e.g. oversight and decision making), and administration
- Process improvement and streamlining, including automated IT system-based processes
- Practical action plans to address high risk exposures/inefficiencies
- Overall, assisting in furthering Council's reputation as a well-run and efficient organisation

Outstanding Audit Recommendations

All of the completed audits and special projects utilised Council's Enterprise Risk Management framework (specifically, the Likelihood, Consequence and Overall Score matrices) for determining the overall score of each finding and recommendation. This has been valuable in ensuring that all improvements are 'scored' using the same scale, and given a consistent priority. In turn, consistency of approach is a more effective outcome for Council to properly assess its high priority risks.

Many recommendations were interrelated and/or complemented other improvements already occurring throughout the business. Several will take up to 24 months to fully scope and resolve due to the complexity of the issue at hand.

At the end of the reporting period, there were 46 outstanding audit recommendations that remain a priority for management to implement.

A significant improvement has been implemented in the way that outstanding audit recommendations are captured and managed by Senior Management. They are included in a live dashboard and the respective business plans of each senior manager. This ensures that the recommendations are readily available and are given appropriate priority, and has resulted in their efficient implementation.

Other Relevant Developments

Towards the end of 2014/15, considerable work was undertaken to review the operational risks of Council. These risks had been captured in disparate MS Excel spreadsheets. They were reviewed for consistency of wording, and to align risks and promote cross organisational awareness and management. In addition, a view of those risks that require management to administer them was formed, and will become the basis for future assurance activity.

For the first time, the ARC wrote and published their first Annual Report, compiled by the ARC Chair. This document sets out the activities and outcomes achieved by the ARC in the corresponding period, and is available on Council's website – www.warringah.nsw.gov.au.

Conclusion / Observations

Group Manager Business & Enterprise Risk

By clearly setting out Council's strategic risk profile, Warringah has been able to make best use of the Internal Audit function – and the diverse skills and experience of EY – to gain assurance insights on the strength of our activities in relation to these important areas of our operations.

Consistent with the contract terms and conditions, a review of the Internal Auditor's performance was undertaken at the end of their first year of activity. This review assessed their performance across a spectrum of KPI measures including:

- Adding value to business operations and overall effectiveness
- Meeting all responsibilities set out in the ARC and Internal Audit Charters
- Attendance and proactive involvement in ARC Meetings
- Delivery of agreed audit assignments, as set out in the IA Annual Plan
- Timely and accurate completion of audit reports

I am pleased to advise that it is the view of the ARC and Senior Management that the Internal Audit Services contract is meeting its intended objectives. EY has established themselves as a trusted advisor to Senior Management and the ARC.

Adam Vine – Group Manager Business & Enterprise Risk

Warringah Council

Internal Auditor

I am pleased to attest that all of our internal audit work has been performed in accordance with the relevant Institute of Internal Auditors standards. Each audit assignment has set this undertaking out in the scopes and final reports that have been supplied to Council.

Further, I attest that all of our work was conducted in a highly collaborative and professional manner with Senior Management and staff from Council.

Melissa Broadhead - Partner, Risk

Ernst & Young

Audit & Risk Committee Independent Chair

Since 2003, the internal audit function has performed a broad range of reviews and developed recommendations for improvement. These recommendations have been adopted and implemented by management thus improving the control and compliance functions of Council and assisting in improving the quality of operations and management in virtually every area of Council.

The initiative to engage an outsourced internal audit function utilising the services of a leading international Chartered Accounting firm, has further enhanced the role and effectiveness of internal audit by introducing fresh, leading edge industry insights. My independent colleague, Liezel Preller, and I are pleased to be able to assure Warringah stakeholders that internal audit is appropriately resourced, well managed and respected by senior management and that Warringah is a leader in the field amongst NSW councils.

We also wish to acknowledge the harmonious and productive relationship and support the IAMC and ARC have with the executive team and thank our Councillor colleagues on the ARC for their support and advice during the year.

John Gordon – Independent Chair

Warringah Council Audit & Risk Committee

ITEM 7.2	FEES AND CHARGES FOR WARRINGAH AQUATIC CENTRE
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2015/297955
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the submissions received in response to the public exhibition and to recommend adoption of the fees and charges proposed for Warringah Aquatic Centre.

SUMMARY

At its meeting on 25 August 2015, Council approved to exhibit proposed new fees for Warringah Aquatic Centre for a period of 28 working days from 29 August to 22 September 2015.

The proposed fees will act to retain current swimmers and users of the facility. It will also encourage new customers to the facilities services. Further, the proposal will bring the Centre's pricing structure in-line with market rates at other comparative facilities.

The range of fees being proposed have been benchmarked against other comparative sites in NSW including Sutherland, Willoughby, Leichardt, Manly and Ryde Aquatic Centres.

Three submissions were received with the following feedback, one in support, two against:

1. Support for the new fees

Council response – The response was noted and the submitter was thanked for their input.

2. Pool programming – Feedback that the pool is over-programmed leaving little space for public swimming.

Council response – This was seen as a general comment as these fees will not have an impact on pool usage through swim programs.

3. Cost of entry – Feedback that residents should receive discounted entry

Council response – The fees have been benchmarked to be similar when assessed against comparative pools. The concept of providing a more flexible range of memberships gives regular swimmers better value for money.

FINANCIAL IMPACT

It is proposed that there will be a positive financial impact from an increase in patronage due to accessibility of the squad service.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council approve the following Fees and Charges for Warringah Aquatic Centre to enable and encourage flexible access to the facility and its services:

FEE DESCRIPTION	FEES FOR 2015/16
Child Annual Membership – 4-16 years of age Includes access to the centre for casual swimming and other events such as water polo and carnivals	\$636 Based on current percentage discount for Adult casual to Child casual entry
Child Monthly Membership – 4-16 years of age Includes access to the centre for casual swimming and other events such as water polo and carnivals	\$53 Based on Child Annual Membership divided by 12 months
Family Annual Membership – Max. 2 adults and up to 3 children Includes access to the centre for casual swimming, swim-fit for adults and other events such as water polo and carnivals	\$1808 Based on the total value of 2 adults and 3 children minus 50%
Additional Child Membership – 4-16 years of age <i>Sold in conjunction with a Family Annual Membership only</i> Includes access to the centre for casual swimming, swim-fit for adults and other events such as water polo and carnivals	\$318 Based on the total value of a Child Annual Membership minus 50% only available when sold in conjunction with a Family Annual Membership

8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	AMENDMENT TO ANIMAL MANAGEMENT POLICY PL 370
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2015/297034
ATTACHMENTS	1 Draft Amended Animal Management Policy PL 370

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to place the amended draft Animal Management Policy PL 370 on public exhibition for a period of 28 days.

SUMMARY

Cromer Park and the Forestville War Memorial Playing Fields have both recently been developed to incorporate synthetic sportsfields. Currently these sportsgrounds are not prohibited areas for dogs and Melwood Oval at Forestville is an approved off leash exercise area (restricted times). Melwood Oval now comprises two synthetic sportsfields and one natural turf field. While the synthetic sportsfields provide first class recreational facilities they are not suitable for dogs. As Melwood Oval is a popular off leash exercise area, it is proposed to offset the loss of the off leash dog area on the synthetic sportsfields by the creation of a new non-restricted off leash exercise area in the northern section of the Forestville War Memorial Playing Fields.

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

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

Also, the current off leash exercise area at Griffith park does not provide the 10m buffer around the Griffith park playground as required by the Policy. It is proposed to amend the off leash exercise area at Griffith park to include the required buffer.

FINANCIAL IMPACT

There are funds available in 2015/16 Parks Reserves and Foreshores budget for the proposed off leash exercise area in the northern section of the Forestville War Memorial Playing Fields.

POLICY IMPACT

The outcomes of the public exhibition of the amended draft Animal Management Policy PL370 will be the subject of a future report to Council.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council endorse the public exhibition of the amended Animal Management Policy PL 370 for 28 days as outlined in this report.

REPORT

BACKGROUND

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

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

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

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

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

The proposed amendments to the Policy are highlighted in the attached draft Animal Management Policy PL 370 and on as per below maps.

CONSULTATION

It is proposed to exhibit the amended draft Animal Management Policy PL370 for 28 days from Friday 30 October until Friday 27 November 2015. Engagement activities will include:

- A Your Say Warringah page
- Advertisements in the Manly Daily
- An onsite information session for residents nearby the Forestville Memorial Playing Fields
- Discussion of the proposed amendments with the Companion Animal Management Committee at its meeting in November 2015.

FINANCIAL IMPACT

There are funds available in 2015/16 Parks Reserves and Foreshores budget for the proposed off leash exercise area in the northern section of the Forestville War Memorial Playing Fields.

POLICY IMPACT

The outcomes of the public exhibition of the amended draft Animal Management Policy PL 370 will be the subject of a future report to Council.

Griffith Park Current Off Leash Exercise Area



Griffith Park Proposed Off Leash Exercise Area



Forestville Playing Fields Current Off Leash Exercise Area



Forestville Playing Fields Proposed Off Leash Exercise Areas



2015/296804

1 Purpose of Policy

To provide information on the keeping of animals within Warringah to:

- a) ensure residents' amenity is not impacted adversely by the keeping of animals
- b) safeguard wildlife and the environment
- c) promote responsible animal ownership

2 Principles

The principles by which Council will control and regulate the number of animals kept on premises are primarily in accordance with the *Local Government Act 1993* and *Companion Animals Act 1998*.

The Policy aims to:

- Inform the community of legal restrictions and acceptable limits which apply to keeping certain animals for domestic purposes.
- Provide guidance and advice to people on keeping animals within Warringah.
- Provide advice on where animals are restricted or prohibited within Warringah.
- To establish acceptable standards for the keeping of animals.
- Define criteria for unleashed dog exercise areas.

3 Policy Requirements

3.1 Keeping of Animals

Animal numbers should be kept in accordance with the requirements detailed in **Appendix One**.

Animals should be kept in a manner which does not:

- Create unclean or unhealthy conditions for people or animals
- Attract or provide a harbourage for vermin
- Create offensive noise or odours
- Cause a dust or drainage nuisance
- Create waste disposal problems or pollution problems
- Create an unreasonable annoyance to neighbouring residents or fear for safety
- Cause nuisance due to proliferation of flies, lice, fleas or other parasites.
- Cause harm to wildlife

Suitable shelter should be provided for all animals. The animals should be contained to prevent escape, and in some cases predation, by suitable fencing or caging depending on the species.

Certain animal shelters and facilities should not be erected or located without the prior approval of the Council. Residents should refer to the Warringah Local Environment Plan and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to determine which structures require development approval.

Notes:

- 1) Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Owners Corporation to be examined for requirements relevant to the keeping of animals. Council does not enforce property by laws.
- 2) Development Consent is required to be obtained from Council for a commercial activity involving the keeping of animals.

3.2 Unleashed Dog Exercise Areas

Under the *Companion Animals Act 1998* Council is required to provide at least one area designated for unleashed dog exercise at all times.

Before designating an area as an unleashed exercise area Council must:

- ensure the use of that area does not compromise the environment with particular reference to threatened species;
- undertake appropriate consultation with current users and stakeholders to ensure there is no conflict with these groups; and
- adequately signpost all unleashed dog exercise areas.

Users of the unleashed dog exercise areas must:

- ensure their dog is under supervision and effective control of a person age 16 or above; and
- remove any dog faeces (poo) and waste produced by their dog(s) and dispose of in a waste bin.

Council may allocate areas on either a permanent basis or restricted time basis.

Council may terminate the use of any area as an unleashed exercise area where deemed appropriate.

Approved unleashed dog exercise areas are listed in **Appendix 2**.

3.3 Prohibited Areas

Cats are prohibited from all Wildlife Protection Areas within Warringah (**Appendix 3**).

Dogs are prohibited from:

- All beaches and rockpools
- Creeks and Lagoons (unless signposted otherwise)
- Schools, preschools and childcare centres
- Within 10 metres of children's playgrounds
- Within 10 metres of food preparation areas (except on a public thoroughfare).
- Dee Why Lagoon Wildlife Refuge Area
- Long Reef Aquatic Reserve
- Deep Creek Reserve, Narrabeen (Wildlife Protection Area)
- Wildlife Protection Areas adjacent to the Narrabeen Lagoon Trail
- Middle Creek Reserve (Bushland portions)
- Wildlife Protection Areas adjacent to Middle Creek and Wakehurst Parkway
- The playing surface of Brookvale Park.
- [The playing surface of the synthetic sportsfield at Cromer Park field one](#)
- [The playing surface of the synthetic sportsfields at Forestville Memorial Playing Fields \(Melwood Oval\)](#)

Horses and other livestock are prohibited from:

- All beaches
- Creeks (with exception of the Bridle Trail in Terrey Hills) and Lagoons
- Sporting fields
- Bushland Reserves (with exception of the Bridle Trail in Terrey Hills and JJ Hills Melbourne Memorial Reserve)

3.4 Dogs in Outdoor Dining Areas

Under the *Companion Animals Act 1998*, since 2010, dogs are allowed in outdoor dining areas of cafes and restaurants under the following conditions:

- Consent of café or restaurant owner
- The area must not be enclosed and must be able to be entered by the public without passing through an enclosed area
- Dogs must be on a leash at all times
- Dogs must be on the ground at all times
- Dogs may be provided with drink but not food
- Dangerous and restricted dogs are prohibited

3.5 Animals Prohibited within Residential Areas

The following animals are not permitted to be kept in residential areas due to likely impact on health and amenity:

- Roosters
- Pigs
- Goats
- Sheep
- Horses (blocks less than 1000m²)
- Cattle

3.6 Variation to the Policy

Variations to this policy may be sought by making written representation to Warringah Council. Any proposal for a variation will be considered on a case by case basis.

3.7 Compliance

The compliance of this Policy will be managed under appropriate legislation and in line with the Compliance and Enforcement Policy PDS-PL 120.

4 Authorisation

~~This Policy was adopted by Council on 27 August 2013~~

~~It is effective from 28 August 2013~~

~~It is due for review on 28 August 2017~~

5 Amendments

This policy replaces

- a) ENV-PL 310 - Dog Control, Free-Run Areas
- b) ENV-PL 315 - Companion Animal Numbers in Residential Areas (Res 2a)
- c) ENV-PL 320 - Keeping non-companion animals on residential premises

6 Who is responsible for implementing this Policy?

Group Manager Parks Reserves and Foreshores

Group Manager Development Compliance Services

7 Document owner

Deputy General Manager, Environment

8 Related Council Policies

- a) Compliance and Enforcement Policy PDS-PL 120
- b) Enterprise Risk Management Framework Policy PL 700

9 Legislation and references

- a) *Local Government Act 1993*
- b) *Companion Animals Act 1998*
- c) *Protection of the Environment Operations Act 1997*
- d) Department of Primary Industry, *Code of Practice for Keeping Birds* (1996)
www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/aw-code-4
- e) Department of Primary Industry, *Beekeeping Code of Practice for NSW* (2009)
www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/270679/Beekeeping-code-of-practice-for-NSW.pdf
- f) Reptile keepers licence information
www.environment.nsw.gov.au/wildlifelicences/ReptileKeepersLicence.htm
- g) Warringah Local Environment Plan 2011
www.warringah.nsw.gov.au/plan_dev/LEP2011.aspx
- h) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
www.planning.nsw.gov.au/planning_reforms/p/sepp_exempt_and_complying_development_2008.pdf
- i) Warringah Council, *Generic Bushland Reserves Plan of Management* (2009)

10 Definitions

Residential zones – R2 and R3 in the Warringah Environment Plan 2011

Rural zones – category RU4 in the Warringah Environment Plan 2011

RHDV – Rabbit Haemorrhagic Disease Virus

Wildlife Protection Area – specifically declared land which allows Council to control domestic animals (cats and dogs) in accordance with the *Companion Animals Act 1998*

Appendix One

Requirements for keeping animals in Warringah Local Government Area

* Note: **Minimum distances** - The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school, hospital, shop or premises used for the manufacture, preparation, sale or storage of food.

Animal Species	Maximum Number Recommended	Minimum Distance*	Applicable Regulations and Other Advisory Matters
Poultry, domestic and guinea fowl	Residential Properties		Keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must be kept clean and free of offensive odours.
	10	4.5 metres	Must be at least 3m from boundary. Council may insist on keeping of poultry at a greater distance in particular cases.
	10	30 metres	Poultry yards must be enclosed to prevent escape. Yards must be kept free from mice and rats. If located on bush fire prone land and is less than 5m from a dwelling they must be constructed of non-combustible material.
Geese, ducks and Turkeys	2 Roosters are not permitted in residential zones Rural properties: As appropriate to size of property	30 metres	In residential areas must be located in a rear yard, be no more than 15m ² in area and not be higher than 3m above ground level. Metal components of housing must be of low reflective material. In rural areas be no more than 50m ² in area and no more than 7m above ground level.
Dogs (excluding dogs under 6 months of age)	Residential properties: 3 Rural properties: As appropriate to size of property	Appropriate distance to avoid nuisance to adjoining premises. Dog kennels must be at least 450mm from a boundary fence.	Dogs should be kept in numbers and breeds appropriate to the size of the property. Dogs owners must be responsible for ensuring that yards are kept in healthy condition and faeces is suitably disposed of at all times. Dog are prohibited at all locations specified in Section 3.3 of this Policy. Dogs must be on lead in all other public areas, except for unleashed areas specified in Appendix 2. Owners should remain aware any noise nuisance created by barking dogs as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i> and also the <i>Companion Animals Act 1998</i> . The <i>Companion Animals Act 1998</i> requires all dogs to be micro chipped by 12 weeks of age and registered at 6 months of age. Dogs must wear a collar with tag displaying the dog's name and the owner's phone number. Council encourages all dog owners to desex their pet.

Animal Species	Maximum Number Recommended	Minimum Distance*	Applicable Regulations and Other Advisory Matters
Cats (excluding cats under six months of age)	3	Appropriate distance to avoid nuisance to adjoining premises	<p>Cats should be kept in numbers and breeds appropriate to the size of the property.</p> <p>Council encourages owners to keep their cat inside particularly at night.</p> <p>The <i>Companion Animals Act 1998</i> requires all cats born after 1 July 1999 to be micro chipped by 12 weeks of age and registered at 6 months of age.</p> <p>Cats born prior to 1 July 1999 should wear a collar with tag displaying the cats name and the owner's phone number.</p> <p>Council encourages all cat owners to de-sex their pet.</p>
Horses and Cattle	<p>Rural properties – as appropriate to size of property</p> <p>Residential properties – 1 horse with a minimum property size of 1000m².</p> <p>Cattle not permitted in residential zones.</p>	9 metres	<p><i>Local Government (General) Regulation 2005</i> applies. A greater separation distance may be required by resolution of Council in each particular case.</p> <p>Fencing must be strong and durable to prevent escape.</p> <p>Stables and sheds must be hard paved and graded to drain.</p> <p>To prevent pollution, weed growth and nutrient run off, waste products must be effectively managed and not drain to natural water courses or stormwater drains.</p> <p>Any structure is subject to any relevant planning approval.</p>
Rabbits	Appropriate to location and breed. Care should be taken to prevent excessive breeding (e.g. desex your rabbit)	Appropriate distance to avoid nuisance to adjoining premises	<p>A licence is not required to keep domestic rabbits in NSW. It remains illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.</p> <p>Rabbits must be kept in a rabbit-proof enclosure and are not permitted to be 'free-range'. Rabbits must not be released, abandoned or left in any situation, which would allow them to roam outside of their enclosure.</p> <p>Rabbit enclosures should be fly meshed to prevent spread of Myxomatosis and Rabbit Haemorrhagic Disease Virus (RHDV)</p> <p>Council recommends vaccination of pet rabbits against RHDV</p> <p>Rabbits must not be vaccinated with the fibroma (myxomatosis) vaccine. It is illegal to possess fibroma vaccine.</p> <p>Rabbit farming is not permitted without approval and must comply with NSW Department of Primary Industries guidelines.</p>

Animal Species	Maximum Number Recommended	Minimum Distance*	Applicable Regulations and Other Advisory Matters
Sheep and Goats	Rural properties – as appropriate to size of property Residential properties – nil	10 metres	Goats and sheep are not permitted to be kept on residential properties. These animals are not to be slaughtered at the properties where they are kept.
Pigs	Rural properties – as appropriate to size of property Residential properties – not permitted in residential zones	60 metres	<i>Local Government (General) Regulation 2005</i> applies. The keeping of pigs is not permitted in residential areas. This applies to all breeds of pigs, including miniature pigs.
Reptiles and Frogs	As appropriate in the circumstances with the appropriate licenses.	Appropriate distance to avoid nuisance to adjoining premises.	All lizards, snakes, frogs and turtles are protected under the <i>National Parks and Wildlife Act 1974</i> and it is against the law to take them from the wild. You can get a licence from the National Parks and Wildlife Service to keep captive-bred reptiles and frogs as pets. All species must be adequately housed to prevent escape. Owners should remain aware any noise nuisance created by captive frogs (males) as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i> .
Birds other than cockatoos and domestic pigeons	Appropriate to location and breed and with appropriate licenses for native birds	Appropriate distance to avoid nuisance to adjoining premises.	Compliance with the NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading of Birds is required. Aviaries must have an impervious floor and be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners. There must not be more than two aviaries per property. If located on bush fire prone land and is less than 5m from a dwelling they must be constructed of non-combustible material. In residential properties aviaries must not have a floor area of more than 10m ² , be located in the rear yard at least 900mm for each side and rear boundary, not be higher than 2.4m, metal components must be low reflective, factory pre-coloured materials. In rural areas they must not have a floor area of more than 30m ² , not higher than 3m, be at least 20m from the road boundary and 5m from each other lot boundary.

Animal Species	Maximum Number Recommended	Minimum Distance*	Applicable Regulations and Other Advisory Matters
Cockatoos (including Corellas)	2	Appropriate distance to avoid nuisance to adjoining premises.	<p>Cockatoos and corellas are generally not appropriate as domestic pets as they often present a significant noise nuisance. Appropriate enrichment and training should be provided to minimise noise.</p> <p>Owners should remain aware any noise nuisance created by the cockatoos as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i></p> <p>Conditions for aviaries applies as per above.</p>
Domestic Pigeons	<p>10 pairs – Non registered owners</p> <p>60 pairs – registered racing pigeon owners</p> <p>Keeping of pigeons is not permitted in medium and high density residential developments</p>	4.5 metres	<p>Construction of a pigeon loft will require Council approval with plans detailing ventilation, waterproofing and drainage. Cladding on the loft should be unobtrusive in colour.</p> <p>Lofts should be kept clean and insect free. No feathers or droppings to escape from subject land.</p> <p>Open lofts are not permitted.</p> <p>Food must be stored in vermin proof containers.</p> <p>Owners should remain aware any noise nuisance created by the pigeons as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i></p>
Ferrets	2	Appropriate distance to avoid nuisance to adjoining premises.	The keeping of ferrets is not recommended. However where proper care, including secure caging, the keeping of ferrets may be undertaken provided no nuisance is created. Cages must be adequate to prevent escape.
Pet rats, mice and guinea pigs	4 of each variety	Not applicable	<p>Rats and mice are to be kept indoors only in appropriate cages which are to be kept odour free. Care should be taken to prevent excessive breeding and release into the environment.</p> <p>Guinea Pigs kept outside need to be in secure enclosure to prevent escape and also protect from dogs and foxes.</p>
Bees	<p>Residential areas - 2 hives.</p> <p>Rural properties – as appropriate to the size of property</p>	Flight paths must be a minimum of 2 m above neighbouring properties.	<p>Hives should not be located in view of the public.</p> <p>Hives should not be located within the vicinity of schools, childcare centres, hospitals or other public facilities.</p> <p>Registration must be undertaken with the NSW Department of Primary Industries.</p> <p>Beekeepers must comply with the Beekeeping Code of Practice for NSW produced by NSW Department of Primary Industries.</p>
Fish	As appropriate in the circumstances	Appropriate distance to avoid	Unwanted pet fish must not be released into waterways.

Animal Species	Maximum Number Recommended	Minimum Distance*	Applicable Regulations and Other Advisory Matters
		nuisance to adjoining premises.	Aquarium weed must not enter waterways.

* Note: **Minimum distances** - The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school, hospital, shop or premises used for the manufacture, preparation, sale or storage of food.

Appendix two – Unleashed Dog Exercise Areas

Beverly Job Park (part), Narraweena

Curl Curl Lagoon, Curl Curl - swimming area (lagoon water may be contaminated; the effects on dog health are unknown)

Currie Road, Forestville - just prior to Forestville Park

Flora and Ritchie Roberts Reserve, Griffin Road, Curl Curl

[Forestville Memorial Playing Fields \(part\)](#)

Frenchs Forest Showground, Blackbutts Road

Griffith Park ([part](#)), Anzac Avenue, Collaroy

<http://www.warringah.nsw.gov.au/services/documents/curlcurl2.pdf>

Hinkler Park, Pittwater Road, Queenscliff

John Fisher Park (part), Adams Street, Curl Curl

Truman Reserve, Cromer

Off-leash Exercise Areas – Restricted Times

Allambie Heights Oval: 12am-7am daily

Beacon Hill Oval: 11pm-8.30am weekdays; 11pm-7.30am weekends

Karl Brown Oval, Terrey Hills: 12am-8.30am daily

[Melwood oval \(natural turf field\), Forestville Memorial Playing Fields, 10pm-8am weekdays and 10pm-7am weekends](#)

~~[Melwood Oval, Forestville: 10pm-8am weekdays; 10pm-7am weekends](#)~~

Appendix Three – Wildlife Protection Areas

Allenby Park, Allambie Heights
Anembo Reserve, Duffys Forest
Anzac Avenue Reserve, Collaroy Plateau
Dee Why Headland / Escarpment
Dee Why Lagoon Wildlife Refuge, Dee Why (dogs prohibited)
Deep Creek Reserve, Narrabeen (dogs prohibited)
Forestville Park, Forestville
Golden Grove Reserve, Beacon Hill
Grace Avenue Reserve, Frenchs Forest
Jamieson Park, Narrabeen
Lincoln Reserve, Collaroy Plateau
Long Reef Headland, Collaroy
Long Reef Aquatic Reserve (dogs prohibited)
Manly Warringah War Memorial Park/Manly Dam (special conditions apply)
Middle Creek Reserve, Narrabeen (dogs prohibited in bushland portions)
Narrabeen Lagoon Multi-use Trail (Middle Creek to Deep Creek)
Red Hill Reserve, Beacon Hill
Stony Range Flora Reserve, Dee Why
Towradgi Reserve, Narrabeen

ITEM 8.2	CONDAMINE STREET TREE PLANTING PROJECT
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2015/297243
ATTACHMENTS	NIL

REPORT

PURPOSE

To report back to Council on the progress of the Condamine Street Tree Planting project as required by Council resolution 055/15 (24/3/15).

SUMMARY

Council has undertaken extensive investigations, design work and negotiations with relevant parties to pursue the planting of trees through the Condamine Street corridor in Manly Vale. Thompson Berrill Landscape Design was engaged to assist in this process. The result of this work is that the project is not considered feasible at this time due to a number of factors, including:

- The presence of a Sydney Water main line running under the median strip, limiting the root zone for trees. Sydney Water also advises that from time to time they may have to remove or damage the trees to maintain the main line.
- Soil not being suitable for large trees other than palms
- The NSW Roads and Maritime Services Bus Rapid Transit Team advising that they have not finalised a preliminary design for Condamine Street and cannot guarantee that the median strip or current footpaths will not be affected.

After considering these factors it is recommended that Council discontinue this project and continue to work with the NSW Roads and Maritime Services to beautify the Condamine Street corridor through the introduction of trees and other landscaped elements.

It is proposed that the remaining 2015/16 budget for the Condamine Street Tree Planting project be used to fund tree planting elsewhere in B Ward.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Discontinue the Condamine Street Tree Planting project.
 - B. Continue to work with NSW Roads and Maritime Services to beautify, with landscaping, the Condamine Street corridor.
 - C. That the remaining 2015/16 budget for the Condamine Street Tree Planting project is used
-

to fund tree planting elsewhere in B Ward.

ITEM 8.3	REPORT OF THE WARRINGAH TRAFFIC COMMITTEE MEETING HELD 6 OCTOBER 2015 - QUEENSCLIFF PARKING SCHEME - RESULTS OF RESIDENT SURVEY
REPORTING MANAGER	GROUP MANAGER ROADS TRAFFIC & WASTE
TRIM FILE REF	2015/289543
ATTACHMENTS	1 Warringah Traffic Committee Report Item 3.1- Queenscliff Parking Scheme - Results of Resident Survey (Included In Attachments Booklet) 2 Attachments to Item 3.1 Queenscliff Parking Scheme - Results of Resident Survey (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report on Item 3.1 (Queenscliff Parking Scheme Results of Resident Survey) of the Minutes of the Warringah Traffic Committee meeting held on 6 October 2015.

SUMMARY

A briefing session with Councillors was held on 15 September 2015, on the results of a Resident Survey undertaken in the Queenscliff area.

A report on the survey results (Item 3.1 Queenscliff Parking Scheme –Results of Resident Survey) was submitted to the Warringah Traffic Committee for consideration and advice to Council in accordance with the operating procedures of the Warringah Traffic Committee and the delegations of the Roads and Maritime Service (RMS) to Council on the management of traffic.

The 3.0 items in the Warringah Traffic Committee agenda are “Reports to Council” and cover matters that may require Council expenditure, may be controversial or deal with matters of general interest

The Warringah Traffic Committee meeting was held on 6 October 2015. The Agenda was distributed to the Traffic Committee members, all Councillors, and other internal stakeholders. The meeting was chaired by the Mayor, Councillor Michael Regan. The item was also sent to the Queenscliff residents’ working group.

It should be noted that the 3.0 items are reports to Council for approval while the remainder of Items 4.0 to 6.0 in the Traffic Committee’s Agenda have been dealt with under delegated authority from Council and are not included in this report.

A full copy of the Warringah Traffic Committee report is included for Council’s consideration as an attachment to this report.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That the results of the Queenscliff Resident survey on the options to address parking issues in Queenscliff be received.
 - B. That it be noted that the Roads and Maritime Services (RMS) Representative does not support the implementation of Option B at this stage. Should Council wish to pursue Option B, a formal application to the RMS Policy Section is required.
 - C. That Council:
 - 1. Undertake consultation with the Queenscliff community into the possible implementation of Option A for a Resident Parking Scheme incorporating the following allocations, restrictions and alternative option:
 - a. Eligibility of permits and parking controls on the following basis;
 - i. 1 Bedroom units with no off-street parking spaces – 1 permit
 - ii. 2-3 Bedroom units, or houses, with no off-street parking spaces – 2 Permits
 - iii. 2-3 Bedroom units, or houses, with 1 off-street parking space –1 permit
 - iv. 4 Hour Parking, Permit Holders Excepted, 6am-10pm seven days
 - v. Annual cost of administering a permit parking scheme will initially be \$60 per permit.
 - b. That the alternative choice provided to the residents of Queenscliff is for retention of the existing parking arrangements.
 - D. That the Queenscliff community be advised of Council's decision.
-

REPORT

BACKGROUND

An extensive background is included in the attached Warringah Traffic Committee report. The information provided covers actions and decision since Council considered the results of a resident survey in 2010 and subsequent events leading to the development of a second survey distributed to the Queenscliff community.

CONSULTATION

Consultation leading to the survey to all residents of the Queenscliff area involved a public meeting, establishment of a working group of residents, development of the survey questions and information in consultation with the working group.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.4	RESCINDING WARRINGAH COUNCIL ONSITE SEWAGE MANAGEMENT STRATEGY 2006
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2015/264939
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

This report seeks to rescind Warringah Council's Onsite Sewage Management Strategy 2006.

SUMMARY

Warringah Council's Onsite Sewage Management Strategy 2006 (the Strategy) was adopted by Council on 13 February 2007 and sets out operational arrangements for regulating onsite waste water systems such as septic tanks, including issuing of approvals under Section 68 of the *Local Government Act 1993*.

The Strategy has been in operation for more than eight years and as a consequence is now out of date in a number of areas.

The Strategy is chiefly an operational document, outlining the approach and procedures for inspecting and regulating onsite waste water systems and as such is better suited as an Operational Management Standard (OMS).

This report recommends rescinding the Strategy. Operational guidelines will subsequently be developed by Council staff.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council rescind the Warringah Council Onsite Sewage Management Strategy 2006.

REPORT

BACKGROUND

Regulation of onsite waste water systems is a mandatory function of Council under the *Local Government Act 1993*.

Warringah Council's Onsite Sewage Management Strategy 2006 was adopted by Council on 13 February 2007 and sets out operational arrangements for regulating onsite waste water systems such as septic tanks, including issuing of approvals under Section 68 of the *Local Government Act 1993*.

The Strategy was an important document at its introduction as it established how Warringah would manage regulation of waste water systems. The Strategy was subject to public consultation and the approach that has been taken since 2007 has been consistent with this Strategy.

Warringah's approach to waste water regulation is now well established, however as the Strategy has been in operation for more than eight years it is now out of date in a number of areas, including references to old Australian Standards and guidelines.

This report seeks the rescinding of the 2006 Strategy. Council staff will develop new operational guidelines.

The Strategy is chiefly an operational document, outlining the approach and procedures for inspecting and regulating onsite waste water systems and as such is better suited as an OMS.

Enforcement actions will still be guided by Council's Compliance and Enforcement Policy PL 120.

This report recommends rescinding the Strategy.

CONSULTATION

The Strategy was subject to public consultation prior to adoption by Council in 2007.

TIMING

It is recommended that the Strategy is rescinded with immediate effect.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.5	PROS AND CONS OF WOOD FIRE HEATERS IN WARRINGAH
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2015/279678
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To respond to Notice of Motion No 19/2015 – Discussion of the Pros and Cons of Wood Fires in Warringah from Council meeting dated 25 August 2015; this report presents analysis of wood fire heaters, including the effects on residents of Warringah.

SUMMARY

Wood fire heaters can provide a source of heating and ambience in the colder months, however the number of complaints received by Council and the Environmental Protection Authority's (EPA) advice suggests that the use of wood fired heaters creates a significant community impact.

Council, by resolution in September 2015 sought to prohibit wood heaters and fireplaces and is awaiting the response from the NSW Environmental Protection Authority (EPA)

FINANCIAL IMPACT

Nil

POLICY IMPACT

At this stage Warringah Council does not have a policy regarding wood fire heaters.

Council's Environmental Investigations Team has completed an application to the NSW EPA for a \$10,000 grant to support Council in the implementation of the new Regulation amendment. If Council's grant application is successful, a draft policy will be developed and reported to Council.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council note the pros and cons of wood fire heaters in Warringah report.

REPORT

BACKGROUND

At Council's meeting of 25 August 2015 the following resolution was made;

That Council staff prepare a report in relation to the pros and cons of wood fires, and the wood used that would appear to be harmful to many residents in Warringah and report back to Council

Following this, at the meeting of 22 September 2015, Council resolved to list Warringah Council in Parts 1 and 3 of the new 'Schedule 9' of the proposed amendment to the *Protection for the Environment Operations (Clean Air) Regulation 2010*, prohibiting new wood heaters and fireplaces in the entire local government area, except with an approval.

This report addresses the Council's resolution of 25 August 2015

ANALYSIS OF WOOD FIRE HEATERS

Advantages

- Wood heaters provide warmth and ambience in the colder months.
- Wood heaters can be an inexpensive way of heating a home.
- Wood heaters can enhance the design element in any interior.

Disadvantages

- The EPA website advises that *"smoke from wood heaters is a major cause of air pollution. In fact, during winter, wood heaters can produce up to seven times as much particle pollution as cars"* and that it can also affect our health.
- The following points outline the EPA's concerns with wood smoke pollution;
 - Wood smoke contains a number of noxious gases (including carbon monoxide, oxides of nitrogen, and a range of organic compounds, some of which are toxic or carcinogenic) and fine particles, which go deep into the lungs.
 - These pollutants can cause breathing difficulties even at relatively low levels, especially for people suffering existing respiratory conditions, such as asthmatics, and for very young children and frail older people.
 - There is also evidence that smoke pollution can cause cardiac problems.
 - Wood smoke is a significant source of particle pollution, which can often be seen as a brown atmospheric haze on still, cool, winter mornings.
 - A poorly installed or leaking wood heater can cause excessive levels of carbon monoxide (CO) in the home. CO deprives the body of oxygen, impairing thinking and reflexes. At low levels of exposure, people can experience headaches, fatigue or chest pain; and at moderate levels, flu-like symptoms. At high concentrations, CO poisoning may result in death.
 - Particulate matter (PM) can cause short-term health problems including itchy or burning eyes, throat irritation and a runny nose, and illnesses like bronchitis. Particles can aggravate existing heart and lung conditions such as angina, chronic bronchitis, emphysema and asthma.
 - Air toxics generated during wood burning include polycyclic aromatic hydrocarbons (PAHs) which may cause cancer. Air toxics can also cause eye

irritation, headaches and serious damage to the respiratory, nervous, reproductive, developmental and immune systems.

- EPA community research has consistently found air quality is the second most important environmental issue to NSW residents, following water issues.
- Wood smoke pollution from neighbouring chimneys is the source of many complaints to local councils throughout NSW.
- In the financial year between 2014 and 2015, Warringah Council received approximately 35 complaints relating to air pollution such as excessive smoke and offensive odour emanating from domestic wood heaters.
- Sutherland Shire Council's website states that *"The type of fuel used in the heater has a major bearing on the quantity and quality of emissions. Only clean, dry, well-seasoned and untreated hardwood that has been stored correctly should be used as fuel in a solid fuel heater. Wood should be stored clear of the ground, under a roof with open sides and ends, and seasoned for approximately six to twelve months before use. It is also important that the flue is cleaned annually to prevent the build-up of carbon."*

CONCLUSION

On balance the benefits of burning wood in solid fuel heaters to create heating and resident comfort are outweighed by the disadvantages, environmental impact and potential health concerns.

CONSULTATION

Nil

TIMING

Nil

ITEM 8.6	DRAFT WATER MANAGEMENT POLICY
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2014/292000
ATTACHMENTS	<ol style="list-style-type: none">1 Draft Water Management Policy (Included In Attachments Booklet)2 Building Over and Adjacent to Constructed Council Drainage Systems and Easements Policy PAS-PL 130 (Included In Attachments Booklet)3 On-site Stormwater Detention Rainwater Reuse Policy PAS-PL 100 (Included In Attachments Booklet)4 Removal of Private Trees Threatening Council Stormwater Pipes ENV-PL 415 (Included In Attachments Booklet)5 Stormwater Drainage Policy ENV-PL 410 (Included In Attachments Booklet)6 Stormwater Drainage from Low Level Properties PDS-POL 136 (Included In Attachments Booklet)7 Water Sensitive Urban Design Policy - STR-PL 820 (Included In Attachments Booklet)8 On-site Stormwater Detention Technical Specification (Included In Attachments Booklet)9 Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification (Included In Attachments Booklet)10 Stormwater Drainage from Low Level Properties Technical Specification (Included In Attachments Booklet)11 Water Sensitive Warringah Strategic Plan (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council's endorsement to publicly exhibit the draft Water Management Policy. The draft Policy will replace six superseded policies.

SUMMARY

A review of Council's existing water management policies has highlighted that having multiple water related policies does not provide a clear, consistent or effective framework for sustainable water management in the LGA. In addition, many existing policy provisions are considered out-dated and do not meet current best practice.

The draft Water Management Policy aims to enhance access, ease of use, and clarity for residents and developers by centralising six current water related policies into one policy. The draft Policy reflects current best management practices; defines a clear set of triggers to identify when particular development controls apply; and encompasses all forms of water (stormwater, wastewater, groundwater, drinking water and rainwater), some of which are not reflected in Council's current policies. The draft Policy also supports the implementation of the Water Sensitive Warringah Strategic Plan.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council place the draft Water Management Policy on public exhibition for a period of 28 days

REPORT

BACKGROUND

A review of Council's existing water management policies has highlighted that having multiple water related policies does not provide a clear, consistent or effective framework for sustainable water management in the LGA. In addition, many existing policy provisions are considered out-dated and do not meet current best practice.

Council currently administers six separate policies which deal with different aspects of water management including:

1. *Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy PAS-PL 130*. This Policy aims to protect Council's stormwater infrastructure located within private property.
2. *Onsite Stormwater Detention Rainwater Reuse for Single Residential Dwellings Policy PAS-PL 100*. This Policy allows rainwater reuse to offset the volume of storage required by Council's On site Stormwater Detention requirements without compromising the OSD system's contribution to stormwater management.
3. *Removal of Private Trees Threatening Council Stormwater Pipes Policy ENV-PL 415*. This policy aims to protect Council's stormwater infrastructure from blockage or structural damage by trees on private land.
4. *Stormwater Drainage for Low Level Properties Policy PDS-POL 136*. This Policy aims to manage overland flow, nuisance flooding and groundwater related to properties in low level areas.
5. *Stormwater Drainage Policy ENV-PL 410*. This Policy aims to protect life and property during major floods, reduce inconvenience during minor floods, protect the quality of receiving waters and lift public awareness.
6. *Water Sensitive Urban Design Policy STR-PL 820A*. This Policy establishes Council's commitment to sustainable water management, and demonstrates Council's corporate commitments to sustainable development, while seeking to improve the ecological condition of urban streams, catchments and receiving waters.

The draft policy consolidates these existing policies into a single volume to enhance access, ease of use, and clarity for residents and developers. Adoption of the draft Policy will also support implementation of the Water Sensitive Warringah Strategic Plan.

The draft Policy reflects current best management practices; defines a clear set of triggers to identify when particular development controls apply; and encompasses all forms of water (stormwater, wastewater, groundwater, drinking water and rainwater), some of which are not reflected in Council's current policies, and also proposes significant improvements to the following controls:

- Stormwater Quality Management – stormwater quality targets are catchment specific and provide a greater level of protection for Warringah's highest value catchments. Peak flow targets are now included to improve waterway stability.
- Erosion, Sediment and Pollution Controls – provides increased requirements to meet standard practice.

- Onsite Sewage Management – Council is the consent and regulatory authority for all onsite sewage management under the *Local Government Act 1993*. The draft policy specifies Council's requirements for new and existing wastewater systems.
- Groundwater Management – Shallow groundwater exists in areas of Warringah, particularly along the coastal strip. Development can significantly impact on, and be impacted by groundwater. The policy establishes provisions which aim to mitigate risks on both the built and natural environments.
- Overland Flow Management – align development requirements for overland flow and mainstream flooding.
- Floodplain Management – clearly identify Council's position relating to the Flood Program including studies and risk management plans, as well as address intellectual property issues of private consultants using Council data.

Three Technical Specifications have been created which sit under the Policy, and these provide applicants with detailed requirements for:

- Onsite Stormwater Detention
- Building Over or Adjacent to Constructed Council Drainage Systems and Easements
- Stormwater Drainage from Low Level Properties

CONSULTATION

The draft policy has been developed in consultation with a number of key stakeholders including:

- Environment Conservation and Overall Sustainability – Strategic Reference Group
- Development Assessment group
- Natural Environment group including Stormwater Assets, Development Engineering and Catchment Management
- Strategic Planning
- Roads, Traffic and Waste
- Compliance Services – Environmental Health

While Council requires a minimum of 14 days for the public exhibition of policies, this draft Policy is proposed to be exhibited for a period of 28 days.

Council will publicise the exhibition through the *Manly Daily*, on Council's website and via *yoursaywarringah*.

Submissions will be accepted and considered during the exhibition period, and a further report including discussion of consultation will be brought back to Council.

TIMING

Following public exhibition, the draft Policy will be reported back to Council for its consideration of submissions, and seeking a decision in relation to the making of the Policy. It is anticipated that the report seeking adoption of this Policy will also contain a resolution seeking rescission of the six superseded policies.

The Water Management Policy will come into force when Council endorses the Policy in final form.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.7	INCLUSION OF ADDITIONAL LOT INTO PLANNING PROPOSAL TO REZONE PUBLIC CARPARK AT DARLEY STREET AND STARKEY STREET, FORESTVILLE
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2015/180070
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council's approval to incorporate an additional lot (Lot 18 DP 30880) into a planning proposal to rezone the carpark at Darley Street and Starkey Street, Forestville from RE1 Public Recreation to B2 Local Centre and to reclassify the additional lot from 'community land' to 'operational land'.

SUMMARY

On 25 March 2014 Council resolved to prepare a planning proposals and reclassifications to several car parks within Warringah. Stage 1 of these rezonings involved three car parks and was completed in June 2015. Stage 2 involves rezoning five allotments attached to the Forestville Local Centre from RE1 Public Recreation to B2 Local Centre in order to resolve inconsistencies between the current zoning objectives and the current use of the lots as carparking (Figures 1 & 2).

A parcel of land adjoining the pedestrian mall which is a Public Reserve was not included in the resolution of 25 March 2014 as it was not a car park. It is proposed to incorporate this piece of land, Lot 18 DP 30880 in The Centre, Forestville, which is currently zoned RE1 Public Recreation into the rezoning and to reclassify the allotment from 'community land' to 'operational land'. This will provide effective management of The Centre as a whole, and ensure consistent and appropriate zoning for its current and intended future use.

Community engagement will be undertaken as part of the rezoning and re-classification process.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Approve the incorporation of Lot 18 DP 30880 into a planning proposal to rezone the carpark at Darley Street and Starkey Street, Forestville from RE1 Public Recreation to B2 Local Centre.
 - B. Undertake the reclassification of this lot (Lot 18 DP 30880) from 'community land' to 'operational land'.
-

REPORT

BACKGROUND

Following a strategic review of public carparks across the Warringah Local Government Area in 2013, a number of carparks within local centres were identified as having landuse zoning inconsistent with their current use.

These carparks, located within local centre, are currently zoned RE1 Public Open Space but do not provide car parking in association with open space usage. For example, they do not support visitation to parks, playing fields or beaches. The review found that it would be more appropriate these carparks be zoned consistently with the land which it serves, in most cases, one of the business zonings.

Council subsequently resolved at its meeting of 25 March 2014 to prepare a planning proposal to amend WLEP 2011 to rezone Darley Street and Starkey Street carpark in Forestville (the subject site) from RE1 Public Recreation to B2 Local Centre. The resolution read as follows:

“That Council:

- A. Prepare and seek Gateway Determination for planning proposals to rezone the following carparks from RE1 Public Recreation:*
 - a. to B2 Local Centre - Collaroy Street Carpark, Collaroy*
 - b. to B2 Local Centre - Lagoon Street Carpark, Narrabeen*
 - c. to B2 Local Centre - Darley Street and Starkey Street Carpark, Forestville***
 - d. to B1 Neighbourhood Centre - McIntosh Road Carpark, Narrabeena (being Crown land and subject to Owners consent)*
- B. Prepare a planning report to consult with the community in regards to the potential reclassification of the following carparks from community land to operational land; and rezoning the land so that the carparks reflect the surrounding land use:*
 - a. Mooramba Road Carpark, Dee Why*
 - b. Brookvale Carpark, Lot 10 / 9999 Winbourne Road, Brookvale*
 - c. Oliver Street and Lawrence Street Carpark, Freshwater*
- C. Prepare a planning report to consult with the community in regards to the potential reclassification or creation of a public road within the carpark adjacent to Dee Why Rockpool*
- D. Seek delegation from the NSW Department of Planning and Infrastructure to liaise directly with Parliamentary Counsel’s Office in the making of amending local environmental plans.”*

This planning proposal forms part of the above resolution (highlighted), and applies to the following five allotments in Table 1 (and identified by red crosshatching on Figures 1 & 2 below).

Table 1: Lots included in planning proposal as Council resolved on 25 March 2014 (no. 406/14)

Property Description	Common Address
Lot 7084/ DP 93831	Darley Street, Forestville
Lot 15/ DP 401139	Darley Street, Forestville
N/A	Pedestrianised Road Reserve for “The Centre”, Forestville

Lot X/ DP 26598	Darley Street, Forestville
Lot Y/ DP 26598	The Centre, Forestville

In preparing this planning proposal, an additional allotment, namely Lot 18 DP30880 'Public Reserve' at Lot 18/The Centre, Forestville (Table 2), was identified as being suitable for inclusion into the 'subject site' for rezoning and for reclassification. The additional allotment, which is currently zoned RE1 Public Recreation and classified 'community land', was not initially identified in the strategic carpark review in 2013 as it is not a carpark, and therefore fell outside the scope of investigation.

Table 2: Proposed additional allotment

Property Description	Common Address
Lot 18 DP 30880	'Public Reserve' at Lot 18/ The Centre, Forestville



Figure 1: Annotated aerial map of Forestville Local Centre. Allotments with a current resolution from Council to be rezoned (red hatching); Additional proposed allotment for inclusion in the planning proposal: Lot 18 DP 03880 – Lot 18/The Centre, Forestville (blue outline).



Figure 2: Annotated land zoning map. Allotments with a current resolution from Council to be rezoned (red hatching); Additional proposed allotment for inclusion (red outline).

WHY INCLUDE AND RECLASSIFY THE ADDITIONAL ALLOTMENT?

As with the allotments included in the Council resolution from 25 March 2014, the established use of Lot 18 DP 30880 is inconsistent with the zoning and classification which currently applies.

Lot 18 DP 30880 'Public Reserve' at Lot 18/The Centre, Forestville, is a small paved square, the use of which is ancillary to the local centre. The land is used as an access way to the carpark, library, and public amenities that lie behind it, as well as passive resting area for people who shop and visit the area. The surrounding land is primarily zoned B2 Local Centre.

The additional allotment is currently classified community land and was dedicated for the purposes of recreation, however has not been identified in any generic plans of management. For ease of management and to reflect the land use principles of the adjoining road reserve, Lot Y/ DP 26598, it is recommended that the additional allotment is reclassified as operational.

It is proposed to rezone Lot 18 DP 30880 from RE1 Public Recreation to B2 Local Centre and to reclassify the allotment from 'community land' to 'operational land' to better reflect the established

land use and to create consistency of zoning and land management principles across the Forestville Local Centre.

CONCLUSION

It is appropriate to incorporate an additional allotment (Lot 18 DP 30880) into the planning proposal to rezone Darley Street and Starkey Street carpark, Forestville from RE1 Public recreation to B2 Local Centre and reclassify the allotment from 'community land' to 'operational land'.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.8	PROPOSED RELEASE OF PUBLIC POSITIVE COVENANT - BELROSE WASTE MANAGEMENT CENTRE
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2015/080013
ATTACHMENTS	1 Public Positive Covenant - Belrose Waste Management Centre 2 Letter to WAMC - Belrose PPC

EXECUTIVE SUMMARY

PURPOSE

To note the current status of the request to release the Public Positive Covenant over the Belrose Waste Management Centre.

SUMMARY

The Waste Assets Management Corporation (WAMC) has requested that Council release the Public Positive Covenant (PPC) over the Belrose Waste Management Centre (Belrose WMC). The covenant established the final landfill height, profile, and closing date for the land fill facility (Attachment 1). The release of the PPC requires a resolution of Council.

Council has sought advice from WAMC on the possible impacts of releasing or not releasing the PPC, and what guarantees remain that landfill operations would not resume again on the site if the covenant were removed.

WAMC has not responded to this request to date.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council refuse the request to release the Public Positive Covenant over the Belrose Waste Management Centre.

REPORT

BACKGROUND

Landfill operations commenced at the Belrose WMC in 1965 when it was gazetted as a local garbage depot. In 1978 Warringah Council granted development consent for “use of land for extension to Bare Creek Waste Disposal Depot” (Consent 78/213). No restrictions or height limits were ever placed on this facility for the landfill. A State Government owned corporation, WSN Environmental Solutions, took control of the Belrose WMC in 1979.

A Community Advisory Committee (CAC) was established in the mid 1990’s for the Belrose WMC. Membership of the Committee consists of local representatives, Belrose WMC representatives, Councillors, Local Members of Parliament and other interested parties.

In 2009, through ongoing consultation with the CAC, a new height and profile of future landfill was established. In 2010 a Public Positive Covenant (PPC) was registered over the Belrose WMC in favour of Warringah Council (Attachment 1).

The operative provisions of the PPC are clauses 2 and 3. These clauses relate to the timing of the closure of the landfill, conformance to the conditions of the EPA Licence and Landfill Environmental Management Plan(including final landform design), and the operation and monitoring of the Environmental Protection Measures.

In accordance with clause 2 of the PPC, landfilling operations ceased on November 7th, 2014. At this point in time the final approved landfill height and landfill capacity were reached.

Since the cessation of landfilling, WAMC operational staff at Belrose WMC have been redeployed to the Eastern Creek WMC or made redundant. Rehabilitation is progressing in compliance with a Closure Plan prepared by WAMC and provided to the NSW EPA.

The WAMC confirmed in writing that all conditions of clauses 2 and 3 of the PPC had been met. In accordance with clause 7 of the PPC, the WMAC requested Council's consent and resolution to release the PPC.

In May, 2015 Council wrote to the WAMC (Attachment 2) requesting advice about:

- The implications of the release of the PPC on WAMC’s current obligations under the Closure Plan,
- Why at least section 2(a), dealing with closure and final landfill height, should not remain in place, and
- What would prevent landfill operations recommencing under the 1978 development consent.

WAMC has not responded to this request. Consequently, it is not intended at this stage to accede to WMAC’s request to release the PPC.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

Form: 13PC
Licence: 06-09-753
Licensee: Softdocs
Piper Alderman

POSITIVE COVENANT
New South Wales
Section 88E(3) Conveyancing Act 1919

Leave this space clear. Affix additional pages to the left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	2822/727090 part being 2/1144741 excluding that part of the land contained in Lot 1 in DP 853932		
(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and LLPN if any Piper Alderman Lawyers DX 10216 Sydney Stock Exchange Telephone: 02 9253 9999 Reference (optional): AP:PPC:361261	CODE PC
(C) REGISTERED PROPRIETOR	Waste Recycling and Processing Corporation (ABN 93 524 709 106)		
(D) LESSEE MORTGAGEE or CHARGE	Of the above land agreeing to be bound by this positive covenant		
	Nature of Interest	Number of instrument	Name
(E) PRESCRIBED AUTHORITY	Warringah Council (ABN 31 565 068 406)		

(F) The prescribed authority having imposed on the above land a positive covenant the terms set out in annexure A hereto applies to have it recorded in the Register and certifies this application correct for the purposes of the Real Property Act 1900.

DATE / /

(G) EXECUTION BY THE PRESCRIBED AUTHORITY

I certify that the authorised officer of the prescribed authority who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness: *Lyne Hamann*
Name of witness: **LYNE HAMANN**
Address of witness: **725 POTWATER ROAD**
DEES WAY

Signature of an authorised officer: *[Signature]*
Name of authorised officer: **RIK HART**
Position of authorised officer: **GENERAL MANAGER**

(G) EXECUTION BY THE REGISTERED PROPRIETOR

~~Confirmed correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.~~
Corporation: Waste Recycling and Processing Corporation
Authority: Section 127(1) of the Corporations Act 2001

SEE ANNEXURE B

~~Signature of authorised person:
Name of authorised person:
Office held:~~

~~Signature of authorised person:
Name of authorised person:
Office held:~~

(H)

The _____ under _____ No. _____ agrees to be bound by this positive covenant.
I certify that the above, _____ who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness: _____
Name of witness: **REGINALD JOHN CROCKFORD**
~~Address of witness: 10 FOX VALLEY RD WARRINGAH NSW 2076~~

Signature of *[Signature]*

Annexure A

This is the Annexure "A" referred to in the Positive Covenant between Warringah Council (the Council) and Waste Recycling and Processing Corporation (WSN) registered on the title to the land contained in Folio Identifier 2/1144741 excluding that part of the land in that Folio comprised in Lot 1 in DP 853932 and any part of the land in that Folio demised by lease registered number 2268336 and any rights appurtenant to that lease

Dated *TWENTY SEVENTH* day of *MAY* 2010

1. Definitions and Interpretation

1.1 Definitions

Belrose Landfill Final Landform Design means the plan so entitled marked approved on 5 July 2009 reference number R2/332 initialled on behalf of the Registered Proprietor and the Council;

Business Day means a day that is not a Saturday, Sunday or public holiday in the state of New South Wales;

C Act means the Conveyancing Act 1919;

Claim includes any liability, damage, loss, action, application, cause of action or demand;

Committee means the Belrose WRC Community Advisory Committee or such body or association as succeeds or replaces that committee from time to time;

Council means Warringah Council;

Environmental Protection Measures or EPM means the provision, whilst ever the Subject Land is used to receive landfill material, of the following facilities:

- (a) de-odorising system;
- (b) litter control fence; and
- (c) landfill platform perimeter bund to reduce visual, noise and dust impacts.

EPA means the Environmental Protection Authority of NSW;

EPA Licence means Environment Protection Licence No 4807 and includes amendments to or replacement of that Licence issued from time to time by the EPA;

Existing Consent means the consent for the use of the Subject Land issued by the Council dated 11 September 1978 and numbered 78/213;

Landfill Environmental Management Plan means the Belrose Waste and Recycling Centre Landfill Environmental Management Plan dated June 2009 and includes any amended updated or revised version or replacement landfill environmental management plan which may be applicable to the Subject Land from time to time;

25821864v12

WARRINGAH COUNCIL

 Authorised Person

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Memorandum means the history of the Subject Land prepared in collaboration between the Council, WSN and the Committee as set out in the memorandum filed in the Department of Lands registered number ;

Prescribed Authority has the meaning ascribed to that term in section 88E(1) of the C Act and includes the Council and any person or body which is a successor to the Council and any entity from time to time fulfilling role or functions of the Council from time to time;

Registered Proprietor means:

- (a) Waste Recycling and Processing Corporation ABN 93 524 709 106 (**WSN**) whilst it remains the registered proprietor in fee simple of the Subject Land; or
- (b) such other person as becomes the registered proprietor(s) from time to time of the Subject Land;

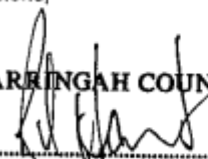
Subject Land means the whole of the land contained in Folio Identifier 2/1144741 excluding:

- (a) that part of the land in that Folio comprised in Lot 1 in DP853932; and
- (b) any part of the land in that Folio demised by lease registered number 2268336 and any rights appurtenant to that lease.

1.2 Interpretation

In this Positive Covenant, except where the context otherwise requires:

- (a) the singular includes the plural and vice versa, and a gender includes other genders;
- (b) another grammatical form of a defined word or expression has a corresponding meaning;
- (c) a reference to a clause, paragraph, schedule, information table or annexure is to a clause or paragraph of, or schedule or information table or annexure to, this Positive Covenant, and a reference to this Positive Covenant includes any schedule or annexure;
- (d) a reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time;
- (e) a reference to a party includes a party's executors, administrators, successors, and permitted assigns and substitutes;
- (f) a reference to a person includes a natural person, partnership, body corporate, association, governmental or local authority or agency or other entity;
- (g) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and any consolidations, amendments, re-enactments or replacements of any of them;
- (h) the meaning of general words is not limited by specific examples introduced by including, for example or similar expressions;

WARRINGAH COUNCIL

.....
Authorized Person

- (i) any agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- (j) any agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
- (k) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Positive Covenant or any part of it;
- (l) headings are for ease of reference only and do not affect interpretation;
- (m) if a day on or by which an obligation must be performed or an event must occur is not a Business Day, the obligation must be performed or the event must occur on or by the next Business Day; and
- (n) the provisions of the Memorandum shall not affect the construction or interpretation of this Positive Covenant nor shall any such provisions affect the obligations of any party bound by the provisions of this instrument at any time.

2. Obligations to comply:

The Registered Proprietor must in using the Subject Land for the purposes permitted by the Existing Consent:

- (a) cease using the Subject Land for landfill when the sooner of the following occurs:
 - (1) 11 November 2014; or
 - (2) such landfill reaches the final height and profile limits described by the reference levels set out in the Belrose Landfill Final Landform Design.
- (b) comply with the requirements of the EPA Licence and the Landfill Environmental Management Plan as applicable to the Subject Land from time to time;
- (c) consult with the community through the Committee; and
- (d) within a reasonable time of the registration of this Positive Covenant, prepare a concept plan for the future use of the Subject Land after it ceases to be used for landfill, which concept plan shall be to the reasonable satisfaction of the Prescribed Authority.

3. Obligations to construct and maintain

The Registered Proprietor must cause the Environmental Protection Measures to be carried out on the Land in a proper and workmanlike manner and thereafter:

- (a) keep and maintain the EPM in clean and tidy condition and in a reasonable state of repair;
- (b) carry out regular inspections of the EPM to ensure that the EPM are operating and meet all requirements from time to time of the EPA and such laws as may apply to the EPM,

to the reasonable satisfaction of the EPA.

4. **Notices**

Any notice, approval, consent or other communication required to be given or served in connection with this Positive Covenant must be in writing and must be served in accordance with section 170 of the C Act.

5. **Governing Law**

The laws of the State of New South Wales and of the Commonwealth of Australia apply to this Positive Covenant to the exclusion of any other laws and the parties agree to submit to jurisdiction of the Courts of New South Wales in relation to this Positive Covenant.

6. **Severability**

In the event that any provision of this Positive Covenant is held to be invalid, illegal or unenforceable, that provision must to the extent of the invalidity, illegality or unenforceability be ignored in the interpretation of this Positive Covenant and all other provisions of this Positive Covenant will remain in full force and effect.

7. **Right to Extinguish**

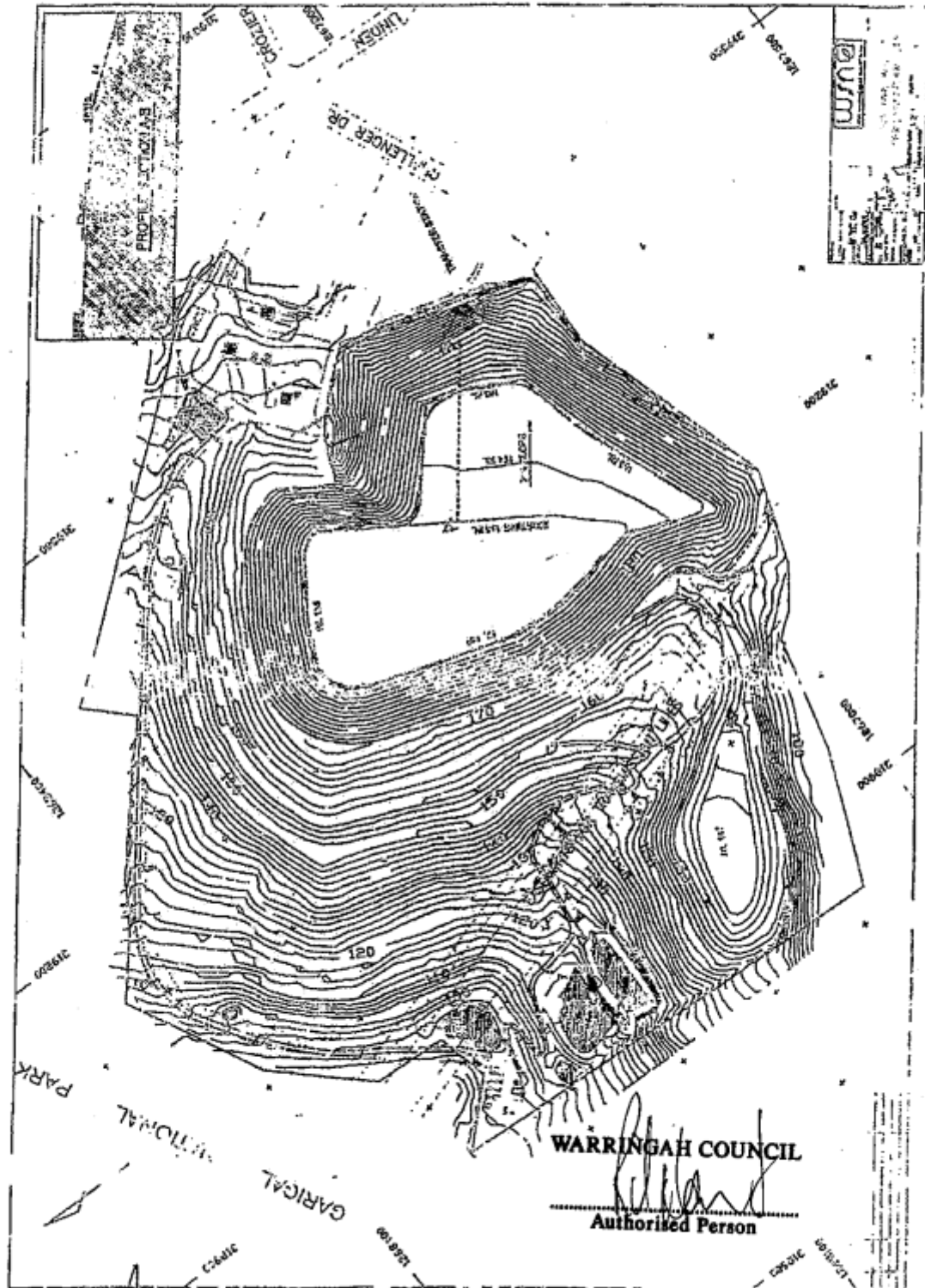
The only party with authority to release, vary modify or extinguish this Positive Covenant is the Council, which release, variation or modification shall require a resolution of Council in addition to any other formality.

8. **Party Bound**

The party bound to observe and perform the obligations imposed by this Positive Covenant is the Registered Proprietor of the Subject Land.

WARRINGAH COUNCIL

.....
Authorised Person



Handwritten signature
X K K

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Annexure B

EXECUTION BY REGISTERED PROPRIETOR

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Corporation: Waste Recycling And Processing Corporation

Authority: Section 50(3) of the Interpretation Act 1987

P. Stephens
Signature of witness

PIROSKA STEPHENS
Name of witness
(please print)

13 CROWS NEST ROAD
WAVERTON 2060
Address of witness
(please print in full)

K.M.
Signature of authorised person, being the principal officer of the Corporation

Ken Kanofski
Name of authorised person
(please print)

CEO
Office held
(please print in full)

25 June 2015

Mr Robert Symington
Planning and Development Manager
Waste Assets Management Corporation
Level 4, 10 Valentine Avenue
PARRAMATTA NSW 2124

Our Ref: #2015/146677

Dear Mr Symington

Belrose Public Positive Covenant

Reference is made to Waste Asset Management Corporations (WAMC) request for the Belrose public positive covenant (PPC) to be released.

It is acknowledged that WAMC has been forthcoming in providing requested additional information in relation to the proposed release including survey data on the final landfill height and profile and an update on the implementation of the Closure Plan.

The PPC can only be removed or varied under a resolution of Council. In representing the interests and concerns of the Community, Councillors will be questioning:

- why the release of the PPC at this stage would impede WAMC's current obligations under the Closure Plan,
- why at least section 2(a) should not remain in place, and
- what absolute certainty is in place that landfill operations could not recommence under the 1978 consent.

To this end it is requested that WAMC outline its reasons for the above so a report can be finalised for the Council Meeting in August.

Yours sincerely

Peter Robinson
Group Manager Strategic Planning

Enquiries: David Bell, 9442 2667.

ITEM 8.9	RETURNS DISCLOSING PECUNIARY INTERESTS OF DESIGNATED PERSONS FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2015/285886
ATTACHMENTS	NIL

REPORT

PURPOSE

To table Pecuniary Interest Returns lodged with the General Manager in accordance with Section 449(3) of the Local Government Act 1993.

REPORT

Section 449(3) of the Local Government Act 1993 requires Councillors and staff holding a position classified as a designated person as at 30 June in any year, to complete a Pecuniary Interest Return and lodge the Return with the General Manager within three months of that date.

Section 441 of the Local Government Act 1993 defines 'designated persons' as the General Manager, other senior staff and other staff who hold a position in which the exercise of functions could give rise to a conflict of interest.

All required returns for the period ending 30 June 2015 have been completed and lodged with the General Manager.

Section 450A of the Local Government Act 1993 requires the General Manager to keep a register of returns, and to table the returns at the first Council Meeting held after the last day of required lodgement (i.e. 30 September 2014). Accordingly, the returns for the period ending 30 June 2015 will be tabled at the Ordinary Council Meeting of 27 October 2015.

FINANCIAL IMPACT

Nil

POLICY IMPACT

This is within the bounds of the Local Government Act 1993.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Disclosure of Pecuniary Interest Returns for designated person for the period 1 July 2014 through to 30 June 2015 be noted.

10.0 NOTICES OF MOTION

ITEM 10.1	NOTICE OF MOTION NO 21/2015 - MAINTENANCE OF THE PARK AT THE SOUTHERN AREA OF FRESHWATER BEACH
TRIM FILE REF	2015/301700
ATTACHMENTS	NIL

Submitted by: Councillor Bob Giltinan

MOTION

That Council give further consideration to retaining play equipment at the southern area of Freshwater Beach due to the large number of residents who use the facilities.

FUNDING SOURCE

Funding for the maintenance of this park can be covered by existing operational budgets.

BACKGROUND FROM COUNCILLOR BOB GILTINAN

I refer to the playgrounds being reviewed as part of Council's Open Space Strategy which is currently on exhibition to the public until 25 October 2015. I have received numerous phonecalls and correspondence by email from residents regarding the closure of the children's playground located at the southern area of Freshwater Beach. My understanding from the residents and from the draft Strategy is that it will be retired. I have advised residents to make submissions to the draft Strategy and information is available on the website. From my discussions with residents, it is incredibly popular with a wide range of the community.

ITEM 10.2	NOTICE OF MOTION NO 22/2015 - WARRINGAH RESIDENT TONY MCAVOY SC
TRIM FILE REF	2015/306016
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

MOTION

- A. That this Council notes:
- a. Warringah resident, Tony McAvoy has recently become the first Aboriginal person in Australia to be appointed a Senior Counsel.
 - b. Mr McAvoy SC has previously served on the NSW Coastal Council, NSW Heritage Council, acted as a Part Time Commissioner of the Land and Environment Court and an array of other positions.
 - c. Together with his wife, Kathy Ridge, Mr McAvoy has been active on a range of environmental issues in Warringah and also provided pro-bono advice to community groups and leaders.
 - d. Mr McAvoy has had a long term commitment to and worked for the Mum Shirl Foundation which mentors and supports young Aboriginal people on their journey through university and the legal profession.
- B. That this Council congratulates Mr McAvoy on his historic appointment as Senior Counsel and his outstanding contribution to our community.
-

FUNDING SOURCE

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

11.0 QUESTIONS ON NOTICE

ITEM 11.1	QUESTION ON NOTICE NO 25/2015 - EXPENDITURE ON IMPLEMENTING NEW WARRINGAH LOGO
TRIM FILE REF	2015/305740
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since the introduction of the new W logo, what has been the total expenditure to date to implement it (ie new signage on or around buildings, street signs, stationery etc)?

ITEM 11.2	QUESTION ON NOTICE NO 26/2015 - COUNCIL'S CAR FLEET
TRIM FILE REF	2015/305745
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What makes/models of cars are currently in Council's car fleet?

ITEM 11.3**QUESTION ON NOTICE NO 27/2015 - RESTAURANT
PROPOSED FOR DEE WHY SURF LIFE SAVING CLUB****TRIM FILE REF****2015/305748****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Could it please be outlined exactly what is being proposed for a restaurant at Dee Why Surf Life Saving Club?

12.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 12.1	RESPONSE TO QUESTION ON NOTICE NO 22/2015 - NUISANCE PROVISIONS OF LEASE - DEE WHY BEACH SHED
TRIM FILE REF	2015/284166
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

I refer to clause 4.2(c) 3 of the lease between Warringah Council and the lessees of the Beach Shed, Dee Why which states the lessee must not:

"permit any act, matter or thing whatsoever to be done in or upon the Premises which causes or may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of adjoining or neighbouring lands or buildings"

I note Mr Campbell Pfeiffer advised at the last Council meeting that this clause can't be used to make directions to stop delivery trucks delivering to the Kiosk, delivering at early hours of the morning, that are causing annoyance, nuisance and grievance to owners of adjoining and neighbouring lands.

What then, is the purpose of clause 4.2(3) c of the lease?

RESPONSE

Clause 4.2(c)(3) of the lease between Warringah Council (as lessor) and Svinjam Pty Limited (as lessee) in respect of Dee Why Beach Kiosk seeks to prohibit the lessee from permitting the acts, matters and things referred to therein. It is considered that the lessee is currently complying with clause 4.2(c)(3).

ITEM 12.2	RESPONSE TO QUESTION ON NOTICE NO 23/2015 - SEATING AT THE DEE WHY BEACH SHED
TRIM FILE REF	2015/284181
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

I note Mr Malcolm Ryan's advice at the last Council meeting that The Beach Shed, Dee Why is permitted to have 20 seats. Does this include both inside and outside seats?

RESPONSE

Yes.

ITEM 12.3	RESPONSE TO QUESTION ON NOTICE NO 24/2015 - STAFF PARTICIPATION IN YOUR WARRINGAH POLITICAL PARTY CAUCUSING PRIOR TO COUNCIL MEETINGS
TRIM FILE REF	2015/284185
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Did any Council Staff member meet with any Councillor of the Your Warringah Political Party prior to the last Council meeting to discuss questions to be asked in relation to my Notice of Motion on The Beach Shed, Dee Why?

RESPONSE

No. Council staff met with a number of Councillors at their request to discuss issues on the business paper for the Council meeting of 25 August 2015. It is open to any Councillor to request meetings with staff at any time.

13.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

A. That, in accordance with the requirements of Section 10 of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a Item 13.1 RFT 2015/037 - Supply. Implementation and Maintenance of e-Learning Management System on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses the acceptance of a tender and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prejudice the commercial position of the person who supplied it.

- b Item 13.2 RFT 2015/053 - Mechanical Services for Passenger and Light Commercial Vehicles on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses RFT2015/ 053 - Mechanical Services for Passenger and Light Commercial Vehicles and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would disclose commercial in confidence information.

- c Item 13.3 RFT 2015/052 - Dee Why Stormwater Drainage Upgrade Works on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses a confidential tender submission and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prejudice the commercial position of an organisation and offer a commercial advantage to future prospective civil contractors.

- d Item 13.4 Contract 2014/003 - Place Making and Public Art for the Dee Why Town Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses matters which if disclosed in open Council would potentially prejudice the commercial position of the person who supplied their fee structure and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would be detrimental to the commercial position of the company who provided the information.

- e Item 13.5 - Change of Incumbent Cleaning Contractor on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses RFT2015/001 Cleaning Contracts to Warringah Council Properties and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would identify commercial in confidence pricing information.

- f Item 13.6 - Mayoral Minute No 11/2015 - Annual Performance Review of the General Manager July 2014 - June 2015 on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A, (B) and (D) Local Government Act 1993].

This report discusses the General's Manager performance and the disclosure of this matter in open meeting would, refer to personnel matters concerning particular individuals (other than councillors) consequently this report will be discussed in close session in order to preserve the relevant confidentiality, privilege or security of such information

- B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
-

