



MEETING AGENDA

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

Tuesday 25 February 2014

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

John Warburton
Acting General Manager

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 25 February 2014
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ACKNOWLEDGEMENT OF COUNTRY

1.0 APOLOGIES

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Minutes of Ordinary Meeting of Council held 11 February 2014

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

4.0 PUBLIC FORUM

5.0 MAYORAL MINUTES

Nil

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 11 FEBRUARY 2014

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held 11 February 2014, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 GENERAL MANAGER'S REPORTS

| | |
|--------------------------|--|
| ITEM 6.1 | MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2014 |
| REPORTING MANAGER | CHIEF FINANCIAL OFFICER |
| TRIM FILE REF | 2014/036204 |
| ATTACHMENTS | 1 Application of Funds Invested (Included In Attachments Booklet) 2 Council's Holdings as at 31 January 2014 (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) 6 Investment Strategy and Portfolio Review 2013-14 Financial Year (Included In Attachments Booklet) |

REPORT

PURPOSE

To report the balance of investments held as at 31 January 2014.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

REPORT

The following attachments are provided as part of the Report.

1. Application of Funds Invested
2. Council's Holdings as at 31 January 2014
3. Investment Portfolio at a Glance
4. Monthly Investment Income vs. Budget
5. Economic Notes
6. Investment Strategy and Portfolio Review – 2013/14 Financial Year

FINANCIAL IMPACT

The actual investment income to 31 January is \$2,300,896 which compares favourably to the budgeted income of \$2,138,000 a variance of \$162,896.

POLICY IMPACT

The investment strategy was reviewed by our Investment Advisors Prudential Investment Services Corp, in January 2014 (Attachment 6). They confirmed that Council continues to maintain a prudent investment strategy and is well placed for the balance of the 2013/14 financial year and indeed beyond.

Performance over the 2013/14 financial year to date (January 2014) is strong having exceeded the benchmark, 4.15%pa vs 2.69%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing cash flow.

RECOMMENDATION OF GENERAL MANAGER

That the:

- A. Report indicating Council's Funds Management position be noted.
 - B. Certificate of the Responsible Accounting Officer be noted and the report adopted.
 - C. Investment Strategy and Portfolio Review be noted.
-

| | |
|--------------------------|--|
| ITEM 6.2 | DECEMBER 2013 QUARTERLY BUDGET REVIEW STATEMENT |
| REPORTING MANAGER | GROUP MANAGER STRATEGIC PLANNING AND CHIEF FINANCIAL OFFICER |
| TRIM FILE REF | 2014/017066 |
| ATTACHMENTS | 1 December 2013 Quarterly Budget Review Statement (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To present the December 2013 Quarterly Budget Review Statement.

SUMMARY

The December 2013 Quarterly Budget Review Statement is in a separate Attachment Booklet and is the second progress report on the Delivery Program 2013-2017 and Operational Plan 2013-2014. The report details Council's overall financial position by 16 Key Service areas, 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 \$7,309,579 to \$5,317,110.

This decrease is principally related to the movement to the next financial year of the anticipated settlement date of the sale of the Sturdee and Pacific Parade Dee Why properties. Council's projected financial position at 30 June 2014 will continue to be satisfactory and no other action is required as a result of this change.

The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to decrease by \$7,904,080 to \$9,651,398.

This decrease principally relates to the movement noted above as well as the decrease in budgeted Grants and Contributions – Capital Purposes to be received from the Bringa Women's Centre for works on their Women's Resource Centre.

Of 156 actions covered by the report, 93.5% are progressing in accordance with agreed timeframes (either completed or on schedule), and 6.5% (or 10 projects) are behind schedule.

FINANCIAL IMPACT

The available working capital is well in excess of the minimum level required to be held at any time for unplanned expenditure and in terms of Clause 203 of the *Local Government (General) Regulation 2005*, this financial position is satisfactory.

POLICY IMPACT

The projected surplus is consistent with Council's financial planning policy, namely that "Projected operating revenues are set at a level sufficient to meet projected operating expenses".

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The December 2013 Quarterly Budget Review Statement be noted.
-

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- B. The following changes to the Current Forecast in the December 2013 Quarterly Budget Review Statement be approved:
- a. The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$7,309,579 to \$5,317,110
 - b. Decrease in capital expenditure by \$5,347,326 to \$34,250,029 for the year ending 30 June 2014
-

REPORT

BACKGROUND

The Quarterly Budget Review Statement is a progress report against the Delivery Program 2013-2017 and Operational Plan 2013-2014. The December 2013 Quarterly Budget Review Statement is distributed in a separate Attachment Booklet and reports on the 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 (16 key services) and the responsible Accounting Officer report quarterly on a budget review statement.

Income Statement

The result for the six months ended 31 December 2013 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 16 services included in the Delivery Program 2013-2017 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 | 168,039,163 | 169,104,748 | 1,065,585 | 162,078,057 | (7,026,690) |
| Total Expenses From Continuing Operations | (151,328,606) | (151,549,270) | (220,664) | (152,426,660) | (877,390) |
| Surplus / (Deficit) from Continuing Operations | 16,710,557 | 17,555,478 | 844,921 | 9,651,398 | (7,904,080) |
| Surplus/ (Deficit) before Capital Grants & Contributions | 12,676,680 | 12,626,689 | (49,991) | 5,317,110 | (7,309,579) |

The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to decrease by \$7,309,579 to \$5,317,110.

This decrease is principally related to the movement to the next financial year of the anticipated settlement date of the sale of the Sturdee and Pacific Parade Dee Why properties. Council's projected financial position at 30 June 2014 will continue to be satisfactory and no other action is required as a result of this change.

The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to decrease by \$7,904,080 to \$9,651,398.

This decrease principally relates to the movement noted above as well as the decrease in budgeted Grants and Contributions – Capital Purposes to be received from the Bringa Women's Centre for works on their Women's Resource Centre.

The significant changes which result in a decrease of \$7,026,690 in the forecast Income from Continuing Operations are as follows:

- User Charges & Fees are forecast to increase by \$471,693. Within Kimbriki Environmental Enterprises there has been an increase of \$651,693 due to higher Gate Fees as a result of all commercial vehicles now being weighed on entry to the facility and an increase in the tonnage of virgin excavated natural materials (VENM). This has been offset by a reduction of \$180,000 in Roads, Traffic & Waste as a result of how Road Restorations are now undertaken by Sydney Water

- Investment Fees and Revenues are forecast to increase by \$5,000 due to additional interest within Kimbriki Environmental Enterprises
- Other Revenues are forecast to increase by \$271,790 which principally relates to a change within Kimbriki Environmental Enterprises as a result of additional charges related to the Waste Levy from the extra tonnages noted above
- Grants & Contributions – Operational Purposes have been forecast to increase by \$78,303. This increase relates to additional grants within Natural Environment of which \$10,000 is for the works related to the threatened species *Grevillea Caleyi*, \$10,000 from the Rural Fire Service for bush fire mitigation works and \$58,000 from Greater Sydney Local Land Services for bush regeneration works
- Grants & Contributions – Capital Purposes have been forecast to decrease by \$594,501. Contributions to be received from the Brinda Women's Centre for works on their Women's Resource Centre within Corporate Support has been forecast to decrease by \$568,900, grants for playground improvements within Parks, Reserves and Foreshores have been decreased by \$30,000 as a result of changes to the prepayment of grants and the grant from the NSW State Library within Information & Library has been forecast to increase by \$4,399
- Gains on Disposal of Assets have been forecast to decrease by a net \$7,258,975. This reflects a movement to the next financial year of the anticipated settlement date of the sale of the Sturdee and Pacific Parade Dee Why properties offset by the sale of the road reserve between 3 and 5 Edgecliffe Boulevard, Collaroy Plateau which Council confirmed at its meeting on 27 November 2013 with the funds to be utilised in accordance with Section 43 of the Roads Act 1993

The significant changes which result in an increase of \$877,390 in the forecast Expenses from Continuing Operations are as follows:

- Employee Benefits & Oncosts are forecast to increase by \$181,396. This predominantly relates to additional costs within Kimbriki Environmental Enterprises for a Senior Engineer working on the Alternate Waste Technology and other projects six months earlier than originally intended as well as additional overtime related to a higher level of activity on the site
- Materials and Contracts have been increased by \$10,520. This relates to a reduction in Roads, Traffic & Waste of \$180,000 due to changes to how road restorations are undertaken for Sydney Water, additional expenditure for Reactive Track and Trail works, an increase in Geotechnical works of \$76,366 within Natural Environment and an increase within Kimbriki of \$114,152 for additional Landfill cell preparation costs reflecting best practice in the new landfill area being prepared for use
- Depreciation and Amortisation has been increased by \$92,000 within Kimbriki Environmental Enterprises and reflects changes to the timing and composition of its capital expenditure program
- Other Expenses are forecast to increase by \$592,934. This reflects changes within Kimbriki Environmental Enterprises as a result of higher EPA Waste Levy Charges due to a higher proportion of tonnages received being diverted to landfill

Capital Works

Expenditure on Capital Works for the six months ended 31 December 2013 totalled \$15,951,646.

| | YTD Actual \$ | YTD Forecast \$ | Variance \$ |
|---------------------------|------------------------------|--------------------------------|------------------------|
| Total Capital Expenditure | 15,951,646 | 16,538,971 | 587,326 |

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 | 36,366,931 | 41,714,257 | (5,347,326) | 34,250,029 | 7,464,228 |
| Description | | | | | \$ |
| Changes by Council Resolution during the first quarter: | | | | | (4,160,414) |
| Changes by Council Resolution in the September QBRs: | | | | | (1,186,911) |
| Changes by Council Resolution during the second quarter: | | | | | - |
| | | | | | (5,347,325) |
| Changes identified in the Proposed Forecast | | | | | |
| Description | | | | | \$ |
| Capital Works carried forward to future years: | | | | | |
| Dee Why Town Centre - Kingsway parking & community facility | | | | | 2,600,000 |
| IT Infrastructure - Renewals | | | | | 15,000 |
| IT Software - Renewals | | | | | 100,000 |
| Dareen St, Frenchs Forest- Traffic Calming | | | | | 146,000 |
| King St, Manly Vale- Traffic Calming | | | | | 56,000 |
| Collaroy Stormwater Outlet | | | | | 1,537,630 |
| Tramshed - Toilet, Kitchen, BCA and DDA renewals | | | | | 736,098 |
| WAC Cogeneration | | | | | 717,100 |
| Construction of Kimbriki Road | | | | | 1,000,000 |
| Capital Works brought forward from future years: | | | | | |
| Reactive Stormwater Renewals | | | | | (175,000) |
| Other: | | | | | |
| Bringa Womens Centre Renewal | | | | | 718,900 |
| Other | | | | | 12,500 |
| Other Forecast Changes Total | | | | | 7,464,228 |
| Total Net Changes identified in the Proposed Forecast | | | | | 7,464,228 |
| Total Net Changes | | | | | 2,116,903 |

Performance against Key Actions

A total of 156 actions are contained within the Attachment Booklet. "Traffic light" indicators are used in the Quarterly Budget Review Statement to show overall progress. Comments are provided against each action in the report.

The December 2013 results are as follows:

- 146 actions are on schedule
- 10 actions are behind schedule

The reasons for delay are provided in the attached report.

POLICY IMPACT

The projected surplus is consistent with Council's financial planning policy, namely that "projected operating revenues are set at a level sufficient to meet projected operating expenses".

FINANCIAL IMPACT

The available working capital is well in excess of the minimum level required to be held at any time for unplanned expenditure and in terms of Clause 203 of the *Local Government (General) Regulation 2005*; this financial position is satisfactory.

7.0 COMMUNITY DIVISION REPORTS

| | |
|--------------------------|--|
| ITEM 7.1 | LIVING WELL WARRINGAH STRATEGY - CONSIDERATION OF SUBMISSIONS |
| REPORTING MANAGER | GROUP MANAGER COMMUNITY SERVICES |
| TRIM FILE REF | 2014/016701 |
| ATTACHMENTS | 1 Draft Living Well Warringah Strategy (Included In Attachments Booklet) 2 Public Summary of Submissions - Draft Living Well Warringah Strategy - Ageing Strategy (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the submissions received in response to the exhibition of the draft Living Well Warringah Strategy (the Strategy) and to recommend adoption of the Strategy.

SUMMARY

The Strategy was on public exhibition from 30 November 2013 to 12 January 2014. A slightly longer exhibition period was undertaken to account for the Christmas holiday period. A total of nine submissions were received, eight from the public and one internal. Apart from some editorial changes, no substantive changes are recommended.

FINANCIAL IMPACT

The budget was allocated and the Living Well Warringah Strategy consultations commenced in 2011/12.

POLICY IMPACT

Once finalised, the Strategy will provide clear strategic direction for Council to plan and deliver services and assets for older people, and support healthy ageing in Warringah.

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council adopt the draft Living Well Warringah Strategy.

REPORT

BACKGROUND

The Strategy was reported to Council at its meeting of 26 November 2013 when Council resolved to place the Strategy on public exhibition. The Strategy draws on extensive research, analysis and conversations with older people, their families, carers and key community agencies.

Older people told us of five themes that are important to them:

1. Where we live
2. Getting out and about
3. Community involvement and lifelong learning
4. Healthy lifestyles
5. Access to care and support

CONSULTATION

Notification of the exhibition was advertised in the Manly Daily, Council's website, and by email or letter to relevant community groups, organisations, nursing homes and retirement villages. In addition to the above, people who participated in the earlier consultations were notified.

Aged service providers and other stakeholders on the northern beaches were informed of the public exhibition and encouraged to make comment.

The exhibition extended from 30 November 2013 to 12 January 2014 with copies of the Strategy available at Council offices and libraries and online at Council's website. Written submissions were invited through Council's online submission form, email or by letter. A total of nine submissions, of which one was internal, were received.

Overall the submissions were supportive, with comments including suggestions on how to implement the Strategy in regard to footpaths, bike paths, placement of retirement villages and disabled car parks.

One comment questioned how Council will meet the objectives stated in the Strategy – a specific Action Plan will be developed to support the Strategy after it has been adopted by Council.

FINANCIAL IMPACT

The budget was allocated and the Living Well Warringah Strategy consultations commenced in 2011/12.

POLICY IMPACT

Once finalised, the Strategy will provide a framework for Council, older people and carers to support healthy ageing in Warringah.

Living Well Warringah complies with Council's Physical Access Policy CCS-PL 320.

| | |
|--------------------------|--|
| ITEM 7.2 | COMMUNITY LIBRARY FUNDING FOR 2013/14 |
| REPORTING MANAGER | DEPUTY GENERAL MANAGER COMMUNITY |
| TRIM FILE REF | 2014/042572 |
| ATTACHMENTS | NIL |

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to seek approval to provide the 2013-14 funding allocation to:

- Terrey Hills Community Library - \$20,000
- Booklovers' Club Warringah Incorporated - \$1,370

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

SUMMARY

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

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

FINANCIAL IMPACT

Nil as provided for in 2013-2014 Library Services Operations Budget.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council approve the 2013-2014 funding allocation of \$20,000 for Terrey Hills Community Library and \$1,370 for Booklovers' Club Warringah Incorporated.

REPORT

BACKGROUND

Terrey Hills Community Library

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

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

Terrey Hills Community Library core operations include:

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

Library hours:

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

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

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

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

Booklovers' Club Warringah Incorporated

The Booklovers' receive a \$3,000 grant per year from Council as well as \$1,370 from Council's Library budget to offset telephony, rent and administration costs.

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

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

Library hours:

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

Audit and Compliance

Observing internal auditors' recommendation, and as from February 2013, community based libraries will now have to formally apply and give explanation as to what the funds will be spent on.

As well, sometime after end of the financial year, community based libraries will now be required to provide an 'acquittal' of what the subsidy was spent on.

Whilst not done in the past, both Terrey Hills Community Library and Booklovers' were able to show evidence that previous subsidies have been spent on their respective community core operations.

It is expected that future requests for subsidy will be made in Quarter 1 of the new financial year.

CONSULTATION

The following groups were consulted in determining recommended action outlined in this report:

- The President; the Secretary and the Treasurer of Terrey Hills Community Library
- The President of Booklovers' Inc.
- Finance
- Community Services
- Business and Enterprise Risk.

FINANCIAL IMPACT

Nil as provided for in 2013-14 Library Services Operations Budget.

POLICY IMPACT

Nil

8.0 ENVIRONMENT DIVISION REPORTS

| | |
|--------------------------|---|
| ITEM 8.1 | LOCAL GOVERNMENT ACTS TASKFORCE FINAL REPORT “A NEW LOCAL GOVERNMENT ACT FOR NSW” – COUNCIL’S SUBMISSION |
| REPORTING MANAGER | DEPUTY GENERAL MANAGER ENVIRONMENT |
| TRIM FILE REF | 2014/031980 |
| ATTACHMENTS | 1 Warringah Submission on Local Government Act Taskforce Final Report: A New Local Government Act for NSW 2014 |

REPORT

PURPOSE

To endorse a submission to the Division of Local Government in response to the final report of the Local Government Act Taskforce (the Taskforce).

REPORT

Warringah has made a series of submissions on the review of the Local Government Act (the Act), the latest being approved by Council on 25 June 2013. This final report from the Taskforce – ‘A New Local Government Act for NSW’ – was submitted to the Minister for Local Government in October 2013 and released for public exhibition on 6 January 2014. Comments are due by 7 March 2014 to the Division of Local Government.

The recommendations focussed on a reduction in prescription and red tape, an increase in flexibility for councils to carry out their duties and the restructuring of the Act around the Integrated Planning and Reporting Framework (IP&R). Warringah was one of the earlier Council’s to introduce IP&R in July 2010 and are therefore fully supportive of this recommendation. It is noted that a number of the recommendations are still dependent upon the recommendations of the Independent Local Government Review Panel in their final report ‘Revitalising Local Government’ which are being considered at the same time as the Taskforce’s paper.

Overall, Council supports the recommendations for the future direction of the Act however, the submission does include a number of suggestions and comments that Council are putting forward to either strengthen or seek further clarification in relation to individual recommendations. These can be found in attachment 1 where responses to each of the recommendations are detailed.

FINANCIAL IMPACT

Nil

POLICY IMPACT

No immediate impact however any changes to the Local Government Act will have far reaching changes within Council’s policies.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council endorse the prepared submission on the review of the final report “A New Local Government Act for NSW” from the Local Government Act Taskforce and forward to the Division of Local Government.

Submission on the Local Government Act Taskforce Final Report: “A New Local Government Act for New South Wales”

The table below outlines Warringah’s position for each of the recommendations contained in the Taskforce’s final report.

| 3.0.0 Approach and Principles for the Development of the New Act – Final Recommendation | Warringah position |
|---|---|
| <ol style="list-style-type: none"> 1. IP&R form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities 2. A flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used 3. A more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like. | <p>Support and Strengthen - Warringah supports the recommendation however we would like to reiterate our comment made to the discussion paper:</p> <p><i>“However Warringah also believes that there should be a statement within the Act regarding where we (Local Government) are going into the future. The approach and principles of the new Act need to be adaptable and provide for future growth and change”</i></p> |
| 3.1.0 Structure of the New Local Government Act – Final Recommendation | Warringah position |
| <p>The new Act is structured with the following elements:</p> <p>Part I - Structural Framework of Local Government in NSW</p> <ul style="list-style-type: none"> • Purpose of Local Government Act – 3.1.1 • Role of Local Government – 3.1.2 • Guiding Principles – 3.1.2 • Legal status of councils (includes establishment) – 3.1.3 • Roles and Responsibilities of Council Officials – 3.1.4 <p>Part II - Strategic Framework for Local Government in NSW</p> <ul style="list-style-type: none"> • Integrated Planning and Reporting – 3.2.1 • Community Engagement – 3.2.2 • Performance of Local Government – 3.2.3 <p>Part III - Council Operations</p> <ul style="list-style-type: none"> • Governance Framework – 3.3.1 – 3.3.8 • Financial practices – 3.3.9 – 3.3.11 • Public Private Partnerships – 3.3.12 • Public Land – 3.3.13 – 3.3.14 • Regulatory Functions – 3.3.15 – 3.3.16 • Other functions <p>Part IV - Tribunals and Commissions - 3.3.17</p> | <p>Support</p> |
| 3.1.1 Purposes of the Local Government Act – Final Recommendation | Warringah position |
| <p>The Purposes of the Local Government Act be drafted as follows:</p> <ul style="list-style-type: none"> • a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i> • the nature and extent of the responsibilities and powers of local government • a system of local government that is democratically elected, interactive with and accountable to the community, and is sustainable, flexible, effective and maximises value. | <p>Support</p> |
| 3.1.2 Role and Guiding Principles of Local Government – Final Recommendation | Warringah Position |
| <p>The inclusion of a new Role of local government and a set of Guiding Principles for local government as follows: The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and wellbeing and civic engagement through:</p> | <p>Support</p> |

| | |
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| <p>(1) utilising integrated planning and reporting</p> <p>(2) working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting</p> <p>(3) providing or procuring effective, efficient and financially affordable economic assets, services and regulation</p> <p>(4) exercising democratic local leadership and inclusive decision-making</p> <p>(5) having regard to the long term and cumulative effects of its decisions</p> <p>(6) valuing local difference and system diversity</p> <p>(7) committing to the application of the Guiding Principles of local government</p> <p>Guiding Principles to be observed by local government are to:</p> <p>(1) provide elected community-based representative and participatory local democracy, and open and accountable government</p> <p>(2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community</p> <p>(3) adhere to the social justice principles of equity, rights, access and participation</p> <p>(4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development</p> <p>(5) consider future generations by protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks to human health and prevent environmental degradation</p> <p>(6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability</p> <p>(7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity</p> <p>(8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest</p> <p>(9) optimise technology, and foster innovation and continuous improvement.</p> | |
| 3.1.3 Constitution of Councils – Final Recommendation | Warringah Position |
| The legal status of councils remains as a “body politic”. | Support |
| 3.1.4 Roles and Responsibilities of Council Officials – Final Recommendation | Warringah Position |
| <p>The Taskforce recommends following consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework (see section 3.2.1 below) and any recommendations of the Independent Panel that may be adopted by the State Government.</p> | Warringah’s response to the Independent Panel’s report has been made in relation to these issues. |
| 3.2.1 Integrated Planning and Reporting (IPR) – Final Recommendation | Warringah Position |
| <p>(1) Elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government</p> <p>(2) strengthening and embedding the principles of IPR in the Act more broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines</p> <p>(3) removing duplication from other parts of the Act, where the</p> | <p>Support and Strengthen -</p> <p>Warringah supports the recommendation however we would like to reiterate our comment made to the discussion paper:</p> <p><i>“The current provisions in the Act are principle-based, prescribing the framework but provide councils with broad discretion in how they meet the intent. This provides a guide for the approach that should be taken in the New Act.</i></p> <p><i>The provisions of the Act in respect of the Delivery</i></p> |

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| <p>principle or practice is already captured in the IPR legislation or guidelines</p> <p>(4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities</p> <p>(5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act</p> <p>(6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.</p> | <p><i>Program we believe needs to be modified. The expectation that Councils can set a Delivery Program that will remain unchanged for four years is not realistic. The environment in which we operate is dynamic, things change in the external environment (be it legislation, funding arrangements, community priorities etc) as well as political priorities. A better approach is for the Delivery Program to be reviewed annually; this will also ensure that it always has an outlook over four years which reflects the current demands and needs. We believe further clarification is also required on the relationships between the CSP and the Local Plan as discussed in the Planning White Paper. Both pieces of legislation need to complement each other and work together. There are currently information gaps in how these documents will work in tandem, which may be addressed in guidelines and directions from the respective Departments.</i></p> <p><i>There is also an opportunity to streamline processes for undertaking works with monies collected under Section 94A of the Environmental Planning and Assessment Act. Councils are required under this Act to advertise the proposed works program detailing what public amenities and services will be funded. Warringah Council currently incurs unreasonable expense having to advertise the works program twice, as part of its operational plan (budget) and stand-alone clearly branded s94A projects."</i></p> |
| <p>3.2.2 Community Engagement – Final Recommendation</p> | <p>Warringah Position</p> |
| <p>Councils to prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will:</p> <ol style="list-style-type: none"> include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to economic resources and services essential to meet basic needs and improve quality of life; and people have better opportunities to become informed and involved especially through use of technology consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken consider and understand that interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format ensure that views presented to council will be given due consideration consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity arrange flexible special engagement procedures in particular instances consider all groups, even though it may be difficult to reach every diverse community group, and some groups will choose not to engage. | <p>Support</p> |

| 3.2.3 Performance of Local Government – Final Recommendation | Warringah Position |
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| <p>A performance system is developed that is linked to IPR and includes the following elements:</p> <ol style="list-style-type: none"> (1) a standard series of measures that can compare the performance of councils across the State (2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance (3) a self-assessment of the performance of the governing body on an annual basis (4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan. | <p>Support and Strengthen - Warringah supports the recommendation however we would like to reiterate our comment made to the discussion paper : <i>“Whilst we are aware that the Taskforce is awaiting the report and recommendations of the Independent Panel prior to any further consideration of this item, we have a number of points that we believe should be considered regarding the performance of Local Government.</i></p> <ol style="list-style-type: none"> a) <i>It is important that the external auditor provides an overall assurance of the CSP and that the assumptions made are confirmed as valid. It is also important that things such as assets are being managed/ looked in line with asset management plans.</i> b) <i>Local Government should look at one comparative Local Government customer satisfaction survey so that each Council can compare where it sits in comparison with others within the same industry. This will also give Councils a good idea as to how they are going, utilising comparative data.</i> c) <i>We need to get away from the convoluted financial reporting in an old fashioned language and style, and simplify it to an income and expenditure (profit and loss) balance sheet.</i> d) <i>The cost of each service should be identified and how much ratepayers fund each service compared to user pays. This is to promote proper debate in the community over cost and level of service (the question we would raise is why is it not similar to corporations reporting in the private sector?)</i> <p><i>We would like to see Councils being transparent in language that is understandable by the general community.”</i></p> |
| 3.2.4 Technology – Final Recommendation | Warringah Position |
| <ol style="list-style-type: none"> (1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents (2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework. | <p>Support and Strengthen - Warringah supports the recommendation however we would like to reiterate our comment made to the discussion paper: <i>“Has the Taskforce considered the Department of Premier and Cabinet’s ‘One Stop Shop’ idea? Warringah would like to be a part of this type of innovation and technology going forward and would like to see a system whereby people can pay their rates, fines, 149 and 603 certificates on-line or at ‘one stop shops’.”</i></p> |
| 3.3.1 Elections – Final Recommendation | Warringah Position |
| <ol style="list-style-type: none"> (1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs (2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so (3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections (4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be | <p>Support and Strengthen - Warringah supports the recommendation however we would like to reiterate our comment made to the discussion paper: <i>Querying the “most appropriate voting system. In particular we don’t believe that ‘first past the post’ voting is appropriate” and “We believe that S296 of the Act is too prescriptive and does not allow for a competitive process. The decision whether to have the NSW Electoral Commission run the next Local Government Elections needs to be made three years in advance and we believe that this is too far out. The current provisions favour the incumbent, and the process for selecting the company to run the Local Government Elections should be less onerous.”</i></p> |

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| <p>appointed to fill the vacant position</p> <p>(5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method</p> <p>(6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates</p> <p>(7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure</p> <p>(8) the term of mayors elected by the councillors to be extended from 1 year to 2 years</p> | |
| 3.3.2 Meetings – Final Recommendation | Warringah Position |
| <p>The provisions relating to council meetings be:</p> <p>(1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice</p> <p>(2) modernised and unnecessary prescription and red tape removed</p> <p>(3) designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access</p> <p>(4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.</p> | Support |
| 3.3.3 Appointment & Management of Staff – Final Recommendation | Warringah Position |
| <p>(1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by:</p> <ul style="list-style-type: none"> the council being responsible: for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager the general manager being responsible: for determining the balance of the organisation structure; and for recruiting all staff with appropriate qualifications to fulfill each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff <p>(2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report</p> <p>(3) each council to determine arrangements for regulatory responsibilities other than under the Act</p> <p>(4) the current prescription relating to advertising of staff positions and staff appointments be transferred to regulation or to relevant industrial award</p> <p>(5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</p> | <p>Conditional Support</p> <p>1) Oppose The requirement for Council to determine the organisation structure to the level that directly reports to the GM does not align with IPR requirements. The GM should determine the organisation structure including the level that reports directly to the GM and inform Council. Modern best-practice organisations have different levels of roles reporting to the GM e.g. CFO, HR Director as well as DGM's. Taking this to Council itself is irrelevant to strategic responsibilities. It is not appropriate for Council to determine this operational structure. The General Manager should be able to make decisions regarding senior staff appointments, direct appointments and terminations and <u>inform</u> Council, not necessarily consult (as this could mean different things to different people).</p> <p>2) Support</p> <p>3) Support</p> <p>4) Oppose Warringah does not agree that the prescription - relating to advertising of staff positions - be transferred to the award. The current award does not specify how to advertise. The award is generic, state-wide and not specific to individual recruitment requirements. Given the global shortage predicted in the next 5-10 years for the labour market, we need to be as flexible as possible in recruitment. Responsibility for recruitment is an operational staffing matter and should be held by the GM.</p> <p>5) Support</p> |
| 3.3.4 Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities – Final Recommendation | Warringah Position |
| <p>(1) the Act include a mechanism enabling councils to form statutory entities to undertake regional strategic collaboration activities. The Taskforce is of the view that, in place of</p> | <p>Support and Strengthen</p> <p>1. Whilst Council endorses strategic collaboration it is imperative that the voting rights within any regional</p> |

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| <p>Regional Organisations of Councils, a model similar to that developed by the Hunter Councils – Council of Mayors provides a suitable mechanism for achieving regional strategic collaboration, with the exception of Western NSW. ROCs could transition to a Council of Mayors to broaden joint collaboration between councils</p> <p>(2) the provisions of the Act relating to the formation of corporations and other entities should continue</p> | <p>organisation must reflect the respective size of the participating Councils i.e. proportional representation by population size. For example, if the regional organisation comprises 4 councils; 3 of which have a small population, the larger council should have greater decision-making power. The implications for its operations affect a greater population than for each of the 3 smaller councils.</p> <p>2. We have a number of points we believe should be considered regarding Formation and Involvement in Corporations and Other Entities:</p> <p>a) Any reform requires some of the more onerous requirements to be taken out of the Act regarding the formation of Corporations and other Entities;</p> <p>b) The Act needs to retain the ability for councils to form a Council-owned company structure. We agree the prescription needs to be removed and flexibility is required, however there needs to be appropriate checks and balances in place. There should be inbuilt processes whereby councils can put in the degree of scrutiny that they need/ wish, adhering to minimum requirements.</p> |
| <p>3.3.5 Protection from Liability – Final Recommendation</p> <p>The Taskforce is not proposing any changes to the liability provisions of the Act.</p> | <p>Warringah Position</p> <p>N/A</p> |
| <p>3.3.6 Code of Conduct – Final Recommendation</p> <p>The Taskforce is not proposing any changes to the conduct provisions of the Act.</p> | <p>Warringah Position</p> <p>N/A</p> |
| <p>3.3.7 Pecuniary Interest – Final Recommendation</p> <p>1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed</p> <p>2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected.</p> | <p>Warringah Position</p> <p>Support</p> |
| <p>3.3.8 Delegations – Final Recommendation</p> <p>1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.</p> <p>2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example:</p> <ul style="list-style-type: none"> • acceptance of tenders • provision of minor financial assistance to community groups • delegation of regulatory functions to another council or shared services body. | <p>Warringah Position</p> <p>Support</p> <p>Warringah supports the recommendation and makes the following points:</p> <ul style="list-style-type: none"> • Acceptance of tenders – During the budget process Council approves the expenditure as well as set the strategic direction. Almost all tenders are operational delivering on Council's strategic directions. The General Manager would therefore be approving most tenders. • Delegation of regulatory functions to another council or shared services body – This would streamline the process when working with other Councils. |
| <p>3.3.9 Financial Governance – Final Recommendation</p> <p>1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements</p> <p>2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription</p> <p>3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to stewardship of resources and accountability. For example:</p> | <p>Warringah Position</p> <p>Conditional Support</p> <p>Warringah generally supports Points 1, 2, 3 & 5 of the final recommendations as we believe the current Act is too prescriptive. For example, the current Rate in the Dollar requirements; and the process required in referring the Annual Accounts for audit, public exhibition, advertising and their final approval.</p> <p>Oppose Point 4</p> <p>We do not support Point 4 in its current form as we believe this is too prescriptive and places undue emphasis on the form of financial management rather</p> |

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| <ul style="list-style-type: none"> a. safeguarding integrity in financial reporting b. making timely and balanced disclosures c. recognising and managing risk <p>4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is:</p> <ul style="list-style-type: none"> a. financial management governance and oversight b. financial management structure, systems, policies and procedures c. financial management reporting <p>5) financial statement requirements be included under IPR annual reporting requirements</p> <p>6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.</p> | <p>than its substance. The issues of governance and reporting are effectively covered in the points we support above. The prescription by legislation or sub-regulatory instrument in relation to structure, systems, policies and procedures is unnecessary. It will add significantly to compliance costs without any significant benefit. It will also preclude the use of judgement in developing an appropriate financial management framework.</p> <p>The recommendations fail to provide any information on the suggested areas of improvement already submitted, viz.,</p> <p>Division 2 of the Act - Accounting records, financial reports and auditing:</p> <ul style="list-style-type: none"> a) S413 - Too prescriptive. The general principle should be that financial reports should be prepared annually and audited. b) S415 - Too prescriptive and not required c) S416 - Too prescriptive and not required d) S417 - Too prescriptive. It would be sufficient for the audit work to be in accordance with Australian Auditing Standards. e) S418 - 420 Too prescriptive. We do not believe this process is necessary. Financials are financials and they have already been audited and therefore subject to independent review. Shareholders are not able to change the Financial Statements of public companies so we do not believe this public review process to be necessary in Local Government. <p>Oppose Point 6 We do not support Point 6 as it is fundamental that all issues pertaining to financial management be dealt with at the same time to ensure an effective framework is developed. If this review does not cover all issues, any amendments may result in the overall intent of the original changes being lost.</p> |
| <p>3.3.10 Procurement – Final Recommendation</p> <ul style="list-style-type: none"> 1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles: <ul style="list-style-type: none"> a. accountability b. value for money c. probity, equity, fairness and risk management d. efficient and effective competition e. market assessment 2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code 3) a council's procurement framework be consistent with its IPR framework 4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles 5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent 6) a regulation or code to express councils' default procurement framework 7) councils be qualified to adopt a more strategic approach | <p>Warringah Position</p> <p>Support and Strengthen Warringah generally supports the recommendations but make the following points:</p> <ul style="list-style-type: none"> 1. Support but would like more details 2. Support but note that there is a considerable difference between a guideline or a mandatory code 3. Support 4. Innovative but risky approach if the detail of the procurement process is not defined. Would still require panel evaluation to ensure a single manager does not make the decision, to ensure the standard procurement principles are complied with. Could work well in larger councils, mature in their procurement and with appropriate staffing. Who would determine the capability and appropriate threshold for each individual council? Would require significant resourcing to establish the framework (as per state government model) For a consistent approach, significant detail is required to avoid different interpretations of the Act. 5. Support 6. Support 7. Support Councils gaining 'earned autonomy' to develop their own (risk-based) thresholds for determining when to go to tender. We suggest that |

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| <p>through “earned autonomy” whereby:</p> <ol style="list-style-type: none"> the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council’s procurement framework is consistent with the procurement principles; and qualification for a council’s earned autonomy may be through an accreditation process or by council’s development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community. <p>8) councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises</p> | <p>each Council considers this approach for themselves, and that they ‘by default’ retain the existing threshold (\$150k) unless they can ‘show cause’ to earn autonomy. Possible mechanisms for validating this autonomy might include: (a) independent review of the alternative methodology by a probity auditor (on say a 2-year basis) and (b) supported by (at least on a 2-year basis) internal auditing that validates compliance with the alternative methodology; and (c) the provision of (a) and (b) to the Auditor General (per 3.3.9 above, and the Independent Panel’s recommendation) for at setup (and ongoing) for ‘ultimate validation and signoff’.</p> |
| <p>3.3.11 Capital Expenditure Framework – Final Recommendation</p> | <p>Warringah Position</p> |
| <p>A capital expenditure and monitoring guideline be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles</p> | <p>Support Warringah acknowledges that it may be difficult to set a ‘generic guideline’ of capital expenditure risks given the huge variation in expenditure between all NSW Councils. However, we believe the current guidelines, appropriately integrated with IP&R, would achieve this purpose.</p> |
| <p>3.3.12 Public Private Partnerships (PPPs) – Final Recommendation</p> | <p>Warringah Position</p> |
| <ol style="list-style-type: none"> that PPP projects continue to be subject to regulation due to the significance of the risks involved aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework. | <p>1. Oppose Warringah understands the desire for scrutiny of PPP’s. However there should be some flexibility for PPP’s or council-owned corporations which have been properly created, to be allowed to operate as corporations. They should not be subjected to additional onerous scrutiny and regulation.</p> <p>2. Support</p> |
| <p>3.3.13 Acquisition of Land – Final Recommendation</p> | <p>Warringah Position</p> |
| <p>Council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the Community Strategic Plan on the need for additional public land or the sale of public land be included in Delivery Program provisions</p> | <p>Support Warringah supports this recommendation as long as the process is a streamlined one.</p> |
| <p>3.3.14 Public Land – Final Recommendation</p> | <p>Warringah Position</p> |
| <ol style="list-style-type: none"> councils be required to strategically manage council-owned public land as assets through the IPR framework balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or operational land and require a council resolution at time of acquiring or purchasing land to specify the classification, category and proposed uses a proposed change in the use or disposal of community land be addressed through the council’s Asset Management Planning and Delivery Program a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made any use of a public hearing or other consultation process under the Act be specified in the council’s Community Engagement Strategy recognising the LEP zoning processes and restrictions applying to council owned public land simplifying and reducing the categories and sub-categories of use to which community land may be applied through the | <p>Support and Strengthen Warringah generally supports this proposal, but notes that the mechanisms for some of the changes need clarification.</p> <p>It was Warringah’s previous recommendation that the requirement to have an independent review should be removed if there is an asset management plan in place. This has now been included in point 3).</p> <p>Warringah supports point 4 and 5 where community consultation by way of a public hearing in line with the Community Engagement Strategy be used when changing or disposing of public land.</p> <p>Point 6 is a legal requirement – does it need to be reiterated here?</p> <p>Council strongly supports Point 8). Note that further clarification of the level of detail within the AMP’s is required as current AMP’s do not address individual</p> |

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| <p>Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community</p> <p>8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process</p> <p>9) ceasing the need for a separate report to be obtained from the Department of Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council</p> <p>10) proposed leases and licences be addressed as part of the council's Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain unchanged.</p> | <p>parcels of land.</p> <p>It was Warringah's previous recommendation regarding the issue of leases and licenses if you can extend the lease period and reduce the bureaucratic process. This has now been included in point 10).</p> |
| 3.3.15 Approvals, Orders & Enforcement – Final Recommendation | Warringah Position |
| <p>1) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary "on-the-ground" functions</p> <p>2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis</p> <p>3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed into regulations</p> <p>4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed</p> <p>5) the principles for dealing with approvals and orders be incorporated into a council's IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs</p> <p>6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences</p> <p>7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils</p> <p>8) improving councils' ability to recover costs for conducting work on private land</p> <p>9) aligning council powers of entry with contemporary legislative standards</p> <p>10) increasing the time limit for commencing summary proceedings from 6 to 12 months.</p> | <p>Support and Strengthen</p> <p>Warringah still supports the approach, however we would like to see a little 'control' added in. In particular:</p> <ul style="list-style-type: none"> Guidelines/support to enforcement officers in the 'application of discretion'; Possibly the need for internal audit to review (at least on a 4-yearly basis) how councils are proceeding with their principle-based approach (vs what's actually happening) <p>In relation to point 7 we are concerned about uniformity in enforcement policies with other councils. This will limit genuine exercise of discretion and consideration of public interest in enforcement action.</p> |
| 3.3.16 Water Management | Warringah Position |
| <p>The Taskforce supports changes proposed to water recycling provisions which will consolidate and simplify the legislative framework. Otherwise the Taskforce makes no recommendations regarding the structures for the delivery of water and sewerage in non-urban areas, noting that the Taskforce gave the issue consideration but is aware this area is being dealt with by other reviews.</p> | <p>Support</p> <p>Warringah has no issue with the final recommendation; however it really does depend on how effective the water management reforms will be that result from other reviews.</p> |
| 3.3.17 Tribunals & Commissions – Final Recommendation | Warringah Position |
| <p>The Taskforce notes</p> <p>1) it is expected the Local Government Pecuniary Interest and Disciplinary Tribunal will be consolidated into the newly constituted NSW Civil and Administrative Tribunal</p> <p>2) the Independent Panel is examining the issue of structures and boundaries, how boundary changes might be facilitated, and possible change of method of operation of the Local Government Boundaries Commission and accordingly makes</p> | <p>Support</p> |

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| <p>no comment pending the outcome of this review</p> <p>3) consideration be given whether to merge the Local Government Remuneration Tribunal with the Statutory and Other Officers Remuneration Tribunal.</p> | |
| <p>3.3.18 Other Matters – Final Recommendation</p> <p>(1) in place of sections 23A and 10B(5) that the Act empowers the Director General to issue mandatory codes on operational and governance matters relevant to local government</p> <p>(2) a formal Oath of Office for councillors introduced as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails</p> <p>(3) the provisions of the Act governing councils' expenses and facilities policy reviewed to ensure its streamlined and unnecessary red tape eliminated</p> <p>(4) a review be undertaken of circumstances that do not invalidate council decisions and including consideration of the appropriateness of adding the following to those circumstances that do not invalidate council decisions – “a failure to comply with the consultation and engagement principles”</p> <p>(5) conferring authority on councils to allocate, maintain and enforce property numbering</p> <p>(6) councils be provided with an effective means to regulate camping in vehicles on road and road related areas</p> <p>(7) the following matters be reviewed depending on the outcomes of other reviews currently incomplete:</p> <ol style="list-style-type: none"> how councils are financed, particularly rating. The Taskforce consistently received feedback detailing issues with the provisions of the Act relating to how councils are financed community engagement to ensure consistency with the planning community participation proposals under new Planning Act if adopted Tribunals and Commissions, particularly role and functions of Boundaries Commission to ensure Act supports recommendations of the Independent Panel adopted by State Government roles and responsibilities of council officials. It is essential that the Act clearly defines the roles and responsibilities of the mayor, councillors and the general manager. The Taskforce recommends that these definitions are reviewed to ensure they reflect recommendations of the Independent Panel adopted by the State Government. | <p>Warringah Position</p> <p>Support and Strengthen</p> <p>Warringah generally supports the recommendations for inclusion in the Act and make the following points:</p> <p>Point (6) – Support the need to ensure vehicles such as vans and campers can be controlled or limited from overnight parking where there may be an impact on amenity. Note some locations may be suitable and appropriate parking charges introduced to cover additional operational costs.</p> <p>In respect of Point 7(a) Warringah believes that how Councils are financed is critical to the effective outcome of the review of the Act.</p> <p>As noted in our initial submission, currently “Chapter 15 - How Are Council's Financed” is too detailed and prescriptive. It is repeated within the Regulations and does not need to be in a section of its own.</p> <p>In respect of the Long Term Financial Plan we believe that it is imperative:</p> <ol style="list-style-type: none"> The LTFP be updated annually; LTFP be included in the audit requirements i.e. be subject to an independent review/audit annually; The assumptions underpinning LTFPs are consistent between Councils to assist in comparison. These should therefore be provided by a central body for example TCorp. <p>We also believe that the following matters are essential to an effective outcome from the review:</p> <p><u>Oversight By Auditor General</u> We agree with the Independent Review Panel recommendation for Local Government audits to be overseen by the Auditor General. As noted above we believe the Long Term Financial Plan should be audited annually along with all components of the Special Schedules.</p> <p><u>Other</u> If the DLG prescribes certain reports whether it be within the Act or IPR then they need to ensure that they can be done efficiently and accurately. We believe that Asset Management Plans should be principle-based.</p> <p>Point 7(d) – It is noted that the role of the GM would have to be in-line with potential additional responsibilities under the recommendations relating to tendering.</p> |

| | |
|--------------------------|--|
| ITEM 8.2 | ADOPTION OF DRAFT FORESTVILLE PLAYING FIELDS AND KILLARNEY HEIGHTS OVAL MASTERPLANS |
| REPORTING MANAGER | GROUP MANAGER PARKS RESERVES & FORESHORES |
| TRIM FILE REF | 2014/018538 |
| ATTACHMENTS | 1 Forestville Playing Fields Masterplan Final - January 2014 2 Killarney Heights Oval Masterplan Final - January 2014 |

EXECUTIVE SUMMARY

PURPOSE

To present draft masterplans for Forestville Playing Fields and Killarney Heights Oval to Council for adoption.

SUMMARY

Council has prepared draft detailed landscape masterplans for Forestville Playing Fields and Killarney Heights Oval. Following extensive community engagement a number of changes are proposed for the draft masterplans, a summary of community engagement process and changes is contained in the report. This report also details proposed schedules, budgets and key risks for implementation of the masterplans. The masterplans proposed for adoption can be found in the Attachments of this report.

FINANCIAL IMPACT

Council has currently budgeted \$2.7 million for Forestville Playing Fields and made an application to IPART for an additional \$1.5 million to help fund the construction of the proposed synthetic sports field. It is estimated that there is still a shortfall in the project budget and alternative funding will be sought from grant programs and sporting associations to bridge this gap.

Council has scheduled to undertake lighting upgrades and public amenity renewals at Killarney Heights Oval in the future CAPEX programme, business cases will be prepared for the balance of the works to be considered in future budgets.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Adopt the Forestville Playing Fields Masterplan and Killarney Heights Oval Masterplan dated January 2014.
 - B. Undertake to work with the Forestville RSL War Memorial Playing Fields Community Committee and Forestville RSL Sub Branch to expand the boundaries of the War Memorial Playing Fields through:
 - a. Engaging with the community particularly users of Melwood Oval to determine extent of the area to be dedicated War Memorial.
-

-
- b. Undertake the process to revise the War Memorial boundaries with relevant bodies.
 - c. Revising the Forestville RSL War Memorial Playing Fields Community Committee's charter to reflect boundary changes.
-

REPORT

BACKGROUND

Council has planned to rectify Melwood Oval and Forestville RSL War Memorial Playing Fields for some time. The first phase of the project was to prepare a masterplan to ascertain the ideal configuration and mix of facilities required at the park and to articulate a plan to guide development for the medium to long term.

Coinciding with the commencement of this project Council resolved to proceed with planning to construct a second synthetic sportsfield at either Melwood Oval or Lionel Watts. Melwood Oval is a logical site for this type of development due its status as a regional sportsground, the ground conditions and its geographic location providing a large catchment for use.

CONSULTATION

The draft Forestville Playing Fields and Killarney Heights Oval Masterplans were publically exhibited until 14 December 2013. They were on exhibition for six weeks. This was the second and final formal phase of the community engagement strategy for the Forestville Playing Fields Upgrade Project. There will be further direct engagement with neighbours of the proposed dog play area and an 'inform' stage prior to construction stages.

Council met with the following groups during the preparation of the draft:

- Forestville RSL War Memorial Playing Fields Community Committee
- Killarney Heights High School
- Forestville Tennis Club
- Scouting Association of Australia – Northern Sydney Region
- Manly Warringah Pittwater Sporting Union
- Forest Killarney Football Club
- Manly Warringah Football Association
- Relevant stakeholders
- Forest Rugby Club
- Manly Warringah Junior Cricket Association

The following engagement activities were undertaken during the formal exhibition period and immediately afterwards:

- Commencement of Public Exhibition – 10 November
- Community Information Session on – 16 November
- Meeting with Forestville War Memorial Playing Fields Community Committee – 18 November
- Briefing to Councillors – 19 November
- Briefing of C Ward Councillors – 26 November
- Meeting with Friends of the Bush – 10 December
- Close of Public exhibition period – 14 December

- Roundtable discussion chaired by the Mayor with Forestville RSL, War Memorial Playing Fields Committee, C Ward Councillors, staff and other interested parties – 21 January 2014
- Consultation with Local Area Command Community Police Officers – 31 January 2014
- Meeting with Forest Netball – 4 February 2014

Summary of Engagement Participation

- Letters mailed to 1532 residents, owners, businesses and other organisations that are involved in the area.
- Community advised through advertisements in Manly Daily, Facebook, Twitter, Community Engagement weekly update, Council's website and direct email to identified stakeholders.
- 65 submissions made via Your Say Warringah online form, returned feedback forms and letters. The following tables summarise the response

| Plan | Number of submissions | Support | Does not Support | Unsure | Priority 1 | Priority 2 | Priority 3 |
|--------------------------|-----------------------|---------|------------------|--------|----------------------|-------------------|-------------------------------------|
| Forestville | 36 | 26 | 7 | 3 | Sportsfields upgrade | Synthetic surface | Car parking and paths |
| Killarney Heights | 7 | 7 | n/a | n/a | Car parking | Paths | Sportsfields upgrade and aesthetics |
| Both | 19 | 16 | 2 | 1 | Synthetic Surface | Dog play area | Sportsfields upgrade |
| Unidentified site | 3 | 2 | 1 | n/a | Synthetic Surface | Bushland | Cost |

- 717 site visits to the Your Say Warringah site by 544 individuals
- 314 downloads of the Draft Forestville plan and 188 downloads of the draft Killarney Heights plan

Themes and Issues – Forestville Playing Fields:

1. Relocation of netball courts out of Site A

This issue was flagged prior to public exhibition. The Forestville RSL War Memorial Playing Fields Community Committee does not support the construction of a car park on the site of the existing netball courts. Their principal reason is the view that the War Memorial Fields (Site A) were dedicated War Memorial for recreational purposes and a car park does not fit in with this dedication. In addition while Melwood Oval (Site B) and Site A are part of the one park, they have been developed and managed separately over their 50 year history, and this delineation is strongly felt to this day. Council and the War Memorial Committee, through a meeting convened on 21 January 2014, have agreed that, notwithstanding the boundaries of the War Memorial, the masterplan provides greater outcomes for the community and that Council will manage a process to alter the War Memorial boundaries to include the proposed netball courts at a minimum, and potentially the entire park.

2. Dog Park

There has been generally positive support for a purpose built dog exercise area. The concerns raised take two directions:

- A number of submissions have been received that, while generally favourable, put forward a view that the space is not big enough for large dogs. The area of the proposed dog park is approximately 2200m² and should be ample for most dog types. In addition the mini fields in the south of the park are proposed to be retained as off leash dog area.
- Concerns that the location is incompatible with residential neighbours

A residential neighbour has made a submission that the location of the dog park will have adverse effects through increased noise, loss of amenity and increased traffic and loss of street parking on Forestville Ave. These concerns do have merit, however there is no other space that presents a realistic opportunity to locate the dog area. Concerns around noise can be potentially addressed through appropriate screening and regulations put in place to control the hours of use. Traffic, as the customer points out, is already an issue, but at different times of the day to when the dog park would primarily be used.

Council will directly engage with neighbours of the proposed dog park during detailed design to attempt to mitigate these concerns.

3. Synthetic Surface

In general there is very high support of submissions in favour of the construction of the synthetic surface.

Two submissions noted their objection to the proposal. One based his objection on a perception that the surface is only suitable for football and that it should be built at Cromer Park instead. The other submission raised human health and safety concerns.

The former point is a common misconception of the nature of modern synthetic sportsfield pitches. It is proposed that the new synthetic sportsfield will be built to comply with Football (Soccer), Rugby Union, AFL and Cricket standards. It will also be available for use by other sports such as Touch Football, oztag and other informal recreational activities.

The latter point raises concerns that the synthetic grass and in particular the rubber infill can damage human and environmental health. The Department of Health has previously confirmed that products used in synthetic grass and infill do not pose a human or environmental health risk under normal conditions and use.

4. Basketball court

A number of submissions, while noting support for the hard surface netball courts, stated that the plan as drawn did not include a basketball court, which is currently provided. This was an omission from the draft masterplan and has been corrected in the final plan for adoption.

5. Drainage

An investigation into the drainage impacts of the synthetic surface down catchment has been conducted since the release of the draft masterplan. A number of constraints have been applied to the proposed development, particularly the limitation on pumping water into a retention basin north of the synthetic surface. This means that the holding tank as drawn on masterplan is redundant.

A number of the submissions have also raised concerns over runoff into neighbouring bush areas or affecting residential areas on Lanford Ave. Council will ensure that inundation of the bush or residential areas is averted.

Of greater concern is that the local stormwater network does not have sufficient capacity to discharge the stormwater from the synthetic sportsfield efficiently. The potential ramifications of this could lead to inundation of residential properties further down in the catchment. For this reason the proposed construction of the synthetic sportsfield will be undertaken in 2015/2016 rather than 2014/2015 to allow adequate time to investigate and resolve this issue.

6. Use of facilities

A number of submissions have been made regarding the use of the new synthetic sportsfield and proposed clubhouse.

- A number of football players have objected to the use of the synthetic sportsfield by any sport other than football on the basis of Forest Killarney Football Club's historic use of the site.
- Forest Rugby and AFL have both congratulated Council on the design as a multi-sport facility. However they have both implied they would like to understand what access they get to the facility once it is built.
- One submission was received requesting that it be made available for hockey. Council has held discussions with the local hockey association which included a site visit to Cromer 1 and while they said the surface would be suitable for training they would not consider playing on it.

In terms of the proposed new clubhouse conversations with the Manly Warringah Netball Association, Forest Killarney Football Association, Friends of the Bush and the Senior Cricket Association have indicated that there are multiple groups who wish to have access to the proposed new building. This should be facilitated in the new design.

All these issues are management issues and do not impact on the masterplan and will be negotiated with relevant parties as the proposed developments eventuate.

7. Pathways

There is very strong community support for the pathways drawn on the plan, particularly the shared path running from the corner of Lanford and Melwood Ave to Forestville Ave. There has been particularly strong view that this path be lit to Australian Standards, which supports the existing action.

The local Friends of the Bush support the introduction of paths as a way to delineate bushland areas from park/playing fields a view supported by current Council practice for paths in parks.

8. Natural Areas

Several submissions have identified remediation of bushland or protection of bushland as a major issue. Council supports this view and this is noted in the draft masterplan. However funds are not available in the existing project budget for this purpose. Council's environment team have indicated that the site may be appropriate as a Duffy's Forest Translocation Site which would progressively resolve the issue.

9. Other issues

Overriding consensus from submissions was that upgrade was required and that the plan is well balanced. Other issues raised included comments such as:

- Park needs to be aesthetically pleasing
- Infrastructure requires upgrades
- Additional car parking shown in plan is urgently required to alleviate weekend congestion
- No upgrades to scout buildings shown
- One submission requested no work be done at all
- Strong view that public toilets, particularly Melwood Oval bathrooms be upgraded, this supports existing actions in masterplan
- Forest Rugby submitted that they require a waste bin enclosure and increased storage

10. Councillor Consultations

Issues raised by the Councillors, aside from those already discussed include:

- Design to ensure that all age groups can enjoy the space and that we do not segregate different ages and other demographic groups to isolated areas of the site – the masterplan specifically addresses this by installing locating facilities such as shelters, seats and paths near destination items such as the playground and skate park
- There should be strong synergies of use between the netball courts and skate park
- Ensure that space is activated and vibrant
- Pursue working together with other organisations to make the park more viable
- Include provision for a community garden site in the proposed Youth Centre play area
- Mini fields to be maintained as off leash dog area but for a concerted push to change behaviour of owners to make them more responsible

11. Summary of proposed amendments to Draft Forestville Playing Fields Masterplan

- Amend netball court line marking to include basketball
- Remove item 15 “water tank location”
- Amend masterplan to show line marking for junior rugby union/senior soccer running north south on current mini fields with mini fields running across this site
- Amend masterplan for path alignment to create border with bushland and park, maximising open space areas where appropriate
- Amend draft masterplan to change wording of item 13 to “Bush remediation/Duffys Forest Translocation Site
- Amend master plan to change wording of action for Youth Centre play space to “Formalise existing open space between Youth Centre and car park including allowance for community garden
- Amend Masterplan to allow for construction of waste bin enclosure and upgrades to storage areas for rugby clubhouse

Themes and Issues – Killarney Heights Oval

In summary the responses for the Killarney Heights Oval masterplan were very favorable. The following issues were raised:

- Add another picnic shelter near the proposed amenities
- More planting around perimeter and proposed shelters
- Include a formal link between proposed shelters on the southern side of the site and Ellis Reserve
- Off street car parking is required
- Ensure all sports field dimensions are at Australian Standard
- High support for proposed pathway

Aside from the off street parking, these issues are relatively minor or already articulated in the masterplan. Due to the constraints of the site there is little opportunity to construct any meaningful off street car parking facility. Council will continue to work with Killarney Heights High School and the Department of Education to further develop the action from the masterplan to expand the existing school car park into the Killarney Heights Oval area.

Future Consultation

Council will continue to consult with the community throughout the detailed design and construction phases of the project as required, particularly with neighbours of the proposed dog park and affected user groups.

TIMING AND PROJECT PHASES

Scope of works - Forestville

Council is planning to implement the bulk of the actions in the masterplan in two stages:

Stage 1: Rugby field and mini fields reconstruction (including drainage and irrigation), dog play area, youth centre play space, northern car park and northern paths.

Stage 2: Synthetic sportsfield (if funding is approved), southern car park, cricket nets, southern paths and netball courts.

All other elements are currently unfunded and will be undertaken by user groups and/or Council as funding becomes available.

Schedule

2014 – Detailed design (funded)

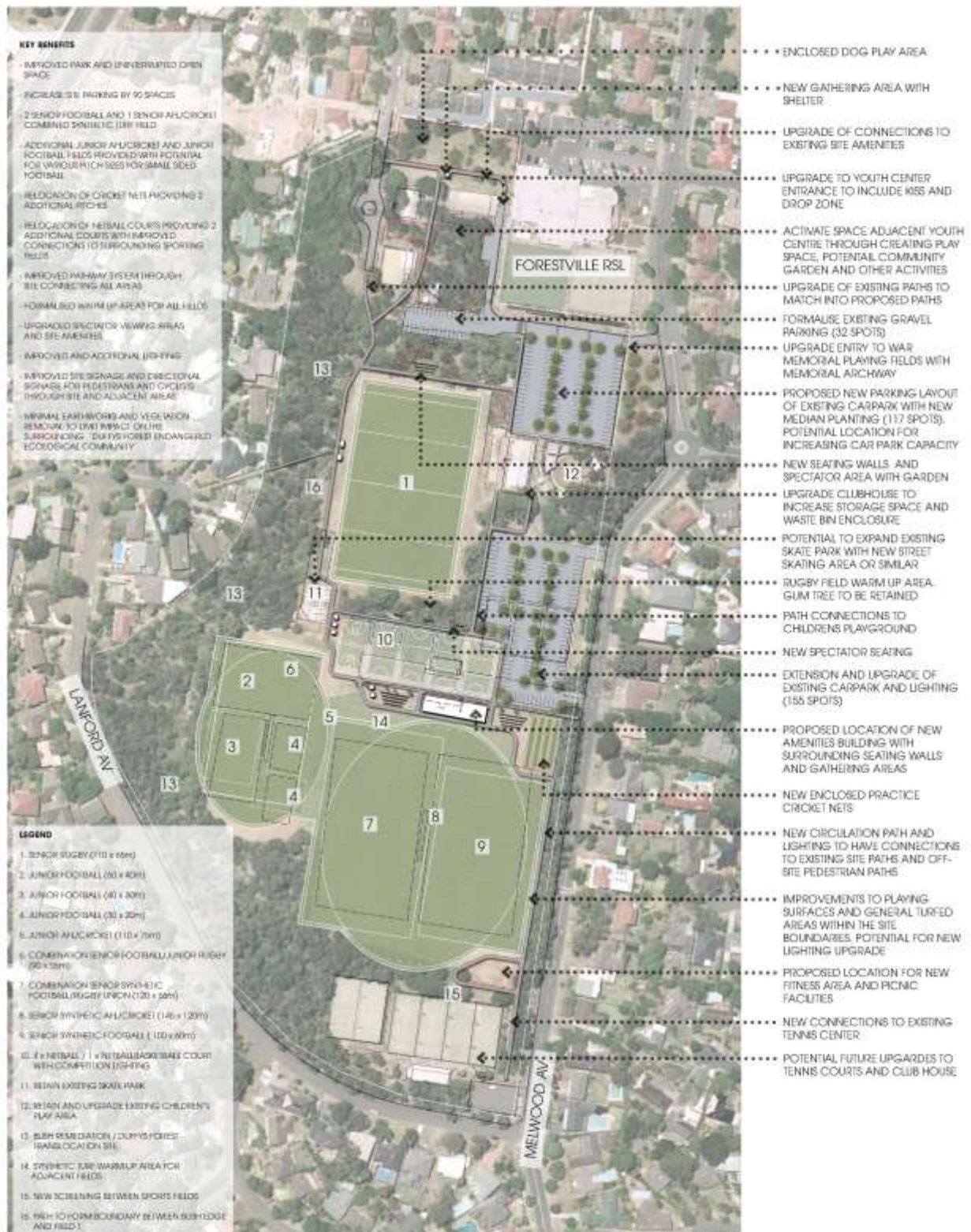
2014/2015 – Stage 1 works (funded)

2015/2016 – Stage 2 works (funded for rectifying the natural turf field as it currently exists. Not currently funded for synthetic sportsfield construction.)

Scope of Works – Killarney

The barrier to implementing the Killarney Heights Masterplan is the current position of the sports field lighting. Once S94A funding becomes available for the sportsfield lighting program Council will prioritise Killarney Heights Oval for Sportsfield lighting upgrade facilitating the new layout. These works will be coordinated with the planned renewal of the Killarney Heights Oval Amenities.

A separate business case(s) for construction of the loop path, shelters and gardens will be prepared for consideration for future S94A works.





FORESTVILLE SPORTS FIELDS - SUMMER SPORTS

- 1. 4 x NETBALL / 1 x NETBALL - BASKETBALL COURT
- 2. JUNIOR CRICKET - 110 x 75m
- 3. SENIOR SYNTHETIC CRICKET - 145 x 120m



FORESTVILLE SPORTS FIELDS - WINTER SPORTS

- 1. SENIOR RUGBY - 110 x 65m & RUGBY WARM UP AREA
- 2. 5 x NETBALL HARDCOURTS
- 3. SENIOR FOOTBALL/JUNIOR RUGBY UNION - 90 x 55m
- 4. JUNIOR FOOTBALL - 60 x 40m
- 5. JUNIOR FOOTBALL - 40 x 30m
- 6. JUNIOR FOOTBALL - 30 x 20m
- 7. SENIOR SYNTHETIC FOOTBALL - 120 x 65m
- 8. SENIOR SYNTHETIC FOOTBALL - 100 x 60m
- 9. SENIOR SYNTHETIC AFL - 145 x 120m







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| ITEM 8.3 | AMENDMENT TO COUNCIL MEETING CYCLE - APRIL 2014 |
| REPORTING MANAGER | GROUP MANAGER STRATEGIC PLANNING |
| TRIM FILE REF | 2014/043851 |
| ATTACHMENTS | NIL |

REPORT

PURPOSE

To amend the cycle of Council Meetings as prescribed in Council's Code of Meeting Practice in April 2014.

REPORT

Council's Code of Meeting Practice states that the meeting days of Council are the fourth Tuesday of each month, with exceptions in January, February, July and December.

The scheduled meeting for April this year is 22 April however the Easter period this year, being 18 – 21 April, will reduce the time Councillors and staff can consider agenda items and prepare for a Council Meeting immediately following this period. It is proposed that the scheduled meeting be moved to the following Tuesday, 29 April.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Council Meeting scheduled for Tuesday 22 April 2014 be moved to Tuesday 29 April 2014.

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| ITEM 8.4 | SELECTION OF COMMUNITY MEMBERS TO VACANT POSITIONS ON STRATEGIC REFERENCE GROUP NO. 2 |
| REPORTING MANAGER | DEPUTY GENERAL MANAGER ENVIRONMENT |
| TRIM FILE REF | 2014/045358 |
| ATTACHMENTS | NIL |

REPORT

PURPOSE

To appoint community members to the vacant positions on Strategic Reference Group No. 2.

REPORT

Recruitment concluded for the Strategic Reference Groups and Community Committees in December 2013, however a number of vacancies still existed and it was resolved that Council would continue to receive nominations for any vacant positions and that they would be referred to Council for appointment.

Strategic Reference Group No. 2 had two vacant positions and two nominations were received. Lata Wilkinson was a previous member of the Recreation and Open Space SRG and Lesley Hubbard was previously on the Beacon Hill War Memorial Hall Community Committee.

With the appointment of these two vacancies all Strategic Reference Groups are now fully subscribed.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The selection of members will be undertaken in accordance with Council Policy PL-755 Appointment of Community & Other Stakeholder Representatives Policy – Council Committees.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council appoint Ms Lata Wilkinson and Mrs Lesley Hubbard to Strategic Reference Group No. 2.

10.0 NOTICES OF MOTION

| | |
|----------------------|--|
| ITEM 10.1 | NOTICE OF MOTION NO 2/2014 - CALL FOR FEDERAL PARLIAMENTARY ENQUIRY INTO THE USE OF BITCOINS TO PURCHASE ILLEGAL DRUGS ONLINE |
| TRIM FILE REF | 2014/045368 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

MOTION

1. That this Council notes:
 - a. With sadness the tragic death of 21 year old Collaroy resident, Daniel Skelly on 9 November 2014 following consumption of an adulterated drug from an online illegal drug website purchased over the internet by bitcoins.
 - b. Mr Skelly was instructed by the drug traffickers to purchase bitcoins from a Brisbane-based company called Cryptospend and to make cash deposits at NAB, Westpac or St George banks.
 - c. Acting Treasurer at the time and Minister for Small Business Bruce Billson stated: "Given the tragic nature of the case, it would be unfair and inappropriate to make comment without having a good look at the issues to enable a considered response following the family's loss."
 - d. 2536 Northern Beaches residents have signed an on-line petition at Change.org calling on the Federal Parliament to hold a public Enquiry into the use of the internet and bitcoins for the purchase of illegal drugs.
2. That this Council:
 - a. Extends its sincere sympathy to the Skelly family, his loved ones and friends on their tragic loss of Daniel.
 - b. Writes to the Prime Minister, The Hon Tony Abbott MP, calling for a Federal Parliamentary Enquiry into the use of bitcoins for the purchase of illegal drugs over the internet and possible legislative initiatives here in Australia or action at the international level for a coordinated approach to make on-line drug traffickers and the use of bitcoins for the purchase of illicit drugs illegal.

BACKGROUND

Go to "Death delivered in the Mail – a dark web of dangerous people"-
<http://au.news.yahoo.com/nsw/a/20724490/death-delivered-in-the-mail-a-dark-web-of-dangerous-people/>

FUNDING SOURCE

I understand this motion can be carried out within existing operational budget.

11.0 QUESTIONS ON NOTICE

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|----------------------|---|
| ITEM 11.1 | QUESTION ON NOTICE NO 4/2014 - COSTS OF R CLASS TRAM |
| TRIM FILE REF | 2014/045225 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What are the total costs for the R Class Tram (including purchase, haulage from Rozelle/Glebe, fit out/maintenance of the tram etc)?

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|----------------------|--|
| ITEM 11.2 | QUESTION ON NOTICE NO 5/2014 - COSTS OF OFFSITE COUNCILLOR WEEKENDS |
| TRIM FILE REF | 2014/045235 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since the commencement of this current term, what are the total costs for all of the offsite councillor weekends held at Ingleside Conference Centre?

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| ITEM 11.3 | QUESTION ON NOTICE NO 6/2014 - GENERAL MANAGER, RIK HART'S EXTRA HOLIDAY PERIOD |
| TRIM FILE REF | 2014/045239 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In view of the General Manager, Rik Hart being granted an extra holiday period in lieu of a further salary increase (other than the CPI increase and increase pursuant to his contract), during that holiday period will Mr Hart's replacement receive an additional salary for acting in the position and if so, how much?

12.0 RESPONSES TO QUESTIONS ON NOTICE

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|----------------------|---|
| ITEM 12.1 | RESPONSE TO QUESTION ON NOTICE NO 1/2014 - COUNCIL EXPENDITURE ON CHRISTMAS EVENTS |
| TRIM FILE REF | 2013/350581 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What is the total amount of money expended by Council on 2013 Christmas parties (eg Mayor's Party, Councillors' dinner, staff parties etc)?

RESPONSE

Council's functions included:

- End of year reception at the Forestville RSL Club thanking community groups and community members for their efforts through the year. Those invited included representatives from sporting clubs, surf clubs, Returned and Services League clubs, not for profit organisations, local schools, local, state and federal representatives, plus volunteers, Strategic Reference Groups and Community Committee Members and others who contributed to delivering services and strong results for Warringah over the year.
- Councillor dinner in a meeting room at the Civic Centre.
- Councillor and staff BBQ in Council's depot car park. Due to operational needs services such as Child Care and the Aquatic Centre were unable to attend and held separate thank you functions at local venues.

The total amount was \$32,886.

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|----------------------|---|
| ITEM 12.2 | RESPONSE TO QUESTION ON NOTICE NO 2/2014 - APPLICATION TO IPART FOR RATE VARIATION |
| TRIM FILE REF | 2013/350588 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Will Council forward to IPART when making its submission for a rate variation all objections received by Council from residents against the rise?

RESPONSE

A copy of all submissions made to Council on the Special Rate Variation will be provided to IPART

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|----------------------|---|
| ITEM 12.3 | RESPONSE TO QUESTION ON NOTICE NO 3/2014 - ICE SKATING RINK DEE WHY TRIANGLE |
| TRIM FILE REF | 2014/037675 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What is the total amount of funds expended by Council on the Christmas Ice Rink?

RESPONSE

The Dee Why Ice Skating Rink was open from 14 to 26 December as a part of Council's resolution on 6 August 2013 for the Award winning Dee Why Town Centre Masterplan 2013. Over the period the Ice Rink resulted in strong community participation and positive feedback. The total for the two week period was \$50,115.

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

RECOMMENDATION

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the items identified as Confidential and listed on this Agenda as:

Item 13.1 RFT 2013/102 - Design Consultancy Services for Forestville Playing Fields Upgrade

Item 13.2 RFT 2013/114 - Design Consultancy Services for Glen Street Theatre Stage 2 Library, Cafe and Administration Offices

Item 13.3 RFT 2013/012 - Dee Why Beach Kiosk

Matters to be Discussed During Closed Session - Section 10D

Item 13.1 RFT 2013/102 - Design Consultancy Services for Forestville Playing Fields Upgrade

Item 13.2 RFT 2013/114 - Design Consultancy Services for Glen Street Theatre Stage 2 Library, Cafe and Administration Offices

Item 13.3 RFT 2013/012 - Dee Why Beach Kiosk

Grounds on which Matter Should be Considered in Closed Session – Section 10A(2)

Item 13.1 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

Item 13.2 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

Item 13.3 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

Reason Why Matters are being considered in Closed Session – Section 10B

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
- E. 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.
-

