

MEETING AGENDA

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

Tuesday 22 October 2013

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



Rik Hart
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 22 October 2013
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 24 September 2013

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 24 SEPTEMBER 2013

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held 24 September 2013, 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 SEPTEMBER 2013
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2013/292661
ATTACHMENTS	1 Application of Funds Invested (Included In Attachments Booklet) 2 Councils Holdings as at 30 September 2013 (Included In Attachments Booklet) 3 Investment Portfolio at a Glance (Included In Attachments Booklet) 4 Monthly Investment Income vs. Budget (Included In Attachments Booklet) 5 Economic Notes (Included In Attachments Booklet)

REPORT

PURPOSE

To report the balance of investments held as at 30 September 2013.

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 (Attachment 1)
2. Council's Holdings as at 30 September 2013 (Attachment 2)
3. Investment Portfolio at a Glance (Attachment 3)
4. Monthly Investment Income vs. Budget (Attachment 4)
5. Economic Notes (Attachment 5)

FINANCIAL IMPACT

The actual investment income to 30 September is \$987,469 which compares favourably to the budgeted income of \$978,000 a variance of \$9,469.

POLICY IMPACT

The investment strategy was reviewed by our Investment Advisors Prudential Investment Services Corp, in August 2013. 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 (September 2013) is strong having exceeded the benchmark, 4.26%pa vs 2.79%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing its cash flows.

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.
-

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	INTERNAL AUDIT ANNUAL REPORT - 2012/2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/278730
ATTACHMENTS	1 Internal Audit - Annual Report 2012/13

EXECUTIVE SUMMARY

PURPOSE

To present the Internal Audit Annual Report 2012/2013 for consideration.

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

SUMMARY

In 2012/2013, Internal Audit at Warringah Council successfully completed a range of audits to ensure that management practices and governance continues to be strong. Five audits were completed throughout the year, and a further three audits commenced but had not reached completion by 30 June 2013. Additional governance and better practice work was also undertaken.

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

FINANCIAL IMPACT

All costs associated with undertaking the 2012/2013 program of audits was fully funded from within the Internal Audit operational budget.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council note the Internal Audit Annual Report 2012/2013.

REPORT

BACKGROUND

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

In 2012/2013, Internal Audit at Warringah Council has successfully completed a number of audits to ensure that management practices and governance continues to be strong. This has included oversight by the Audit and Risk Committee (ARC).

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

In 2012/2013, due to the Internal Auditor taking unforeseen extended leave, this resulted in a reduced number of audits (5) being completed. A further 4 audits commenced but had not reached completion by June 30. None of the audits (completed or commenced) were unscheduled.

The completed audits contained 30 recommendations for improvement. 10% of these are considered a 'high' priority for implementation, and a further 37% are considered a 'moderate' priority.

Generally, the audits found that:

- Overall, Council is compliant with legislation and policy, although there were some specific opportunities for improvement identified;
- There is a need to continue strengthening effective internal controls as well as systems and processes generally; and
- There is a need for more consistent and effective documentation of procedures and processes.

In 2012/2013, Internal Audit was brought under the Enterprise Risk Management function at Warringah to better align these key governance areas and provide greater integration of internal audit into all of Council's operations.

An organisation-wide risk assessment process was conducted to develop Council's risk register. Those auditable risks will be included in the forward Internal Audit Strategic Plan.

A Better Practice Review of Warringah was undertaken by the Department of Local Government in 2012/2013. This Review found Internal Audit and Enterprise Risk Management were amongst several areas that they consider are examples of Better Practice in Local Government

FINANCIAL IMPACT

All costs associated with undertaking the 2012/2013 program of audits was fully funded from within the Internal Audit operational budget.

POLICY IMPACT

Nil



Internal Audit Annual Report

2012-2013

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Document Control

Version	Author	Date of Issue	Brief Description of Changes
1.0	Grp Mgr - B&ER	20 August 2013	Draft for ARC Review
2.0	Grp Mgr - B&ER	4 October 2013	Draft for Council Adoption

Executive Summary

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

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Introduction

Internal Audit at Warringah Council

Framework

Audit & Risk Committee

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

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

The ARC typically meets quarterly, and reports at least annually to Council. Its charter was most recently reviewed and adopted by Council in March 2012. Membership of the ARC in 2012/2013 was as follows:

1. Chair – Mr. Bryce McNair, independent member *
2. Committee member – Mr. John Gordon, independent member
3. Committee member – Councillor Michael Regan
4. Committee member – Councillor Jason Falinski

Council voted to elect the councillor members of the ARC.

* Mr McNair had successfully completed 2 terms of office at the end of 2012/2013, and consistent with the ARC Charter, expressions of interest were sought for this position.

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

Internal Audit Management Committee

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

Membership of the IAMC in 2012/2013 was as follows:

1. Chairman – Mr. Bryce McNair, independent member
2. Committee member – Mr. John Gordon, independent member
3. Committee member – General Manager (Rik Hart)
4. Committee member – Deputy General Manager, Community (John Warburton)

In addition, the following were 'non-voting attendees' to IAMC meetings – the Internal Auditor, Governance staff (as minute takers), the Chief Financial Officer, the Internal Ombudsman and a representative of Council's appointed External Auditors – Hill Rogers Spencer Steer. From time to time, other staff were invited to attend to speak towards specific areas of their control.

Internal Audit

In 2012/2013 the reporting lines of the Internal Auditor were updated. The Internal Audit function was brought into the Business & Enterprise Risk Group, within the Community Directorate. The

key reasons for this were to ensure greater alignment between risk and audit, and to enable internal audit to integrate within the operations of Council. The Group Manager Business & Enterprise Risk is a member of the operational decision-making body, called the Leadership Group. Attendance at the Leadership Group meetings enabled the Internal Audit function to have a more direct and effective view of Council's operational processes and decisions, and gives them a 'voice at the table' for key decisions. It is felt that this has been a very beneficial move.

The Internal Auditor's activities (detailed below) are reviewed by the Audit and Risk Committee and Internal Audit Management Committee.

Resourcing Internal Audit in 2012/2013 was reduced due to the Internal Auditor taking unforeseen extended leave. As a result, all audits conducted were outsourced to Council's pre-approved panel of auditors. Further, the Annual Plan was revised to take into account this resourcing issue, and only those 'core' or high priority/risk audits were selected to be undertaken (in close consultation with the Audit and Risk Committee).

As a result, fewer audits were undertaken in 2012/2013 than in previous years. It is expected that the audits not completed in 2012/2013 will be prioritised in 2013-14, and that full resourcing will be restored from 2013-14 onwards.

Internal Audit Function

Purpose

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

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

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

The Internal Auditor is governed by the Internal Audit Charter (approved by the ARC and IAMC), and has an Internal Audit Manual that outlines the procedures and processes that are undertaken to fulfill the Internal Audit Charter.

Activities

The Internal Auditor uses the Audit Universe and Risk Assessment tools to investigate and understand the entire organisation, and to identify all of the various functions, processes and deliverables throughout. An organisation-wide risk assessment process is undertaken on a 2-yearly basis to identify all of the operational and strategic risks associated with the Audit Universe view. The risk assessment process assigns a high/medium/low category to each risk, and therefore provides the Internal Auditor with a view of those 'high risk' categories.

Based on the above work, the Internal Auditor prepares the following suite of documents to schedule their work on a 4-year horizon:

1. Strategic Internal Audit Plan – a 4-year document that gives the ARC and IAMC visibility of how the Internal Auditor proposes to undertake their work. This includes an indication of the areas of work that are proposed to be audited, and also the methodologies that are proposed. This is reviewed annually, and is therefore in effect a 'rolling' 4-year document.
2. Annual Audit Plans – yearly documents that provide a detailed break down of each year's proposed program of audits.

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

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

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

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

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

The Internal Auditor also works cooperatively with Council's External Auditors (Hills Rogers Spencer Steer) to ensure that both internal and external resources are used to the best effect and that efforts are not duplicated. To help ensure that work is not duplicated, the Internal Auditor issues all Internal Audit Plans, working papers and reports to the External Auditors.

Scope of Annual Report

The purpose of this Internal Audit Annual Report (IAAR) is to summarise the Internal Audit activity over the period 01 July 2012 to 30 June 2013. In particular, the IAAR addresses:

1. Summarising the audit work undertaken during the year 2012/2013,
2. Reporting progress against the Strategic Internal Audit Plan 2011 - 2015, and
3. Reporting on the ongoing implementation of audit recommendations.

Program Of Works

Internal Audit Plan 2012/2013

Table 1 below lists the audits that were proposed to be undertaken in the 2012/2013 Internal Audit Plan. This Plan was adopted by the ARC.

#	Audit Title
1	Capital Works Programme
2	Internal Ombudsman Recommendations
3	Bonds and Guarantees
4	Plant and Equipment
5	Policy Management and Information
6	Financial Management
7	Council Decisions
8	Mayoral / Councillor Support
9	Compliance - Vehicle Infringement
10	Records Management (incomplete from 2011/12)
11	Project Management - Bilas Knight (unscheduled, incomplete from 2011/12)
12	Accounts Payable (deferred from 2011/12)
13	Contract Management (deferred from 2011/12)
14	Animal Management (deferred from 2011/12)

As mentioned earlier, due to unforeseen circumstances, there was a reduced resourcing capacity for the internal audit function in 2012/2013. Accordingly, with the ARC's input, and taking into account the dynamic nature of risks and those core systems that had not been audited for some time, the Annual Plan was revised and adopted as shown in Table 2 below:

#	Audit Title
<i>Approved Audits for 2012/2013</i>	
1	Bonds and Guarantees
2	Financial Management
3	Accounts Payable
4	Contract Management
5	Plant and Equipment
6	Compliance - Vehicle Infringement
7	Animal Management
8	Project Management - Bilas Knight (unscheduled, commenced in 2011/12)
9	Records Management (commenced in 2011/12)
<i>Postponed / Removed Audits</i>	
A	Internal Ombudsman Recommendations - removed since the IO undertakes this work already
B	Policy Management and Information - postponed, low risk
C	Council Decisions - postponed to Yr 2 of the elected Council's term of office
D	Mayoral / Councillor Support - postponed to Yr 2 of the elected Council's term of office
E	Capital Works Programme - postponed due to recent changes that are only just being embedded. Audit more beneficial in a future year.
F	Policy Management and Information - postponed due to Local Government Better Practice Review conducting a similar audit in 2012/2013, with positive results.

Status of Audits Undertaken in 2012/2013

Table 3 below lists the status of all audits that were either completed, started but not complete at June 30 2013.

#	Audit Title	Status
1	Bonds and Guarantees	Completed 6
2	Financial Management	Completed 8
3	Accounts Payable	Completed 3
4	Contract Management	Commenced (not finalised by 30/6/2013)
5	Plant and Equipment	Commenced (not finalised by 30/6/2013)
6	Compliance - Vehicle Infringement	Commenced (not finalised by 30/6/2013)
7	Animal Management	Commenced (not finalised by 30/6/2013)
8	Project Management - Bilas Knight (unscheduled, commenced in 2011/12)	Completed 3

#	Audit Title	Status
9	Records Management (commenced in 2011/12)	Completed 10

As can be seen in Table 3 above, no unscheduled audits were requested in 2012/2013.

As mentioned, with the exception of Records Management (commenced in 2011/12), all audits were outsourced. Business & Enterprise Risk staff project managed all audits to ensure that findings and recommendations are consistent across all reviews.

Synopsis of Recommendations

The recommendations contained in the completed audits are generally consistent with previous years. Principally:

- Overall, Council was compliant with legislation and policy, although there were some specific opportunities for improvement identified;
- There is a need to continue strengthening effective internal controls as well as systems and processes generally; and
- There is a need for more consistent and effective documentation of procedures and processes.

In summary, some of the benefits of the internal audits conducted for the financial year 2012/ 2013 include:

- Strong compliance with Council policy and legislation
- Very strong and robust financial management practices and processes are in place
- Consistent application of Council policy and procedures
- More clearly defined roles and responsibilities
- Strengthened internal controls
- Demonstrated need for a consistent approach to considering and planning for risk
- Improved management practices and administration
- Improvement of Council's systems and processes
- Protection of Council's reputation

Recommendation Register

All completed 2012/2013 reports have commenced utilising Council's Enterprise Risk Management framework (specifically, the Likelihood and Consequence Matrices for determining the overall score of each recommendation). This has proven to be a considerable positive for the organisation, as all recommendations are now utilising the same 'method' and 'measures' by which to score their recommendations. This consistency of approach is a more effective outcome for Council to properly assess its high priority risks.

The completed audits in 2012/2013 yielded 30 discrete recommendations for Council to consider improving how they operate.

Approximately 10% of these were considered 'high' priority recommendations for Council to consider and implement, whilst the bulk (approximately 37%) were 'moderate' recommendations for implementation.

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

At June 30 2013, approximately 37 audit recommendations remained 'outstanding' for implementation. These were incorporated into the business planning of the relevant Business Units in 2013-2014.

Updates to Internal Audit Framework

In 2012/2013, the Executive Team made several key decisions with regards to Internal Audit, and these all included discussion with the ARC for their input.

The first of these is that Council will publish internal audit reports on Council's website, consistent with the GIPA (Government Information Protection Act) Regulations. The main purpose of this decision is to evidence a high level of transparency with our community. Several past reports have been uploaded to date, and this will continue into the future. The decision to publish will be made on a case-by-case basis, as each report will need to be carefully considered for any risk that disclosure may place on Council's financial, security, legal, safety or other situation.

Further, following the resignation of the Internal Auditor throughout 2012/2013, Council will trial outsourcing this function to a single audit firm with the appropriate skills and experience to undertake the work. The benefits include access to a greater variety of skills and services than could be expected from one person, consistency of approach/methodology/critical assessment (as opposed to outsourcing to various audit firms which has been the recent practice), and the establishment of a strong relationship with a firm partner/director that can assist with effectively aligning risk and audit. A Request for Tender (RFT) process will be conducted in 2013/14 to find a suitable audit firm. The selected firm will be vetted by Senior Management and the ARC Chair prior to their appointment.

Other Relevant Organisational Developments

In 2012/2013, Council's Business and Enterprise Risk Group began integrating audit and risk into the preparation of Council's first draft 'risk register'. This register will become the cornerstone of the audit program of works. Work was conducted to ascertain key risks from each business unit.

Other major projects/initiatives/reviews that have been delivered that have involved internal audit and/or sound risk management include:

- The adoption of a consistent Project Management Methodology, based on the PRINCE2 model. This Framework has been tailored for Warringah, and provides guidance to project managers of all who manage projects of all sizes and complexities. A mandatory component of all projects is the preparation and ongoing monitoring of a risk register (which uses Council's Enterprise Risk Management Framework to identify, analyse, evaluate and monitor the risks associated with each project).
- The commencement of dedicated Business Improvement staff within the Business and Enterprise Risk group, to work closely with the risk and audit staff and provide the business with an alternative method to identifying and measuring their risks.
- Major state-government reviews were conducted in 2012/2013 that enabled Warringah to benchmark themselves against other NSW local councils. These reviews included:
 - Better Practice Review by Dept Local Government. Council scored strongly in several key areas, including governance, internal audit, business continuity and enterprise risk management.
 - Asset Management Review by Dept Local Government. Council was rated high for its ability to effectively manage its asset base, through its commitment to fully funding the depreciation of all assets.

- Financial Sustainability Review by NSW TreasuryCorp. Council scored extremely strongly in this review, both in terms of its current financial position and also its future (10-year) financial sustainability (one of only 3 Council's to score strongly both of these measures).

Conclusion - Audit & Risk Committee Independent Chair

Internal audit is a tool aimed at improving management performance. The concept is that a trained investigator – or auditor – reviews how a particular function is managed.

The review covers financial aspects but goes far beyond that to consider the policy behind what happens, whether legal and ethical requirements are met and the efficiency of the operation. The audit asks whether "best practice" is being followed.

The internal auditor may be employed by the organisation or sourced through outside contractors however, the important thing is that they are independent of the management of the area being reviewed.

The real power behind internal audit is that it is about achieving improvement in risk management through an effective controls framework and in supporting Council to attain improved operational efficiency and effectiveness. Effective internal audit works with Management to achieve improvement rather than in apportioning blame.

Warringah was one of the first councils in NSW to appoint an internal auditor and has led the way in a number of areas. The internal audit function is overseen by the Audit & Risk Committee of Council comprising two independent members with audit and risk management expertise, one of whom chairs the Committee, and two councillors. The Audit & Risk Committee ensures that the internal audit function is properly resourced and managed and that the recommendations of internal audit reports, once accepted by senior management, are implemented.

Since 2006, the internal audit function has performed a broad range of reviews and developed recommendations for improvement. These recommendations have been adopted and implemented by management thus improving the control and compliance functions of Council and assisting in improving the quality of operations and management in virtually every area of Council.

My independent colleague, Bryce McNair, and I are pleased to be able to assure Warringah stakeholders that internal audit is appropriately resourced, well managed and respected by senior management and that Warringah is a leader in the field amongst NSW councils.

John Gordon

Independent Chair

Warringah Council Audit & Risk Committee

ITEM 7.2	AUDIT AND RISK COMMITTEE CHARTER - REVIEW
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/290221
ATTACHMENTS	1 Audit and Risk Committee Charter - Proposed Revisions

EXECUTIVE SUMMARY

PURPOSE

To present the Audit and Risk Committee Charter to Council for their consideration and adoption.

SUMMARY

The adopted Audit and Risk Committee Charter requires that it be periodically reviewed to ensure it remains current and reflects the Committee's roles and responsibilities. The Charter was last revised and adopted by Council in February 2012.

The Charter has been reviewed by Group Manager Business and Enterprise Risk, and some updates are proposed. These updates were discussed at the recent Audit and Risk Committee meeting (September 2013), and some further updates are proposed from the Committee. The nature of all of the proposed updates are explained in this report.

FINANCIAL IMPACT

All costs associated with the review of the Charter are included within the existing 2013/2014 operational Internal Audit budget allocation.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council adopt the revised Audit and Risk Committee Charter.

REPORT

BACKGROUND

The Audit and Risk Committee (and its Charter) was first established at Warringah as the 'Audit Committee' in 2006, and has been active since then. The Committee's Charter was most recently reviewed in February 2012.

The Charter requires that the Committee periodically review it to ensure that it remains current and reflects the Committee's roles and responsibilities. In September 2013, Group Manager Business and Enterprise Risk reviewed the Charter for its relevance and effectiveness. In short, the Charter is considered current, robust and very effective in setting out the role of the Committee and its Members. In coming to this conclusion, reference was made to charter guidelines provided by the Department of Local Government, and also to the charters of other public organisations.

The proposed updates were presented to the Audit and Risk Committee at their September 2013 meeting. All updates were accepted, and further updates were proposed by the Committee.

All of the proposed updates are shown in the attached report, using Track Changes. The proposed updates include:

- The Committee providing recommendations on the public disclosure of internal audit reports and documents;
- Greater clarity in the area of 'terms of office' for the independent external members, and the 'wholly advisory' nature of the Committee;
- Updates of reporting lines to reflect the shifting of Internal Audit to the Business and Enterprise Risk Group within Council;
- Clarifying that Group Manager Business and Enterprise Risk undertakes the role of Chief Audit Executive; and
- Minor word changes to improve sentence structure and/or version control.

CONSULTATION

The proposed updates were provided to the Executive Management Team for their consideration, and were also discussed in detail at the September 2013 Audit and Risk Committee Meeting.

FINANCIAL IMPACT

All costs associated with the review of the Charter are included within the existing 2013/2014 operational Internal Audit budget allocation.

POLICY IMPACT

Nil

Council Committee

Deleted: internal

Audit & Risk Committee Charter**Name**

The Committee will be called the Audit & Risk Committee

Status

Established by authority of the General Manager on 25 January 2006

Amended by the Internal Audit Review Committee: 18 October 2006

Amended by the Internal Audit Review Committee: 21 May 2008

Amended by the Internal Audit Review Committee: 20 August 2008 to reflect the new DLG guidelines and the election of Councillors

Amended by the Audit Committee: 24 February 2010 and adopted by Council 23 March 2010

Amended by the Audit & Risk Committee: 29 February 2012 and adopted by Council 27 March 2012

[Proposed amendments for the Audit & Risk Committee: 25 September 2013](#)

Purpose

The Audit & Risk Committee Charter sets out the role, composition, authority, responsibilities and operation for the Warringah Council Audit & Risk Committee (Committee)

Objective

The main purpose and function of this Committee is to provide independent assurance and assistance to Warringah Council on risk management, control, governance and external accountability responsibilities

In addition, the purpose and function of this Committee is to ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal and External Audit Plans

Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

Obtain any information it needs from any employee or external party (subject to their legal obligation to protect information)

Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)

Request the attendance of any employee or councillor at Committee meetings

Obtain external legal or other professional advice, as considered necessary to meet its responsibilities

Appoint the representatives to the Committee, as per the parameters and procedures outlined in section 7 of this Charter

Role and Responsibilities

The role of the Committee is to oversight risk, compliance, external accountability and the internal control environment on behalf of Council

The Committee has no executive powers, except those expressly provided by the Council

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act 1993

The responsibilities of the Committee may be revised or expanded by Council from time to time

Specifically, the Committee's responsibilities are:

Risk Management – oversight Council's risk management arrangements and review whether or not:

Council complies with relevant risk management standards

Management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud

A sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings

A sound and effective approach has been followed in establishing business continuity planning arrangements, including if plans have been tested periodically

Control Framework - review whether or not:

Management has adequate and effective internal controls in place, including over external parties such as contractors and advisors

Management has in place relevant policies and procedures, and if these are periodically reviewed and updated

Appropriate processes are in place to assess if Council complies with policies and procedures

Appropriate policies and procedures are in place for the management and exercise of delegations

Management has taken steps to embed a culture which is committed to ethical and lawful behaviour

External Accountability:

Being satisfied that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls

Reviewing the External Audit opinion, including whether or not appropriate action has been taken in response to audit recommendations and adjustments

Considering contentious financial reporting matters in conjunction with Council's management and External Auditors

Reviewing the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements

Being satisfied that there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations

Legislative Compliance

Determine if management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements

Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies

Internal Audit

Act as a forum for communication between the Council, General Manager, senior management, Internal Audit and External Audit

Review and authorise the annual and long-term Internal Audit Plan as developed by the Internal Auditor including consideration of the Risk Management Plan

Monitor the resources of the Internal Audit function and make recommendations to the General Manager to ensure that the Internal Audit function is sufficient and appropriate

Ensure and support the independence of the Internal Audit function

Make recommendations for inclusion and/ or prioritising projects in the Internal Audit Plan/s

Make recommendations to commission audits of any kind, whether to be conducted by the Internal Auditor or otherwise

Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices

- Review and discuss the Internal Auditor's quarterly reports including:
- YTD progress as per the Internal Audit Plan
- Significant variations that have occurred from the Internal Audit Plan

Any specific concerns the Internal Auditor may have to discuss

Monitor the acceptance and implementation of Internal Audit recommendations by management

Approve and periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place

Periodically review the performance of Internal Audit

External Audit

Review the proposed audit scope and approach, with particular respect to coordination of audit effort with internal audit

Act as a forum for communication between the Council, General Manager, senior management, Internal and External Audit

Provide input and feedback on the financial statement and performance audit coverage proposed by External Audit, and provide feedback on the External Audit services provided

Review all external plans and reports in respect of planned or completed external audits, and monitor management's implementation of audit recommendations

Consider significant issues raised in relevant External Audit reports and better practice guides, and ensure appropriate action is taken

Transparency

To provide advice to Management on the public disclosure of records relating to the internal audit function, consistent with relevant legislation (such as Government Information Protection Act and Regulations, and Personal and Private Information Protection Act), including the redaction of any sensitive information.

Due to the inherent risks associated with the disclosure of potentially sensitive and/or confidential information, the Committee shall give due consideration to each item presented at a Committee meeting on a merit (case by case) basis.

In some instances, for example, the Committee may recommend the non-release, or delayed release, of a particular report – at least until such time as the findings contained within it are sufficiently managed so as not to jeopardise Council's financial, legal, safety or other risks.

The Committee may wish to seek input or advice from Council's nominated GIPA and PPIPA specialists in relation to any public disclosures, per Item 7.3 (iii).

Responsibilities of Members

- Members of the Committee are expected to:
- Understand the relevant legislative and regulatory requirements appropriate to Warringah Council

Contribute the time needed to study and understand the papers provided

Apply good analytical skills, objectivity and good judgment

Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry

Membership and Tenure of the Audit & Risk Committee

Skills and Experience

- i) The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Warringah Council
- ii) At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment

Membership of the Committee is by virtue of the appointed position; no delegates of the members are permitted

The Committee shall consist of:

Members (voting)

- 2 Councillors
 - Independent external member (Chair)*
 - Independent external member*
- *not a member of the current or previous Council/ staff

Attendees (non-voting)

- General Manager
- Deputy General Manager
- Internal Auditor
- [Group Manager Business & Enterprise Risk](#)
- [Internal Ombudsman](#)
- Chief Financial Officer
- Representative of the External Auditor

Invitees (non-voting) for specific Agenda items

- Other officers may attend by invitation as requested by the Committee

Selection of Members

The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:

The Committee shall seek nominations from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this charter shall be eligible for appointment

The eligible persons will be interviewed by Senior Management, who shall make recommendations to the Committee

Deleted: the Office of the Internal Ombudsman

Following receipt of recommendations from Senior Management, the Committee may appoint the independent external member by:

Deleted: the Office of the Internal Ombudsman

- Making a direct appointment based on merit; or
- Determining the representative by the drawing of lots where there are suitable and complying nominations with equal merit

In the event of equal votes the Chair shall have the casting vote

Term of Office

The independent external members will be appointed for the term of four (4) years, ceasing at the end of the Financial Year following the end of term of the Council. The independent external members will be eligible for extension or re-appointment following a formal review of their performance.

Deleted: until

Voting shall be undertaken in accordance with section 13 of this Charter, except that the independent external member seeking reappointment may not vote on the reappointment and will be deemed to be absent for the vote for the purpose of section 9 of this Charter.

This will mean that, if the external member seeking reappointment is usually the Chair, the other independent external member will become the Chair for the purpose of the vote.

The maximum number of terms an independent external member can sit on the Committee is 2 terms

Deleted: without the need for further nominations

Vacancy

In the case of resignation from the Committee by an independent external member, the Committee is to appoint another independent external member as soon as is practicably possible in accordance with the process set out in 7.4, but no later than one month prior to the next meeting, so that there are always two independent external members on the Committee.

Code of Conduct

All members of the Committee are to abide by Warringah Council's Code of Conduct.

Chairperson

- i) An independent external member acts as Chair of the Committee for the full term of office; i.e. for the term defined in 7.5 (i)
- ii) In the case of resignation by the Chair, the other current serving independent external member will be appointed as Chair
- iii) In the absence of the appointed Chair, the other current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair
- iv) Note that this role is an administrative role only with no authority to act or direct action on behalf of the Committee/ Council

Deleted: of Council

Quorum

A quorum will consist of a majority of Committee members, including at least one independent external member.

Proceedings

Meetings

- I. The Committee shall meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion as well as review and endorsement of the annual Internal Audit Plan

- II. The need for any additional meetings will be decided by the Chair, although the other Committee members may make requests to the Chair for additional meetings
- III. Meetings can be held in person, by telephone or by video conference
- IV. A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit & Risk Committee Charter

NB 1: Where either Internal Audit Plan priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Committee will be kept fully informed of all changes via email.

Attendance of Non-Members:

- i) The attendance of non-members is subject to invitation by the Chair
- ii) The Internal Auditor will be invited to attend each meeting unless requested not to do so by the Chair

Venue

All Committee meetings will be held in the Civic Centre, Warringah Council.

Conflicts of Interest

- i) Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted
- ii) Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee

Minutes

- iii) Council will provide secretariat support to the Committee
- iv) The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained
- v) Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

Reporting

The Committee shall report at least annually to Council

At the first Committee meeting after 30 June each year, the Internal Auditor will provide a performance report of:

The performance of Internal Audit for the financial year as measured against agreed key performance indicators

The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee

Decision Making/Deliverables:

Decision Making/ Deliverables

- i) The Committee is expected to make decisions by consensus but if voting becomes necessary then the details of the vote are to be recorded in the minutes
- ii) Each member of the Committee shall be entitled to one vote only. In the case of an equality of votes on any issue the Chair shall have the casting vote
- iii) Between meetings the Chair may circulate to members by email specific proposals for adoption by the Committee. Members shall be given a set time – at least 5 (five) days – in which to reply to indicate their agreement with a particular proposal
- iv) A member's failure to respond within the timeframe given shall be taken as a vote against the proposal. Any decision taken by the Committee by email is to be noted and minuted at the commencement of the next meeting

NB: The Internal Auditor and the External Auditor representative are not voting members of the Committee.

Assessment of Committee Performance

- i) The Chair will initiate a review of the performance of the Committee at least once every two years
- ii) The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair
- iii) When reviewing the Committee's performance the Chair should be satisfied that an effective, comprehensive and complete service is being provided

Review of the Audit & Risk Committee Charter

- i) At least once every two years the Committee will review this Audit & Risk Committee Charter to ensure it remains current and reflects the Committee's role and objectives
- ii) The Committee will approve any changes to this Audit & Risk Committee Charter prior to adoption by Council

Approved:

John Gordon
Chair
Audit & Risk
Committee

Audit & Risk Committee
Meeting:

25 September 2013

Date:

25 September,
2013

Deleted: Bryce Mc

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8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2013/287906
ATTACHMENTS	1 Reconciliation of National Parks & Wildlife Service Holdings within Warringah Local Environmental Plan 2011 (Included In Attachments Booklet) 2 Gateway Determination (Included In Attachments Booklet) 3 Submissions (Included In Attachments Booklet)

EXECUTIVE SUMMARY

NOTE: This item was deferred by resolution from the Council Meeting of 24 September 2013

PURPOSE

To report the results of the public exhibition of the planning proposal to reconcile National Parks and Wildlife Service holdings within the Warringah Local Environmental Plan 2011 (Planning Proposal) and to seek Council's endorsement to use its delegations to finalise the Planning Proposal.

SUMMARY

On 28 August 2012, Council resolved to prepare a planning proposal to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to "Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area" (refer to Attachment 1, page 31). A Gateway Determination was received on 16 July 2013, and Council was given delegation authority to make the new Local Environmental Plan as per the Planning Proposal, pending public exhibition.

The Planning Proposal was placed on public exhibition for a period of 30 days from Saturday 3 August to Sunday 1 September 2013. Five submissions were received from the community and three submissions were received from public authorities, during the public exhibition period. No amendments are recommended to the Planning Proposal following consideration of the submissions.

Assessment of the matter is now complete and it is recommended that Council use its delegations authority to engage with Parliamentary Counsel's Office in order to draft and finalise the draft Local Environmental Plan.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council, pursuant to responsibilities delegated to Council by the Minister for Planning & Infrastructure under Section 59 of the *Environmental Planning & Assessment Act 1979*, request Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan to:

- a. Correct errors and anomalies of the land zoning, lot size and height of buildings maps under Warringah Local Environmental Plan 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.
 - b. Forward the request to the New South Wales Department of Planning & Infrastructure for administrative purposes, as requested by the Gateway Determination.
-

REPORT

BACKGROUND

At its meeting of 28 August 2012, Council resolved to prepare a planning proposal to amend WLEP 2011 to correct errors and anomalies of the land zoning, lot size and height of buildings maps under WLEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.

Council staff prepared a Planning Proposal to correct the maps, which includes a total of 40 parcels across the Local Government Area (refer to Attachment 1). This Planning Proposal was forwarded to the Department of Planning & Infrastructure on 20 June 2013. A Gateway Determination was issued on 16 July 2013 (refer to Attachment 2).

Prior to the Planning Proposal being placed on public exhibition, the Planning Proposal was updated, as directed by the Gateway Determination.

CONSULTATION

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 30 days from Saturday 3 August to Sunday 1 September 2013. All relevant documents were publicly available at the Civic Centre, Council's libraries, Terrey Hills Community Library and Council's public comment section of its website. An advertisement was placed in the Manly Daily on Saturday 3 September 2013.

Five submissions were received from the community via email during the public exhibition period (refer to Attachment 3). These are addressed in the Assessment of Public Submissions section below. It is not recommended that any amendments be made to the Planning Proposal based on these submissions.

As directed by the Gateway Determination, consultation was also undertaken with the following six public authorities:

- Office of Environment and Heritage (OEH)
- NSW Trade and Investment – Crown Lands
- Sydney Water
- Transport for NSW – Roads and Maritime Services
- National Parks and Wildlife Service (NP&WS)
- NSW Rural Fire Service (RFS)

Council received three responses:

- NSW Rural Fire Service: Acknowledgement of Receipt
- Transport for NSW – Roads and Maritime Services: No objections
- OEH: requested a single change within Area 12 (refer to Attachment 1, page 6) to reflect NP&WS holdings. Council has determined that this is a minor change and is consistent with the objectives of the Planning Proposal, and has incorporated the change post exhibition, as requested.

Assessment of Public Submissions

Five submissions were received from the community in response to the Planning Proposal. These are summarised and addressed in the below table:

Submission	Response
<p>Two versions of this submission were received from the same community member. This summarises both:</p> <ul style="list-style-type: none"> - Shortage of community services/off-street parking in Cottage Point. - Affected parcels near yacht club would be suitable for off-street parking. - Change in zone would increase difficulty in developing a parking lot. - Waterfront parcels owned by NP&WS are part of an outdated acquisition strategy/plan of management, and should be sold for residential use to fund improvements. - NP&WS does not maintain the affected lots to an acceptable standard. 	<p>The E1 – National Parks and Reserves zone is most appropriate for the parcels, as they are owned by NP&WS and are gazetted as part of Ku-ring-gai Chase National Park, as required by the objectives of the zone.</p> <p>However, Council acknowledges the historic shortage of community facilities in Cottage Point, including off-street parking and finds merit in the proposal.</p> <p>Council has advised the submitter to engage directly with NP&WS regarding the development of off-street parking on the site.</p> <p>Correspondence has been received from the Honourable Rob Stokes MP and responded to regarding this submission.</p>
<ul style="list-style-type: none"> - NP&WS has not maintained the lots it owns, specifically those interspersed with residential lots. - NP&WS should sell the land as residential. - Change in zone would disallow this. 	<p>Council has advised the submitter to contact the RFS regarding fire hazards on NP&WS land.</p> <p>Council is unable to direct entities to sell land as described.</p>
<ul style="list-style-type: none"> - Query regarding the location of parcels affected by the Planning Proposal. 	<p>Council replied with information regarding which parcels are affected by the Planning Proposal.</p>
<ul style="list-style-type: none"> - Cottage Point properties are smaller than the minimum lot size shown on the map (700 sqm as opposed to 5000 sqm). - Land was original freehold, and then purchased by NP&WS at a later date. Therefore, they should remain E4 – Environmental Living, not E1 – Natural Parks and Nature Reserves. - Multiple blocks have right of access and services over 4 and 6 Cottage Point Road. Clarification requested regarding the effects of rezoning. - General maintenance/hazard issues require attention, consultation and documentation prior to a decision being made. 	<p>The minimum lot size does not affect existing lots, though it would be referred to upon receipt of an application to subdivide.</p> <p>The affected parcels in Cottage Point are owned by NP&WS and gazetted as National Park.</p> <p>Subdivision plans for DP 237680 include rights of carriageway across lots 7 and 8, the parcels owned by NP&WS. This is part of the title and would not change based on a zone change.</p> <p>Maintenance/hazard issues would not affect this rezoning. It has been suggested that the submitter raise an official complaint with Council, NP&WS or RFS regarding any issues on the parcels.</p>

CONCLUSION

The Planning Proposal to correct errors and anomalies of the land zoning, lot size and height of buildings maps under WLEP 2011 related to NP&WS is an appropriate course of action. It is recommended that Council approve the Planning Proposal and engage with Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan to amend WLEP 2011.

ITEM 8.2	RETURNS DISCLOSING PECUNIARY INTERESTS OF DESIGNATED PERSONS FOR THE PERIOD 1 JULY 2012 TO 30 JUNE 2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/219667
ATTACHMENTS	NIL

REPORT

PURPOSE

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

REPORT

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

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

All required returns except for one for the period ending 30 June 2013 have been completed and lodged with the General Manager. The exception has resulted from a staff member being on extended sick leave. This Section 449 Return is expected to be completed upon their return.

Section 450A of the Local Government Act requires the General Manager to keep a register of returns, and to table the returns at the first Council Meeting held after the last day of required lodgement (i.e. 30 September 2013). Accordingly, the returns for the period ending 30 June 2013 will be tabled at the Ordinary Council Meeting of 22 October 2013.

FINANCIAL IMPACT

Nil.

POLICY IMPACT

This is within the bounds of the Local Government Act.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Disclosure of Pecuniary Interest Returns for designated person for the period 1 July 2012 through to 30 June 2013 be noted.

ITEM 8.3	HERITAGE PLANNING PROPOSAL - RESULTS OF EXHIBITION
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2013/265810
ATTACHMENTS	1 Heritage Planning Proposal - Report (Included In Attachments Booklet) 2 Heritage Planning Proposal - Maps (Included In Attachments Booklet) 3 Warringah Community Based Heritage Study Report (Included In Attachments Booklet) 4 Previous Council Report and Resolution (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report on the results of the public exhibition of the Heritage Planning Proposal and recommend that Council endorse the Heritage Planning Proposal and use its delegation from the Minister of Planning and Infrastructure (the Minister), to finalise the Heritage Planning Proposal.

SUMMARY

On 26 March 2013 Council resolved, in considering the Warringah Community Based Heritage Study Review, to prepare a Heritage Planning Proposal to implement the various recommendations of this Review.

The Heritage Planning Proposal was prepared and received Gateway Determination from the Department of Planning and Infrastructure on 28 May 2013. As part of this determination, Council was also delegated the Minister's functions under section 59 of the *Environmental Planning and Assessment (EP&A) Act, 1979*.

The Heritage Planning Proposal was placed on public exhibition for a period of 31 days from 5 July until 5 August 2013. In response to this exhibition, one (1) public submission was received, along with two (2) submissions from government agencies.

This report outlines the nature of these submissions and recommends that Council proceed, using the Minister's delegation, to have this Heritage Planning Proposal made.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Endorse the Heritage Planning Proposal Report and Maps dated April 2013.
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- B. Using the authority delegated by the Minister for Planning and Infrastructure, and pursuant to section 59 of the *Environmental Planning and Assessment Act*, 1979, request Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan amendment to effect this Heritage Planning Proposal.
- C. Notify the Department of Planning and Infrastructure of its decision.
-

REPORT

BACKGROUND

The results of the Warringah Community Based Heritage Study Review were reported to Council's meeting on 26 March 2013. One of the main recommendations was that Council prepare a Heritage Planning Proposal to make changes to the list of heritage items included as Schedule 5 in Warringah Local Environmental Plan 2011. These changes included correcting errors and anomalies as well as adding new heritage items, amending some existing heritage items and deleting some existing heritage items.

This Heritage Planning Proposal was prepared (including new heritage maps) and was sent to the Department of Planning and Infrastructure on 24 April 2013. Gateway Determination was issued on 28 May 2013 along with a written authorisation for Council to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act, 1979*. This delegation means that Council can send the Heritage Planning Proposal directly to Parliamentary Counsel's Office to be drafted and finalised, without needing to send it back through the Department of Planning and Infrastructure.

Details Of Planning Proposal

The main aim of the Heritage Planning Proposal is to update Council's list of heritage items. This will result in a heritage list which is more accurate and more comprehensive.

The Heritage Planning Proposal makes amendments to Schedule 5 – Environmental Heritage of Warringah Local Environmental Plan 2011 and also changes to the Heritage Maps. The changes involve:

- Correction of existing errors and anomalies in the current heritage list
- Addition of fourteen (14) new heritage items
- Expansion of three (3) existing heritage items
- Addition of ten (10) State agency heritage items
- Removal of two (2) existing heritage items

A copy of the Heritage Planning Proposal, dated April 2013, can be seen at Attachments 1 and 2. The supporting information for the Heritage Planning Proposal can be seen at Attachments 3 and 4.

CONSULTATION

In accordance with the conditions of the Gateway Determination, this Heritage Planning Proposal was placed on public exhibition for a period of 31 days, from 5 July until 5 August 2013.

All property owners affected by the proposal were notified in writing of this exhibition, along with relevant government authorities and other business units of Council. Notices were placed in the *Manly Daily* and all information was available for viewing at Council and also on Council's website.

At the close of the exhibition period one (1) submission was received from a private owner and two (2) submissions were received from State Government authorities.

These submissions are detailed below, along with a comment and recommendation.

Private owner submission

Submission	Comment
<p>The owner of the property known as the “Laurie Short House” at 307 McCarrs Creek Road lodged a submission which raised strong reservations about the proposed heritage listing.</p> <p>The main reasons given were:</p> <ul style="list-style-type: none"> • Could severely curtail rights as the owner of the house • Could potentially affect the future use of the house and any adaptations required • Could potentially adversely influence the re-sale value of the property, particularly as the house is located on acreage • May cause members of the community to assume the house is “open to the public” and privacy will be compromised <p>The owner also raised a number of questions:</p> <ul style="list-style-type: none"> • Does the listing apply to the whole property or the house? • Who determines what restrictions are placed in the house? • Is there a possibility of mandatory maintenance being required? If yes, who determines what maintenance is needed, who does the maintenance and who pays for it? • Who mediates between potentially conflicting interests of a heritage listing and owner’s interests? <p>Also, requests that Council agrees in principle to subdivision of acreage into 2 lots, given restrictions imposed by heritage listing.</p>	<p>This house is proposed to be heritage listed as it is one of the early works by prominent Australian architect, Glenn Murcutt.</p> <p>If this house was heritage listed, the only thing that it would prevent the owner doing is demolishing the house entirely. Even this would still be possible with consent, should the heritage value of the house change over time.</p> <p>A heritage listed house can still be altered and added to, as long as the proposed works are sympathetic with the heritage significance of the house. In this case, as the house is a relatively small house on acreage, there would be ample opportunity to create a much larger family home, while still retaining the integrity of the Glenn Murcutt structure.</p> <p>There is no evidence that a heritage listing will necessarily affect re-sale value. In some instances a heritage property achieves a much higher value, particular if it is a unique property.</p> <p>A listing does not require a property to be available for public viewing nor does it require that the listing be advertised in any way on the property.</p> <p>The listing applies to the house, as is described in the Local Environment Plan schedule, however the whole property is also identified in the Local Environment Plan as this is the legal identifier of the land. The listing is supported by a Heritage Inventory sheet which details that the house is the item of heritage significance.</p> <p>A listing does not place any specific restrictions on the house.</p> <p>A listing does not place any requirement upon an owner to maintain a property.</p> <p>If changes are proposed to the heritage listed house, the normal development application process would be followed.</p> <p>Any proposal to subdivide would require a planning proposal to be submitted and assessed as the minimum lot size is 2 ha.</p>

Recommendation	No change recommended. The house clearly meets the criteria for heritage listing, as an important early example of a domestic house designed by Glenn Murcutt, and should remain in the Heritage Planning Proposal.
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Government agency submissions

Submission	Comment
<u>Office of Environment and Heritage</u> Supports the Heritage Planning Proposal and believes that the amendments will provide for the robust identification, management and protection of heritage items.	Noted.
<u>NSW Department of Education & Communities</u> No objection to the proposed name change of 'Former Holland's Orchard Trees' to 'Former Holland's Orchard Trees and Commemorative Grove'.	Noted. As the Commemorative Grove is on the site of Forest High, then this is agreement from the owner, being the NSW Department of Education & Communities to this listing extension.
Recommendation	No change required.

CONCLUSIONS

This Heritage Planning Proposal has been exhibited and no changes are recommended as a result of the assessment of the submissions received. However, a minor change to the Heritage Map is proposed, to reduce the area of the Civic Centre landscaping item to more accurately identify this heritage item.

It is recommended that Council now endorse the Heritage Planning Proposal, as seen at Attachments 1 and 2. It is also recommended that Council use the authority delegated by the Minister for Planning and Infrastructure, and pursuant to section 59 of the *Environmental Planning and Assessment Act*, 1979, to request Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan amendment to effect this Heritage Planning Proposal.

TIMING

The Gateway Determination requires that this Local Environmental Plan amendment be completed within nine months of the date of the Gateway Determination, which would be 28 February 2014.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.4	ESTABLISHMENT OF NEW 24 HOUR ALCOHOL PROHIBITED AREAS IN WARRINGAH
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2013/269383
ATTACHMENTS	1 Proposed 24 Hour Alcohol Prohibited Areas - Narrabeen Lagoon

EXECUTIVE SUMMARY

PURPOSE

To seek Council's approval to establish new 24 hour Alcohol Prohibited Areas in Narrabeen as proposed in Attachment 1 of this report.

SUMMARY

Alcohol Prohibited Areas (APAs) and Alcohol Free Zones (AFZs) are a way Council can assist NSW Police in managing anti-social behaviour related to alcohol consumption.

A report was submitted to Council on 27 August 2013 in response to local community reports on anti-social behaviour relating to alcohol consumption in park areas of Narrabeen Lagoon Reserve. This report recommended the public exhibition of the proposal to make two park areas of Narrabeen 24 hour APAs. The two areas are:

- A) The park area at the north end of Lagoon Street, and
- B) Between Loftus and Wellington Street.

Council approved the public exhibition, which ran from 31 August to 30 September 2013.

37 submissions were received with comments made on one or both of the proposed 24 hour APAs. Comments from the submissions are summarised below.

- A) Park area at the north end of Lagoon Street: 19 supporting and 6 objecting to a 24 hour APA.
- B) Between Loftus and Wellington Street: 29 supporting and 3 objecting to a 24 hour APA.

Following the collation and analysis of all submissions, it is recommended that Council approve the establishment of the new 24 hour Alcohol Prohibited Areas in Narrabeen as mapped in Attachment 1 of this report, pending Local Area Command of NSW Police approval.

FINANCIAL IMPACT

New signage and notices in the local media for the two APAs will cost in the order of \$4,000. These costs can be met from the current Parks, Reserves and Foreshores 2013/14 budget.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council approve the establishment of new 24 hour Alcohol Prohibited Areas in Narrabeen at the park area at the north end of Lagoon Street and between Loftus Street and Wellington Street pending Local Area Command of NSW Police approval.

REPORT

BACKGROUND

Over a number of years, Council has received reports from the local community on anti-social behaviour related to alcohol consumption in Narrabeen Lagoon Reserve, mostly during the daytime. A report was submitted to Council on 27 August 2013, recommending the public exhibition on the proposal to make two areas of Narrabeen 24 hour Alcohol Prohibited Areas (see Attachment 1). The two areas are the park areas between Loftus and Wellington Street and the park area at the north end of Lagoon Street. Council approved the public exhibition.

Alcohol Free Zones (AFZs) and Alcohol Prohibited Areas (APAs) are ways Council can assist the NSW Police in managing anti-social behaviour related to alcohol consumption.

The *Local Government Act 1993* provides two primary methods for councils to manage the consumption of alcohol in public places:

- A council may establish an AFZ (ss. 644-646) on a road, footpath or public carpark. An AFZ may be in force for a period of up to four years, or for a special event.
- Where a council has the control and management of parks or reserves, it may establish an APA in these areas to prohibit the consumption of alcohol, and/or other activities (s.632). APAs may be applied 24 hours a day or limited hours in duration.

Currently within Warringah, NSW Police are responsible for enforcing APAs and AFZs. Approval for establishing an APA or an AFZ must be given by the Local Area Command of NSW Police.

On 26 June 2012 Council approved the establishment of APAs and AFZs across Warringah. Details are available on Council's website. APAs apply in all public parks, reserves and beaches in Warringah and in these locations the consumption of alcohol is currently prohibited from 10 p.m. until 8 a.m. In response to a history of anti-social behaviour and safety issues, 24 hour APAs were approved for two specific locations - Walter Gors Park, Dee Why and Queenscliff Headland.

In relation to the park areas discussed in this report, mapped in Attachment 1, the community reported that alcohol consumption is a contributing factor to unacceptable behaviour including; offensive language, urinating in public and confrontations between park users. This unacceptable behaviour was reported to be mostly happening through the day, where the established APA times currently do not apply.

Changing the current 10 p.m. to 8 a.m. APA to a 24 hour APA may assist in managing this anti-social behaviour.

CONSULTATION

The public exhibition period for the proposed 24 hour APAs ran from 31 August to 30 September 2013. Methods used to promote this public exhibition included:

- Warringah Update notification in 31 August and 7 September 2013 Manly Daily
- Your Say Warringah "Open for Comment" webpage
- Letterbox drop to residents in the areas near to the proposed APAs
- Letters to the liquor licensees which border on the proposed APAs
- Signage at the locations of the proposed APAs
- Letter to the Local Area Commander – NSW Police
- Notifications sent out via email to those on our community engagement register.

During the public exhibition period 37 submissions were received with comments on one or both of the proposed 24 hour APAs. Comments from the submissions are summarised below.

- A) Park area at the north end of Lagoon Street: 19 supporting and 6 objecting to a 24 hour APA.
- B) Between Loftus and Wellington Street: 29 supporting and 3 objecting to a 24 hour APA.

Those supporting the establishment of 24 hour APAs commented that alcohol was the main contributor to health, safety and social concerns such as excessive litter, urinating in public, intimidating behaviour and offensive language.

Those objecting to the establishment of 24 hour APAs comment that they have not noticed harm caused by drinking alcohol in these areas and that their choice, or the choice of others, to drink alcohol responsibly in these areas should not be taken away.

As required, correspondence has been sent to the Local Area Command of NSW Police requesting approval to establish these areas as APAs. Council is awaiting an official response. In our discussions with the NSW Police they have indicated support for the proposal. The APAs will become enforceable only after the Local Area Command approval has been received.

TIMING

Should the recommendation of this report be approved by Council and the NSW Police, details of the APAs are to be published in the local newspaper. The APAs will not operate until 7 days after publication of the notice and until the areas affected are adequately signposted. Allowing time for new signage to be manufactured and installed, the APAs should be in operation 3 to 4 weeks after approval. Once approved, APAs, unlike AFZs, are not required to have an end date. However, a review on all APA use could be considered in 2016 when all of Warringah's AFZs are due for review.

FINANCIAL IMPACT

New signage and notices in the local media for the two APAs will cost in the order of \$4,000. These costs can be met from the current Parks, Reserves and Foreshores 2013/14 budget.







ITEM 8.5	ADOPTION OF THE NARRABEEN LAGOON FLOOD STUDY
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2013/270534
ATTACHMENTS	1 Final Report - Narrabeen Lagoon Flood Study - R.N2070.005.04 (Included In Attachments Booklet) 2 Final Report - Narrabeen Lagoon Flood Study - FPL Warringah - R.N2070.008.00 (Included In Attachments Booklet) 3 Final Report - Narrabeen Lagoon Flood Study - Mapping Compendium R.N2070.005.04 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek adoption of the Narrabeen Lagoon Flood Study.

SUMMARY

The Narrabeen Lagoon Flood Study has been prepared for Warringah and Pittwater Councils to define the existing flood behaviour in the Narrabeen Lagoon catchment, and to establish the basis for subsequent floodplain management activities. It updates previous studies on the Lagoon including the Narrabeen Lagoon Flood Study (PWD, 1990) and studies of individual tributary streams, providing a holistic assessment of flooding within the catchment. It also considers land use changes subsequent to previous modelling investigations, the influence of the Narrabeen Lagoon entrance on flood behaviour and the potential influence of climate change.

The Flood Study has shown that 1,285 Warringah properties are located within the Flood Planning Area, and an additional 282 Warringah properties within the Probable Maximum Flood extent.

The draft Flood Study was approved for public exhibition at Warringah Council's meeting of 25 June 2013. During the public exhibition, letters and information brochures were sent to all residents and owners within the Probable Maximum Flood extent, 4 days of public information sessions were held, information was displayed at the Civic Centre and each of Council's libraries, and updates were made to Council's website. A total of 17 submissions were received.

This Flood Study represents the first stage in the management of flood prone land, and comprises a technical investigation of flood behaviour under existing and future conditions. Whilst the project has been managed by Warringah Council, it is a joint project and a similar report will be presented to Pittwater Council at its meeting of 4 November 2013. The next stages of the process are the Floodplain Risk Management Study and Plan, which will investigate risk management measures and provide recommendations to reduce flood hazard.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Flood Study has been prepared in accordance with the NSW Floodplain Development Manual (2005).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Adopt the Narrabeen Lagoon Flood Study Final Report (September 2013).
 - B. Amend the relevant Section 149(2) planning certificates for properties within the Probable Maximum Flood (PMF) and Flood Planning Area (FPA) extents as defined in the Narrabeen Lagoon Flood Study Final Report (September 2013).
-

REPORT

BACKGROUND

1. NSW Government's Flood Prone Land Policy and Council's Obligations

Under the NSW Government's Flood Prone Land Policy, the management of flood affected land is the responsibility of local government. The State Government subsidises the preparation and implementation of flood studies and plans, and provides specialist technical advice to assist Councils to undertake their floodplain management responsibilities. Two thirds of the funding for the study was provided by the NSW Government under its Floodplain Management Program, which is administered by the NSW Office of Environment & Heritage (OEH). The remaining third was funded jointly by Warringah and Pittwater Councils.

Warringah Council commissioned BMT WBM Pty Ltd to undertake the Narrabeen Lagoon Flood Study in February 2011 on behalf of Warringah and Pittwater Councils. This study defines the existing flood behaviour in the Narrabeen Lagoon catchment, and establishes the basis for subsequent floodplain management activities. The next stages of the process are the Floodplain Risk Management Study and Plan, which will investigate risk management measures and provide recommendations to reduce flood hazard.

2. The Narrabeen Lagoon Flood Study

2.1 Catchment Description

The Narrabeen Lagoon catchment is located on the north eastern edge of the Warringah LGA and the southern edge of Pittwater LGA. The catchment occupies a total area of approximately 55km² and drains to the Tasman Sea through a narrow channel to the lagoon entrance at North Narrabeen Beach. A map of the Study Area is shown in Figure 1.

2.2 Comparison with previous 1990 Narrabeen Lagoon Flood Study

This study updates previous studies on the Lagoon including the Narrabeen Lagoon Flood Study (PWD, 1990) and studies of individual tributary streams, providing a holistic assessment of flooding within the catchment. It also considers the potential impacts of climate change on flood risk within the catchment.

The peak flood levels in the current study are slightly higher than those in the 1990 flood study which may be attributed to the following factors:

- Differences in modelling approach and software;
- Differences in topographical data sets;
- Assumptions in regard to design entrance conditions;
- Improved model calibration and use of historical data;
- Changes to flow structures; and
- Catchment land use changes.

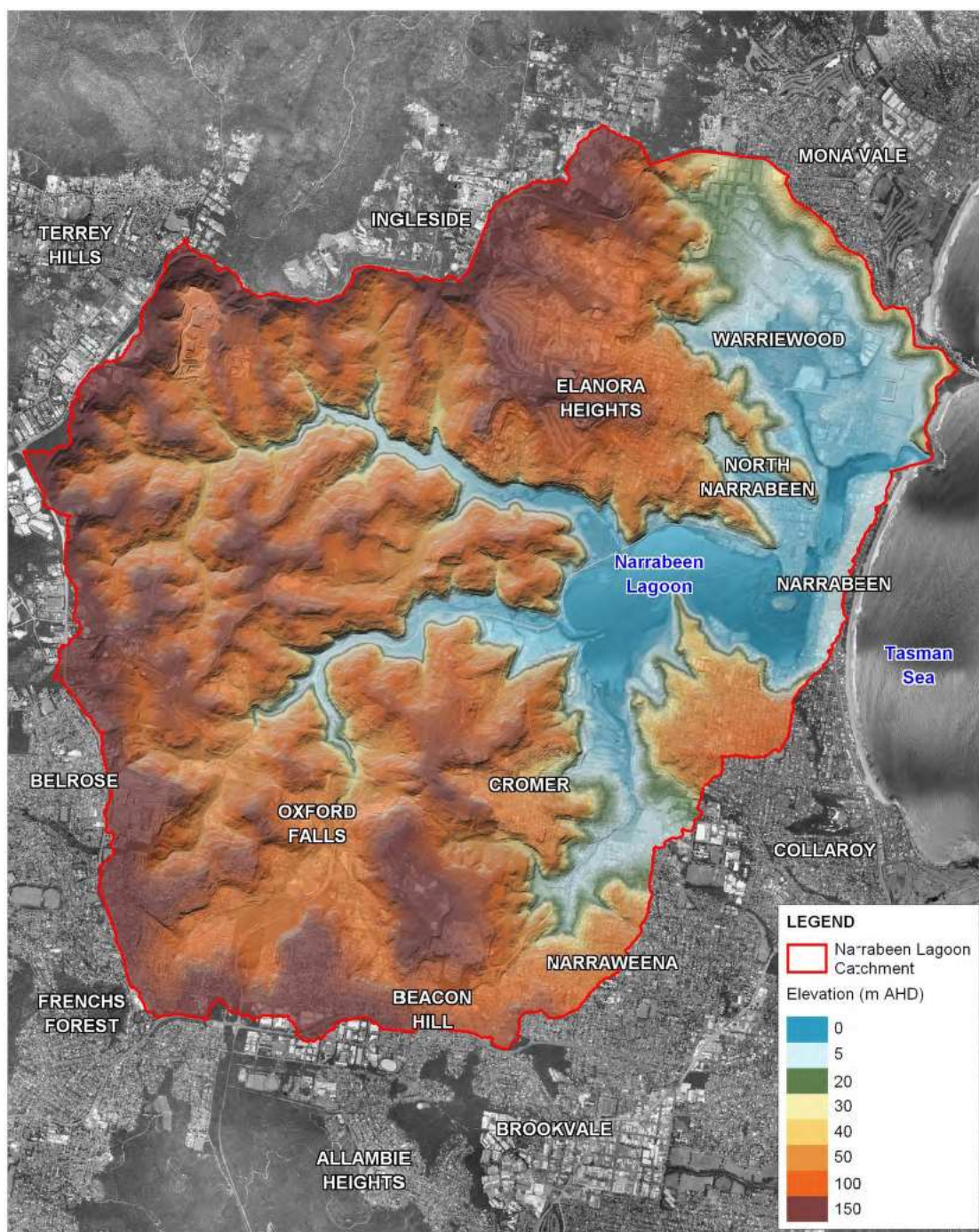


Figure 1: Narrabeen Lagoon Study Area

2.3 Model Results

Computer modelling was undertaken to derive design flood conditions within the Narrabeen Lagoon catchment. Rainfall depths were based on engineering standards and Bureau of Meteorology data.

Figure 2 shows the flood extents for the 1 in 5, 1 in 10, 1 in 20, 1 in 50, 1 in 100 and 1 in 200 year events in the Narrabeen Lagoon catchment (shown as % AEP which stands for annual exceedance probability – which is essentially the chance that an event will occur in any given year).

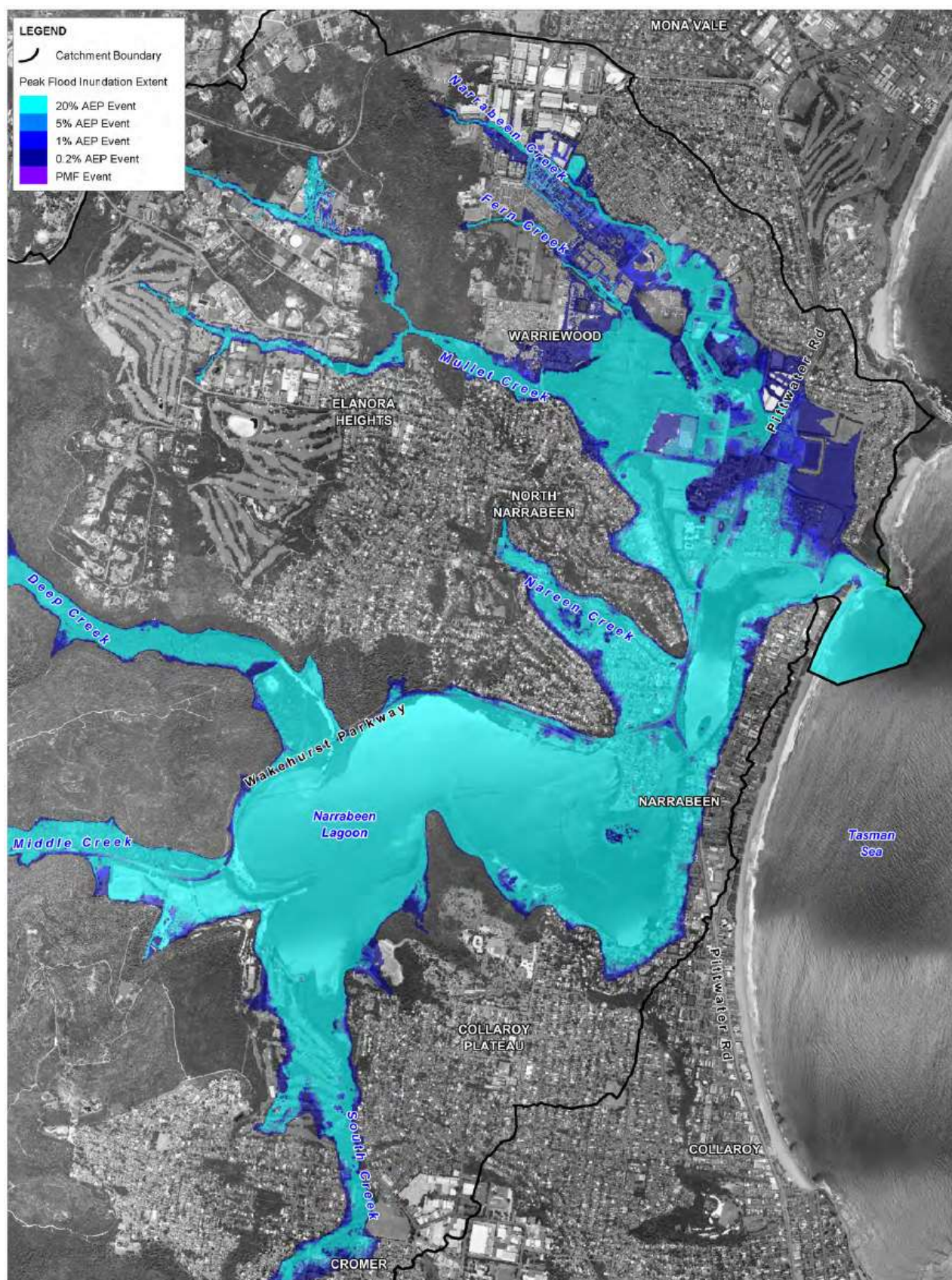


Figure 2: Narrabeen Lagoon Catchment Flood Extents

2.4 Climate Change

The impacts of future climate change are likely to lead to a wide range of environmental responses in coastal lagoons such as Narrabeen Lagoon.

The key potential climate change influences that were assessed included:

- Increases in rainfall intensity for flood producing events;
- Higher ocean water levels (tide and storm surge) under future sea-level rise scenarios;
- Higher lagoon entrance sand berm heights future sea-level rise scenarios; and
- Higher initial lagoon water levels future sea-level rise scenarios.

While climate change conditions were modelled, they have not been included in the final flood extents. Council's response to the effects of climate change will be considered in the Floodplain Risk Management Study (the next stage of this project).

2.5 Flood Study Conclusions

Provided below is a summary of the key findings of the Flood Study, in particular some of the important considerations for future floodplain risk management in the catchment:

- The design flood conditions documented in the report typically provide for a small increase in previously adopted design flood conditions for Narrabeen Lagoon. The main contributing factor to this change is the way the entrance condition has been modelled. In addition to advances in the software to simulate entrance scouring, the initial berm elevations and water levels in the Lagoon have been represented more conservatively in the current study.
- Longer duration rain events (9-36 hours) typically provide for the worst case flooding conditions in Narrabeen Lagoon. With the Lagoon waterbody being a significant flood storage, events of longer duration are required to generate sufficient runoff from the catchment to raise Lagoon water levels. The peak flood level in the Lagoon extends a significant distance up the tributary channels. In the upper reaches of the tributaries, shorter duration rain events of the order of 2 hours provide the peak flood level.
- The rise in water levels can be relatively fast. Even for the longer duration events, the main period of rise in Lagoon water level can occur over a few hours. The April 1988 flood event (used for model calibration in the current study) is an example of such a response in the catchment. Flood levels in the tributaries may also rise significantly faster owing to the shorter critical durations in these catchments. This potential rapid inundation has implications for flood warning and emergency response, particularly in flood situations where property and access roads may be quickly inundated.
- Catchment derived flooding events represent the dominant flooding mechanism in Narrabeen Lagoon. Whilst some ocean flooding scenarios will provide for inundation of some foreshore areas, the extent and severity of flooding is significantly less than the corresponding catchment event. The entrance condition has some influence on catchment flood behaviour with higher entrance berm levels providing for higher peak flood levels. The existing entrance management policy provides for manual breakout of the Lagoon entrance at defined trigger levels in preparation for imminent flooding. Irrespective of the successful implementation of a manual entrance breakout, significant flood inundation may be expected during major catchment flood events.
- The worst affected areas are typically in the lower parts of the catchment and immediately surrounding Narrabeen Lagoon. These include the foreshore areas of the Lagoon (e.g. Lakeside Park, Wimbledon Avenue, west of Lagoon Street) and the low-lying floodplain

areas adjacent to Nareen Creek in Pittwater (e.g. Gondola Road, Nareen Parade) and Mullet Creek (e.g. Garden Street, Warraba Road).

- Peak design flood levels are expected to progressively increase as the impacts of projected climate change manifest. For the Narrabeen Lagoon catchment, potential sea level rise will provide for a worsening of existing flood conditions through higher ocean water levels (tide and storm surge), higher entrance berm and higher initial water levels in the Lagoon. Council's response to these scenarios will be examined further in the Narrabeen Lagoon Floodplain Risk Management Study.
- Council's existing Entrance Management OMS requires the entrance to be opened at a defined trigger water level (currently 1.3m AHD). With potential sea level rise, normal tide levels in the Lagoon will approach and eventually exceed the current trigger levels. Future openings would need to be at significantly higher trigger levels to be effective. This has implications for nearby properties and will be further investigated in the Floodplain Risk Management Study. Low-lying land currently impacted by flooding may also be subject to regular (or permanent) tidal inundation at some time in the future.

2.6 Section 149 Planning Certificates

When a property is considered to be subject to flood related development controls, it is reflected on the property's Section 149 (2) Planning Certificate in accordance with the Environmental Planning & Assessment Act 1979. Following adoption, amendments to the Section 149 certificates of flood affected properties will be made, and property owners advised by letter.

Certificates for the 1,285 Warringah for properties within the Flood Planning Area (i.e. below the Flood Planning Level) will need to indicate that residential flood related development controls apply. An additional 282 Warringah properties are above the Flood Planning Level (FPL) but within the Probable Maximum Flood (PMF) extent, and these certificates will also need to indicate that flood related controls for non-residential development apply.

It is important to note that while some additional properties are now included in flood areas, a similar number have been removed based on the new information in this Study. The Flood Planning Area (FPA) and PMF Inundation Extent are shown in Figure 3.

These home owners and residents were sent information as part of the Public Exhibition, and were provided with an opportunity to provide feedback, either in person at community information sessions, or in writing via a formal submission.

CONSULTATION

3. Public Exhibition

As per Council resolution 136/13, the Narrabeen Lagoon Flood Study was placed on public exhibition for four weeks, from 15 July to 12 August 2013. Notification and opportunities for the community to participate in the review of the document included the following:

- A letter and brochure was sent to all home owners and residents within the Probable Maximum Flood area inviting them to comment on the report.
- Posting of the draft report on the Your Say Page, with a link from Council's web site.
- Reports made available in the Customer Service foyer of the Civic Centre, and all Council libraries.
- An advertisement in the Council Notices section of 'The Manly Daily'.
- Four days of community information sessions.



Figure 3: Flood Planning Area (FPA) and Probable Maximum Flood (PMF) Inundation Extent

Warringah and Pittwater Councils each posted the brochure with their own letter to residents and property owners. There were 1567 properties in Warringah affected up to the PMF, and 1558 properties in Pittwater. The letter advised whether the property was within the FPA extent, or between the FPA and PMF extents. It also advised the dates of the public exhibition, how to obtain further information, and how to make a submission to Council.

Community information sessions comprised 15 minute discussion sessions between individual community members and representatives from the relevant Council and the consultant.

A total of 60 individual appointments were held across the four days of information sessions (13 for Warringah and 47 for Pittwater). The majority of community members were concerned about the impact of being included within the FPA and PMF extents, and the subsequent potential impact on planning certificates, property value and insurance premiums.

A total of 17 submissions (6 for Warringah and 11 for Pittwater) were subsequently received by both Councils during the public exhibition, with the distribution within the catchment area shown in Figure 4. The majority of submissions requested a review of the FPA or PMF extent or were related to future floodplain management issues to be addressed in the Floodplain Risk Management Study.

Following public exhibition the modelling on one street in Warringah (Alkira Circuit) was revised based on a review of the topography and pipe size, which led to the removal of around 15 properties. A series of changes were made in Pittwater after consideration of the method by which a levee and survey data were incorporated into the model.

The draft Final Narrabeen Lagoon Flood Study was presented to the Narrabeen Lagoon Floodplain Risk Management Working Group on 10 October 2013 and received their endorsement to present it to Council for adoption.

3.1 Mapping

Through the discussions with landowners, much of the concern regarding the mapping can be attributed to the following issues:

- There was some misunderstanding in the community between lot and building footprint in terms of flood affectation. Many owners of lots identified as flood prone noted that their building was actually located outside the FPA extent, and was therefore not at risk of flooding. It was explained that development applications were assessed on an individual basis. If a lot was identified as flood prone but the proposed residential development was outside the FPA extent, then flood-related planning controls would not apply to that development.
- The magnitude of the 1% AEP was questioned particularly in relation to historical events in the catchment. Many residents noted that flood conditions they had experienced in previous events were significantly less severe the design flood conditions established in the study. In comparing rainfall conditions associated with previous flood events with the design flood rainfall conditions, it is evident that the historical events referred to by the community members are significantly lower magnitude events in comparison to the design flood conditions used for flood planning purposes.
- The concept of Probable Maximum Flood was not well understood. This is not uncommon given the severity and rarity of the event, particularly compared to normal conditions in the catchment and even previously experienced flood events. Whilst it was explained that residential planning controls do not apply at the PMF level, many residents were concerned about being included within the PMF extent and the associated connotation that their property was "flood affected".

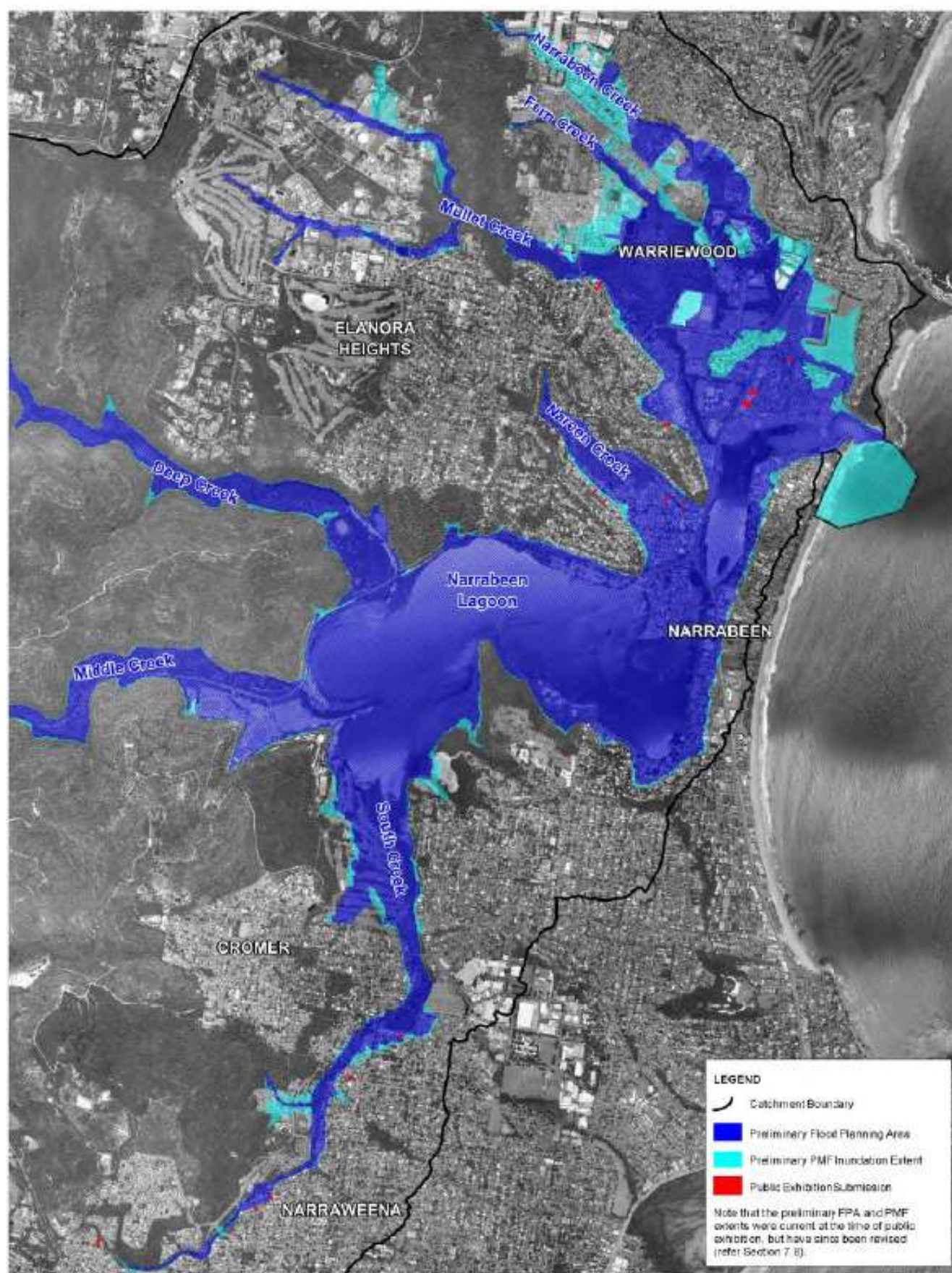


Figure 4: Distribution of Public Exhibition Submissions

3.2 Flood Insurance

Insurance is recognised as a concern for property owners in relation to flooding. Insurance companies identify flood prone land as a result of undertaking their own flood studies, analysis and flood mapping exercises, as well as using data from studies conducted by Local Government. This information is being used by individual insurance companies to assess the hazard and risk, and to then set premiums for flood insurance.

The method of setting policies and premiums is conducted on an individual company basis, which leads to some difference with premiums and flood liability across many properties under different insurance companies. These calculations are outside Council's control.

Council's primary responsibility is to manage the risk to life and property. Flood Studies conducted by Council are publicly available, and may be used by insurance companies to refine insurance company flood profiles, potentially excluding properties that would otherwise be included through more risk averse calculations.

CONCLUSION

Following adoption of this Flood Study, Council will commence the Floodplain Risk Management Study which will investigate ways to reduce the flood risk in the Narrabeen Lagoon Catchment, through appropriate land use planning, evacuation procedures, community education and flood mitigation works.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Flood Study has been prepared in accordance with the NSW Floodplain Development Manual (2005).

ITEM 8.6	ALTERNATE PROCUREMENT PROCESS FOR PARKING METER UPGRADES
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2013/278656
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

Request that Council exercise its authority under Section 55(3) Local Government Act 1993 and approve an Alternate Procurement Process to upgrade the current Parking Meters. Required to ensure the credit card payment process systems are all Euro MasterCard VISA (EMV) and PayPass regulation compliant.

SUMMARY

VISA and MasterCard have set mandates for merchants of financial institutions to ensure their merchant facilities are compliant with new regulations.

Currently all existing parking meters use a merchant facility system to process the financial transactions for credit card payments. In order to gain compliance Council will need to upgrade the credit card payment processes located within each of the thirty (30) parking meters across Warringah.

Duncan Solutions Limited is the sole supplier of parking meters to Council; they also provide software, servicing and technical support. Duncan Solutions have provided Council with a costing for the required works totalling \$150,381. Procurement process requires a public Request for Tender for contract values greater than \$150,000. The current quote exceeds this amount by \$381.

FINANCIAL IMPACT

Current budget allocated for this work is \$100,000. Additional funding of \$36,710 (ex GST) will be required. This will be managed through Council's liquidity position which is maintained at levels which is sufficient to provide a buffer against unforeseen costs. Any future increase to Council's surplus or savings in capital projects will firstly need to be applied to Council's liquidity position to ensure the minimum level of liquidity is maintained.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of mandated upgrades to existing meters as it believes a satisfactory result would not be achieved by inviting tenders.
- B. The proposed alternative procurement is based on the following "extenuating

circumstances”:

- a. The mandated upgrades are integrated within the existing meter (proprietary) software and hardware.
 - b. Due to the proprietary nature of the existing meters architecture, there are no known (certified) alternate solutions.
 - c. Failure to comply with mandated deadline may result in financial penalties to Council.
- C. Delegate authority to the General Manager to enter into negotiations with Duncan Solutions for upgrading of all of Council's meter stock to be fully EMV and PayPass compliant and if successful execute a negotiated contract on behalf of Council.
-

REPORT

BACKGROUND

Council have thirty (30) parking meters in operation across Warringah. These are primarily located at the beach car parks.

A credit card payment facility, as well as coin payment is currently available to customers at the parking Meters.

To ensure the new compliance regulations being introduced by VISA and MasterCard are achieved, Council will be required to upgrade its merchant facility for credit card payments at all of its parking meters.

Benefits to Council resulting from these upgrades are;

- a) Improved payment options available to the customer, as a result of new added technology.
- b) Increased security against fraudulent activity.

Duncan Solutions Limited is the manufacturer and sole distributors of the Duncan MX and TX Pay & Display machines currently used by Council. The proprietary hardware and software required to ensure Council becomes regulation compliant can only be purchased from Duncan Solutions.

Under Council's standard procurement process for this value of procurement (i.e. value greater than \$150,000), Council would proceed to Open Public Tender, via the e-Tendering system. A selection would be made with a minimum 3 person (including 1 independent) Evaluation Committee. As the service being sought can only be provided by one supplier, the e-Tendering process would not provide any benefit and result in Council not achieving mandated deadlines.

CONSULTATION

The Regulatory Compliance Unit at Council has been in consultation with both external stakeholders – Duncan Solutions Limited, Mastercard and the Commonwealth Bank, being Council's merchant facility provider.

Internal consultation has also been undertaken with Finance, Procurement and Park Reserves & Foreshore (PRF).

TIMING

VISA and MasterCard have set clear mandates to financial institutions for ensuring their merchant customers act, and make themselves become compliant.

Compliance Mandates:

- | | |
|-----------------------|---|
| 1 January 2014 | Euro MasterCard VISA (EMV) – existing devices must be upgraded to comply. |
| 1 March 2014 | VISA Chip and Pin compliant. |
| April 2014 | PayPass functionality – must support and accept PayPass cards via a contactless reader. |

FINANCIAL IMPACT

Current budget allocated for this work is \$100,000. Additional funding of \$36,710 (ex GST) will be required. This will be managed through Council's liquidity position which is maintained at levels which is sufficient to provide a buffer against unforeseen costs. Any future increase to Council's surplus or savings in capital projects will firstly need to be applied to Council's liquidity position to ensure the minimum level of liquidity is maintained.

Important:

Where no action, or non compliance by Council to meet these deadlines results. Penalties may be imposed by VISA and MasterCard;

- 1) VISA and MasterCard have the authority to issue fines.
- 2) VISA and MasterCard can declare the facility non-compliant, resulting in increased fraud liability.
- 3) In extreme cases where no action is taken to become compliant VISA and MasterCard could request the bank close Council's merchant facility.

POLICY IMPACT

Nil

ITEM 8.7	SWIMMING POOL BARRIER INSPECTION PROGRAM
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2013/281723
ATTACHMENTS	1 Draft Swimming Pool Barrier Inspection Program

EXECUTIVE SUMMARY

PURPOSE

Seek Council's endorsement for the exhibition of a draft Swimming Pool Barrier Inspection Program.

SUMMARY

Changes to the Swimming Pools Act 1992 and the new Swimming Pools Amendment Act 2012 require all Councils to implement an inspection program of private swimming pools that effectively meets the duties and obligations imposed upon Councils by the new legislation. The legislation aims to increase safety and awareness and therefore reduce the potential for drownings in private swimming pools.

FINANCIAL IMPACT

Fees for inspections are set by legislation, from initial operations it is expected that the program will operate at a 75% cost recovery rate. Depending upon the uptake of service provision by private certifiers, the net cost to Council is likely to be in the order of between \$30,000 to \$50,000 per annum for Council to implement.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. The Draft Swimming Pool Barrier Inspection Program be placed on public exhibition for a minimum of 28 days.
 - B. The results of the public exhibition be reported to Council.
-

REPORT

BACKGROUND

Warringah Council has approximately 6500 known private swimming pools and spas and this number is increasing each year.

The New South Wales Government has recently made changes to the Swimming Pools Act 1992 (the Act), Swimming Pools Regulation 2008 and introduced the Swimming Pools Amendment Act 2012. The legislative changes have been designed to enhance child safety, and to actively contribute to a reduction of drowning or near drowning immersions in New South Wales private swimming pools and spas.

The legislative changes include:

- A new online state-wide register of swimming pools via www.swimmingpoolregister.nsw.gov.au (section 30A of the Act).
- The mandatory registration of swimming pools by owners by 29 October 2013 (section 30B of the Act).
- The issuance of certificates of compliance in respect of the swimming pool barrier, by Council officers and private accredited certifiers (section 22D of the Act).
- The requirement for certificates of compliance to accompany sale of land contracts and residential tenancy agreements where there is a swimming pool upon the property – commencing 29 April 2014 (schedule 2 of the Swimming Pools Amendment Act 2012, amends the Conveyancing (sale of Land) Regulation 2010 and the Residential Tenancies Regulation 2010).
- The mandatory inspection of pools associated with multi-occupancy dwellings and tourist accommodation (section 22B (2) of the Act).
- The requirement for Councils to develop a program for the inspection of swimming pools in consultation with their communities, to ensure legislative obligations are complied with (section 22B).
- The adoption of new pool fencing requirements under Australian Standard 1926.1- 2012

Once all swimming pool and spa pool owners have registered on the state-wide register, it is likely that the known number of pools and spas will increase.

Council has been trialling how to resource this new requirement. Previously this role was combined with the broader responsibilities of the Building Certification and Fire Safety team's building surveyors (e.g. issuing certificates as the accredited certifiers, assessing building certificates and construction certificates applications). Presently one officer's time is completely taken up with these duties, demonstrating the need for a full-time dedicated position. The requirement for additional program inspections may increase after 29 April 2014, when it becomes mandatory for a swimming pool certificate of compliance to accompany residential tenancy agreements and sale of land contracts.

The Swimming Pools Act sets a maximum fee for carrying out inspection. The inspection fees are \$150 for an initial inspection and a once only re-inspection of \$100. No charge can be issued for any subsequent inspections. It is likely that the fee structure will only enable partial cost recovery for council.

One amendment to the Act enables private accredited certifiers to issue certificates of compliance for pool barriers. However private accredited certifiers are unregulated and able to set their own inspection fees.

With a commercial imperative, it is unlikely that many private certifiers will wish to compete against the regulated maximum inspection fee that limits each Council. Therefore it is expected that the majority of applications for certificates of compliance will be handled by Council.

For Council to provide a cost neutral service, the role needs to remain regulatory, not advisory. The inspection will recognise compliance or identify defects in general terms of the swimming pool barrier. Where defects are identified, pool owners will need to seek their own advice/consultation for design solutions and alternatives permitted by the legislation and Australian Standards. Failure to ultimately comply will lead to Compliance action through the issuing of Orders. This is expected to increase the workload of the Compliance Team.

CONSULTATION

Council's webpage has been updated to provide current information on the changes to the swimming pool laws and direct links to relevant websites, including the State Government Swimming Pool Register (www.swimmingpoolregister.nsw.gov.au).

In response to the legislative requirements, Council has developed the attached Draft Swimming Pool Barrier Inspection Program. It is proposed that the program be placed on public exhibition through a notice in the Manly Daily for 28 days with access to information at the following Locations:

- Council's Customer Service Centre.
- All Council Libraries.
- Council's website.

FINANCIAL IMPACT

Fees for inspections are set by legislation, from initial operations it is expected that the program will operate at a 75% cost recovery rate. Depending upon the uptake of service provision by private certifiers, the net cost to Council is likely to be in the order of between \$30,000 to \$50,000 per annum for Council to implement.

POLICY IMPACT

Nil

Draft Swimming Pool Barrier Inspection Program

Date: 01 October 2013

Purpose of Inspection Program

The purpose of the inspection program is to:

Identify swimming pools that are not protected by a child resistant barrier in accordance with legislative standards.

Take appropriate action to have identified non-compliant swimming pool barriers upgraded.

Fulfil inspection obligations imposed by the Swimming Pools Act 1992.

Swimming Pools to which the Inspection Program applies

This inspection program applies to all swimming pools and spas regulated under the Swimming Pools Act 1992.

Composition of the Inspection Program

Swimming pool barrier inspections will be carried out in the following circumstances:

1. In response to an application for a swimming pool certificate of compliance. Section 22D of the Act provides for a swimming pool owner to make application to Council or an accredited certifier for a certificate of compliance. On receipt of an application and payment of the inspection fee, Council will undertake an inspection of the swimming pool.
2. On receipt of a complaint alleging a defective swimming pool barrier exists. (An inspection fee will apply where the complaint is substantiated after an inspection and a notice is served).
3. In response to an exemption application. Section 22 of the Act provides for a swimming pool owner to make application to Council for an exemption from all or any of the legislative barrier requirements in certain circumstances. On receipt of an application and the appropriate fee, Council will undertake an inspection of the swimming pool as part of the determination of the exemption application.
4. At the request of the owner and pursuant to section 22C of the Act. Upon receipt of an application and payment of the inspection fee from the owner of the premises, an inspection of the swimming pool will be undertaken. Where a defective barrier is identified, a notice will be issued to the swimming pool owner.
5. In response to the issue of a notice by an accredited certifier. Section 22E of the Act requires that an accredited certifier must provide a notice to the owner of a swimming pool after inspection, if not satisfied that the swimming pool is compliant. A copy of the notice is required to be provided to Council.
6. Where Council is engaged as the certifier for works involving a swimming pool or the swimming pool barrier.
7. Where the premises is subject to a building certificate application.
8. Where an inspection by Council's authorised officers reveals an inadequate swimming pool barrier at the subject premises, or neighbouring premises.
9. As required by section 22B(2) of the Act, at least once every three years where tourist and visitor accommodation (as defined in the standard instrument) or more than two dwellings are situated upon the premises.

10. By random audit. Where inspection resources permit, the swimming pool register will be reviewed to identify swimming pools where there is not a valid certificate of compliance or a relevant occupation certificate in existence and council has not carried out an inspection of the swimming pool in the past 5 years.
11. Where Council is otherwise provided with information that reveals a swimming pool barrier is non-compliant.

Inspection Fees

Section 22F of the Act allows Council to charge an inspection fee for inspections carried out under as part of the inspection program. The inspection fees charged by Councils are presently regulated at a maximum of \$150 for an initial inspection and a once only reinspection of \$100.

An initial inspection fee will be payable by the swimming pool owner at the time of making an application or request to Council for an inspection of a swimming pool. An application will not be taken as being lodged until payment of the application fee has been received by Council.

Where Council has initiated the need for an inspection in accordance with this program, other than for a complaint, an invoice will be forwarded to the owner of the swimming pool. In the case of a complaint investigation, an inspection fee will apply where the complaint is substantiated and a notice is served; if the swimming pool barrier is found to be satisfactory no inspection fee will apply. However if after a satisfactory complaint inspection, the owner wishes to be issued a certificate of compliance, then the inspection fee will apply (section 22D(4) of the Act).

Where a re-inspection is necessary, a once only re-inspection fee will be payable by the swimming pool owner. In such cases, Council will issue an invoice to the swimming pool owner.

Upgrading of non-compliant Swimming Pool barriers

Where a defective swimming pool barrier has been identified, compliance shall be sought via notices and/or directions in accordance with legislation and relevant legal precedent.

Other Compliance Measures

Penalty Infringement Notices (on the spot fines) may be issued by Council for non-compliance with the requirements of the Act. Such penalties will generally not be used as an initial response by Council, except when confronted by blatant disregard for safety. Rather, fines are to be used as a deterrent for continued failure to comply. Council may also seek legal enforcement of the Direction through the Court if circumstances warrant.

ITEM 8.8	REPORTING OF STRATEGIC REFERENCE GROUP MINUTES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/297379
ATTACHMENTS	1 Draft Minutes Environmental Sustainability SRG Meeting held 13 August 2013 (Included In Attachments Booklet) 2 Draft Minutes Infrastructure and Development SRG Meeting held 13 August 2013 (Included In Attachments Booklet) 3 Draft Minutes Recreation and Open Space SRG Meeting held 13 August 2013 (Included In Attachments Booklet)

REPORT

PURPOSE

To report the draft minutes of the Strategic Reference Group meetings held 13 August 2013.

REPORT

The Environmental Sustainability, Infrastructure and Development and Recreation and Open Space Strategic Reference Groups held a joint meeting on the 13 August 2013. An update on the Future of District Park and Strategic Reference Group Review was provided to all members. At the conclusion of the joint meeting the Strategic Reference Groups attended individual formal meetings. This was the last meeting of the current Strategic Reference Groups as their term had come to an end.

In accordance with the Strategic Reference Groups guidelines the draft minutes of the Environmental Sustainability, Infrastructure and Open Space and Recreation and Open Space Strategic Reference Groups meetings are being reported to Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the draft minutes of the Environmental Sustainability, Infrastructure and Development and Recreation and Open Space Strategic Reference Group meetings held on 13 August 2013 be noted.

10.0 NOTICES OF MOTION

ITEM 10.1	NOTICE OF MOTION NO 25/2013 - FISHERMAN'S BEACH LONG REEF
TRIM FILE REF	2013/291378
ATTACHMENTS	NIL

Submitted by: Councillor Pat Daley

MOTION

That Council:

- A. Invite Surf Life Saving Sydney Northern Beaches to brief councillors regarding their plans for Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve).
- B. Not support the redevelopment of the Warringah Rescue Building unless full community consultation has occurred in accordance with the Griffith Park Plan of Management.
- C. Call a public meeting to seek the views of the local community regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building.
- D. Write to schools and relevant community groups in the Warringah Local Government Area seeking their views regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building and how they want the area to be used in the future.
- E. Commence negotiations with Surf Life Saving Sydney Northern Beaches (and other relevant authorities) regarding the relocation of their current radio communications facility at Fisherman's beach to a more appropriate and practical location.
- F. Help ensure that the operations of the Fish Care Volunteers continue at their current location at Fisherman's Beach.

FUNDING SOURCE

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

BACKGROUND FROM COUNCILLOR PAT DALEY

Over the last few months I have become increasingly aware of community concern regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve). I have been led to believe that a Jet Ski base (with related operational activities and upgraded radio room) is being planned for this Marine significant location. If this happens then I believe it will be the start of a new direction for the area. I also believe this will substantially change the landscape and environment of this beautiful and tranquil location.

I believe the management and planning of certain aspects for Long Reef is starting to be taken out of Council's hands. If this is the case then I believe it will not be a good outcome for the community. I'm putting forward this motion to help ensure there is full transparency regarding this vital issue. We need to get all the facts out so Council and the community can have a full discussion regarding what is being planned for the area.

11.0 QUESTIONS ON NOTICE

ITEM 11.1	QUESTION ON NOTICE NO 18/2013 - WARRINGAH RECREATION CENTRE - PROGRESS AND USAGE STATUS
TRIM FILE REF	2013/293598
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano Pires

QUESTION

What is the current status including progress on maintenance and improvements to the facility and the level of usage of the Warringah Recreation Centre at District Park.

ITEM 11.2	QUESTION ON NOTICE NO 19/2013 - WARRINGAH RECREATION CENTRE - LEASE AGREEMENTS
TRIM FILE REF	2013/294720
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano Pires

QUESTION

Which organisations have entered into agreements with Council to operate the tennis, futsal and squash courts at the Warringah Recreation Centre and what is the value of revenue of those agreements, per annum.

ITEM 11.3	QUESTION ON NOTICE NO 20/2013 - WARRINGAH RECREATION CENTRE - ADDITIONAL REVENUE
TRIM FILE REF	2013/294724
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano Pires

QUESTION

Will the Warringah Recreation Centre receive additional revenue on top of the money received via the formal agreements for tennis, squash and futsal.

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 RFT2013/065 - RFS Catering Unit Kitchen Upgrade

Item 13.2 Glen Street Theatre Upgrade - Asbestos Contamination & Remediation

Matters to be Discussed During Closed Session - Section 10D

Item 13.1 RFT2013/065 - RFS Catering Unit Kitchen Upgrade

Item 13.2 Glen Street Theatre Upgrade - Asbestos Contamination & Remediation

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

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.
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