



MEETING AGENDA

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

Tuesday 24 September 2013

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

John Warburton
Acting General Manager

OUR VISION

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

OUR VALUES

Respect

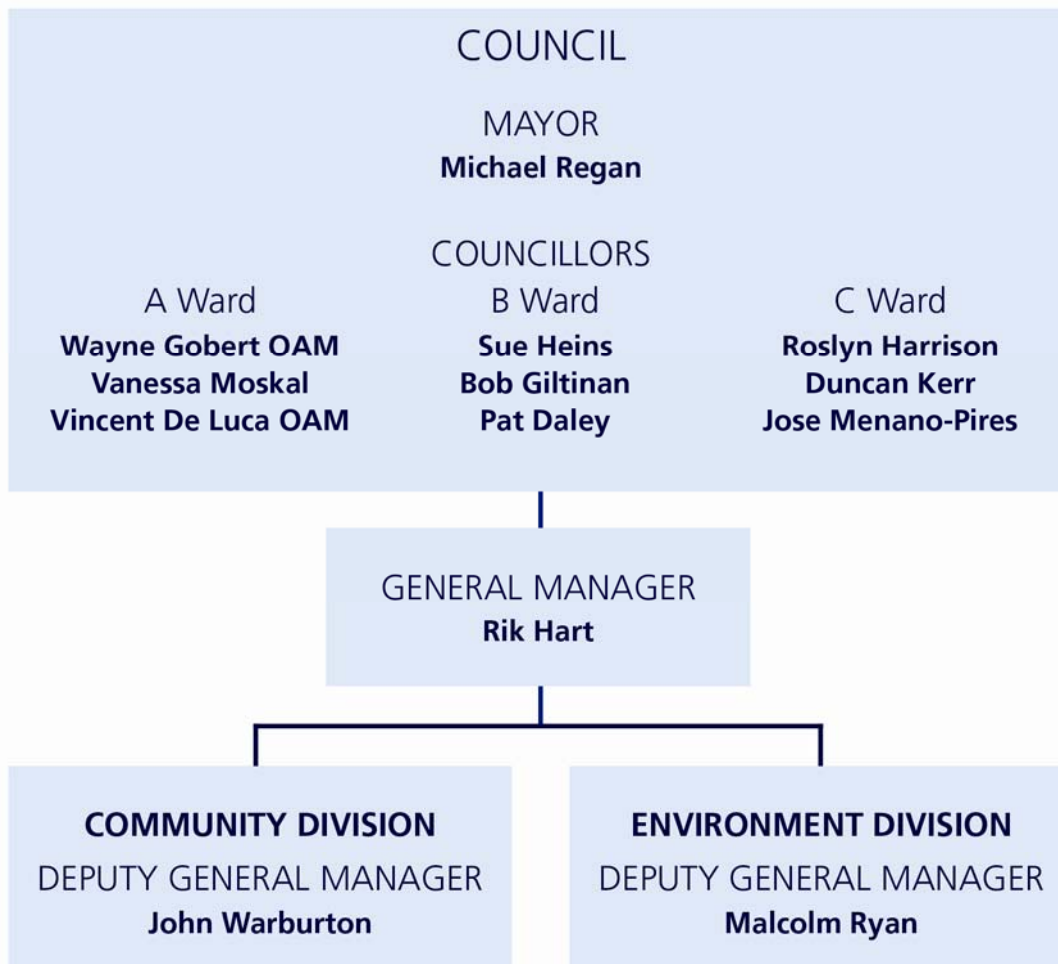
Integrity

Teamwork

Excellence

Responsibility

ORGANISATIONAL STRUCTURE



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 24 September 2013
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ACKNOWLEDGEMENT OF COUNTRY

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 27 AUGUST 2013

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held 27 August 2013, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

5.0 MAYORAL MINUTES

ITEM 5.1	MAYORAL MINUTE NO 21/2013 - ADVERTISING PUBLIC SPACE
TRIM FILE REF	2013/271537
ATTACHMENTS	NIL

BACKGROUND

Throughout the Warringah area there are limited opportunities for community groups to promote and advertise their valuable services. Warringah Council has three official community advertising locations at Dee Why, Brookvale and Freshwater.

It has been a significant time since we have looked at how these sites best service the community. The sites also have aging and minimal infrastructure to cope with current demands.

I believe there is an opportunity for us to look at how to best meet the needs of the community and also at the commercial opportunities that may present themselves in a review of these sites and possibly other sites, noting that we also have a significant number of buildings across Warringah.

Council has an existing advertising contract for the prime location bus shelters in Warringah. This arrangement provides for the upkeep of the shelters and generates funds which we are able to use to deliver valuable programs for the community.

Council owns a significant range of assets and locations across the community that may work harder to provide a return for the community either generating interest in local community programs or generating funds to help service delivery.

I would like to explore the opportunity to create greater support for community groups to advertise and promote themselves, promote Council's programs and commercial advertisers to ensure we are getting the maximum return of investment for our community in our public space assets.

I understand that funding is available under existing operating budgets to undertake the first part of the process.

RECOMMENDATION

That Council:

- A. Undertake a two part Request for Tender (RFT) process to evaluate the potential sites and market needs. The process would include:
 - a. Production of a market evaluation report that details potential sites; identifying possible models of media representation, as well as defining the parameters and exclusions to be considered. The report would identify any capital expenditure and operational maintenance requirements needed.
 - b. Identification of specific sites for advertising activation. Determine the feasibility of key sites that could be tendered as media opportunities.
 - c. That the report is presented back to Council before the end of 2013/14 so that any capital or operational budget requirements are considered as a part of the 2014/15 budgeting process.
- B. Upon a successful feasibility review and appropriate budget allocation proceed with media

representation acting as the Council's media representative.

A handwritten signature in dark ink, appearing to read 'Michael Regan', followed by a long horizontal stroke.

Michael Regan
MAYOR

6.0 GENERAL MANAGER'S REPORTS

ITEM 6.1	ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2013/261196
ATTACHMENTS	1 Policy No FIN PL 215 Investment Policy September 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report on the outcome of the annual review of Council's Investment Policy.

SUMMARY

In accordance with the Investment Policy Guidelines Council's Policy has been framed to ensure that it is reviewed annually and that any amendment to the Investment Policy must be by way of Council resolution. The Investment Policy was adopted by Council on 23 August 2011 following public exhibition of the amended Investment Policy. The Investment Policy had been amended to ensure compliance with a revised Ministerial Investment Order issued on 17 February 2011. The Investment Policy was last reviewed by Council in August 2012.

The Investment Policy ensures that Council complies with the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2005 (LGGR) and the Ministerial Investment Orders and provides a framework to ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

During the period since the Investment Policy was adopted by Council on 23 August 2011 there have not been any revisions to the Ministerial Investment Orders and there have not been any amendments to Investment Policy Guidelines issued by the Department of Local Government.

A minor amendment has been proposed to the Policy under which the name of Council's investment advisors would be removed from the policy. The amendment is considered to be minor in nature because it does not change the intent of the policy, does not impact on the community, does not result in a conflict with any existing policy and does not have legal or financial implications. It is proposed that in accordance with Council's policy for the Development and Management of Policies - PL 910 there is no requirement for public exhibition because the proposed amendment is minor in nature and because the benefit likely to be realised from the exhibition would not justify the costs of the exhibition and the delay in adopting the amendment.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Policy will ensure Council continues to comply with the Act, the LGGR and the Ministerial Investment Orders and provide a framework to ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

RECOMMENDATION OF GENERAL MANAGER

That the amended Investment Policy FIN-PL 215 be adopted.

REPORT

BACKGROUND

The Investment Policy primarily sets out to:

- Establish a clear understanding of investment goals and objectives.
- Define and assign responsibilities for investing activities.
- Offer guidance and define limitations regarding the investment of assets.
- Manage assets in accordance with the relevant legislation, prudential standards and regulations.
- Establish the relevant investment horizon for which the assets will be managed.
- Establish a basis of evaluating and monitoring investment performance.

The Investment Policy ensures that Council complies with the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2005 (LGGR) and Ministerial Investment Orders and provides a framework to ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

In accordance with the Investment Policy Guidelines Council's Policy has been framed to ensure that it is reviewed annually and that any amendment to the Investment Policy must be by way of Council resolution. The Investment Policy was last reviewed by Council in August 2012.

The Policy was placed on public exhibition before it was adopted by Council on 23 August 2011 and no submissions were received. During the period since the Investment Policy was adopted by Council there have not been any revisions to the Ministerial Investment Orders and there have not been any amendments to Investment Policy Guidelines issued by the Department of Local Government.

A minor amendment to the policy is proposed to remove the name of Council's investment advisors from clause 3.2 of the policy by deleting the following statement from Clause 3.2 "Council's currently appointed independent investment adviser is Oakvale Capital Limited and they have provided the required written confirmation to Council"

The proposed amendment is considered to be minor in nature because the amendment does not change the intent of the policy, does not impact on the community, does not result in a conflict with any existing policy and does not have legal or financial implications.

Council's policy for the Development and Management of Policies – PL 910 requires public exhibition where amendments are proposed to the existing policy, unless the amendments are minor in nature or where Council determines that the benefit likely to be realised from the exhibition would not justify the costs of the exhibition and the delay in adopting the amendment.

It is proposed that in accordance with Policy PL 910 there is no requirement for Council to place the amended Investment Policy on exhibition because the proposed amendment is minor in nature and because the benefit likely to be realised from the exhibition would not justify the costs of the exhibition and the delay in adopting the amendment.

Clause 3.2 of Council's Investment Policy requires that Council's investment advisor must provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Council's currently appointed independent investment adviser is Prudential Investment Services Corp Pty Ltd and they have provided the required written confirmation to Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Policy will ensure Council continues to comply with the Act, the LGGR and the Ministerial Investment Orders and provide a framework to ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

ITEM 6.2	MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2013
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2013/264263
ATTACHMENTS	1 Application of Funds Invested (Included In Attachments Booklet) 2 Councils Holdings as at 31 August 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) 6 Investment Strategy and Portfolio Review 2012-13 Financial Year (Included In Attachments Booklet)

REPORT

PURPOSE

To report the balance of investments held as at 31 August 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 31 August 2013 (Attachment 2)
3. Investment Portfolio at a Glance (Attachment 3)
4. Monthly Investment Income vs. Budget (Attachment 4)
5. Economic Notes (Attachment 5)
6. Investment Strategy and Portfolio Review – 2012/13 Financial Year (Attachment 6)

FINANCIAL IMPACT

The actual investment income to 31 August 2013 is \$633,819 which compares favourably to the budgeted income of \$628,000 a variance of \$5,819.

POLICY IMPACT

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

Performance over the 2013/14 financial year to date (August 2013) is strong having exceeded the benchmark, 4.32%pa vs 2.89%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.
-

ITEM 6.3	SUBMISSIONS ON THE 2012/13 ANNUAL FINANCIAL STATEMENTS
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2013/267025
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To report to Council on submissions received on Council's audited financial reports for the year ended 30 June 2013.

SUMMARY

Section 420 of the Local Government Act 1993 ("the Act") enables any person to make submissions in respect of the Council's audited financial reports or the Auditor's Report. One request was received to make a submission to the 2013 Annual General Financial Statements. The request was for council to declare or have an itemised account of the \$22.042 million expensed on "Other" costs in the category of Consultancy and Contracting.

A detailed list of the expenses represented under this category is provided in the report. The submission has been referred to Council's Auditor in accordance with the Local Government Code of Accounting Practice and Financial Reporting ("the Code"). Council's Auditor has confirmed that the presentation of the expenses relating to Materials and Contracts was both appropriate and in accordance with the Code. Accordingly, no amendment of the Council's Financial Statements or notice to the Director General of the Division of Local Government is required.

FINANCIAL IMPACT

The preparation, compilation and report on the submission received have been provided for in Council's annual budget.

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That Council note the submission received on the 2012/13 Annual Financial Statements and the detailed list of expenses represented under the 'Other' costs in the category of Consultancy and Contracting provided.

REPORT

BACKGROUND

The Local Government Act 1993 ("the Act") relating to the preparation of Council's annual financial reports requires under Section 420 that any person may make submissions in respect of the Council's audited financial reports or the Auditor's Report. Such submissions must be in writing and lodged with Council within 7 days after the public meeting at which these reports are presented. Copies of all submissions received must be referred to the Council's Auditor. The Council must take such action as it considers appropriate with respect to any submissions received, including giving notice to the Director General of the Division of Local Government of any matter that appears to require amendment of the Council's Financial Statements.

One request was received to make a submission to the 2013 Annual General Financial Statements. The request was for council to declare or have an itemised account of the \$22.042million expensed on "Other" costs in the category of Consultancy and Contracting. The following detail was provided in Council's 2013 Annual General Financial Statements of the expenses relating to Materials and Contracts in accordance with the Local Government Code of Accounting Practice and Financial Reporting Update No.21 issued in June 2013 ("the "Code").

\$ '000	Notes	Actual 2013	Actual 2012
(c) Materials & Contracts			
Raw Materials & Consumables		9,186	8,772
Contractor & Consultancy Costs			
- Bush Regeneration		839	886
- Cleaning		951	948
- Garbage		4,753	4,726
- Recycling		3,533	3,381
- External Roadwork		799	1,758
- Waste Disposal		4,540	4,473
- Other		22,042	23,708
Remuneration of Auditors ⁽¹⁾			
- Audit Services		90	87
- Other Services		7	5
Legal Fees:			
- Planning & Development		353	597
- Other		807	572
Operating Leases:			
- Printers		102	85
Less: Capitalised Costs		-	(476)
TOTAL MATERIALS & CONTRACTS		48,002	49,522
(1) During the year the following fees were paid or payable for services provided by the Council's auditors - Hill Rogers Spencer Steer			
(i) Audit and other assurance services			
Audit and review of financial statements		83	80
Other assurance services:			
- Review of Budget and Long Term Financial Plan		7	7
Total remuneration for audit and other assurance services		90	87
(ii) Other services			
Attendance at Audit and Risk Committee Meetings		3	5
- Other		4	-
Total remuneration for other services		7	5
Total remuneration of Council's auditors - Hill Rogers Spencer Steer		97	92

The submission has been referred to Council's Auditor in accordance with the requirements of the Act. Council's Auditor has confirmed that the presentation of the expenses relating to Materials and Contracts was both appropriate and in accordance with the Local Government Code of Accounting Practice and Financial Reporting. Accordingly, no amendment of the Council's Financial Statements or notice to the Director General of the Division of Local Government is required.

In accordance with the request the following additional detail is also provided in relation to the Contractor & Consultancy - Other

\$'000	Actual 2013
Contractor Costs - Other	
Animal Management, Compliance & Environmental Health & Protection	63
Asset Management & Strategy	98
Australia Day	88
Buildings, Property & Spatial Information	60
Cash Collection & Banking Services	11
Childrens Services	21
Coastal Zone Management Plans	65
Community Centres	96
Community Engagement Projects	153
Community Services - Aged, Disability, Beach & Management	46
Contract Services - Electrical	368
Contract Services - Landscaping	138
Contract Services - Locksmith Services	52
Contract Services - Marketing	41
Contract Services - Painting	14
Contract Services - Plumbing	402
Contract Services - Security	135
Corporate Strategy & Policy	28
Cultural Events	188
Customer Service	92
Dee Why Masterplan	168
Facilities Management	424
Finance Management	28
Fleet Management	76
Human Resources Management	75
Information Technology Applications & Development	33
Information Technology Infrastructure	127
Information Technology Software Support	77
Internal Audit Services	39
Internal Ombudsman Services	104
Investment Advisory Services	36
Kimbriki Environmental Enterprises	10,128
Library Local Studies	20
Manly Dam	87
Marketing & Communications	154
Media & Content	44
Natural Environment Fire Management, Stabilisation, Post Control & Other Projects	709
Natural Environment Models, Studies and Education	393
Natural Environment Studies, Tests and Analysis	226
Other	43
Library Services	51
Parking Fee & Fine Services	389
Parks, Reserves & Foreshores Assets	72
Parks, Reserves & Foreshores Recreation Management	20
Plant Workshop	16
Pools & Foreshores	214
Procurement Management	29

	Actual
\$'000	2013
Contractor Costs – Other (continued)	
Public Place Cleansing	267
Records Management	104
Reserves & Sportsfields	2,169
Road Asset Planning	99
Road Safety	26
Roads, Traffic & Waste Work Maintenance	1,085
Roads, Traffic & Waste Work Management	81
Stoney Range	48
Strategic Planning	94
Street Lighting	9
Studio Expenses	21
Sustainability Planning	54
Traffic Management	10
Tree Management	1,199
Warringah Aquatic Centre	85
Waste Education	6
Waste Management	17
Website Redevelopment	297
Workplace, Health & Safety	111
Youth Services	71
Total Contractor Costs - Other	21,794
Consultancy	
Asset Management	16
Local Government Review Panel Submission	6
Property & Rental Valuations	29
Stormwater Harvesting Feasibility Study	31
Structural Change to Local Government	40
Tender Evaluations & Probity Advice	55
Warringah Development & Assessments Panel and Joint Regional Planning Panel	71
Total Consultancy	248
TOTAL	22,042

FINANCIAL IMPACT

The preparation, compilation and report on the submission received have been provided for in Council's annual budget.

POLICY IMPACT

Nil

ITEM 6.4	DIVISION OF LOCAL GOVERNMENT - WARRINGAH COUNCIL PROMOTING BETTER PRACTICE REVIEW 2013
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2013/257794
ATTACHMENTS	1 Warringah Council - Promoting Better Practice Review 2013 - Letter to GM (Included In Attachments Booklet) 2 Warringah Council - Promoting Better Practice Review 2013 - Final Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report the final results of Warringah Council's Promoting Better Practice Review, including tabling of the final report (issued on 2 September 2013) carried out by the Division of Local Government (DLG) in February 2013.

SUMMARY

Local Government Reform - Promoting Better Practice is a review process that is part of the local government reform program. The program aims to improve the viability and sustainability of councils.

Warringah Council went through this review, with the DLG on-site between 25 February and 1 March 2013

The final report was issued to Warringah on 2 September 2013, with the Chief Executive, Local Government Ross Woodward making the following comments in his letter to Council:

"Overall, the report concludes Warringah Council is a well-managed, strongly performing organisation. Most of its policies, practices and systems are of an above-average standard. A number of better practice examples have been reported across the spectrum of the Council's areas of business."

As well as this commentary, the report from the DLG also states that:

The Mayor and the General Manager appear to work well together in their role of guiding the strategic direction for the organisation. Decision-making processes appeared mature and efficient.

The Council's management team runs a fiscally responsible operation, which at this time appears to support a sustainable position into the long term. Of note, the Council has reported an operating surplus before capital grants in the last five financial years. It has also performed above industry benchmarks relating to financial and asset management.

Warringah Council offers a wide range of services to the community. The exceptional aspect of this has been the Council's approach to creating corporate/community partnerships, pursuing funding opportunities and taking a regional leadership role in service delivery.

Overall, the culture of the organisation is perceived to be positive and dynamic. Staff reported that the Business Excellence Framework and encouragement from management is allowing them to engage in change, innovation and improvement."

It should also be noted that the DLG have advised that Council does not have to report back to the DLG regarding the implementation of the outcomes of the review as follows:

“There is no requirement however for the Council to report to the Division of Local Government, Department of Premier and Cabinet (the Division), on its progress in implementing the outcomes of the review.”

Following completion, the report issued by the DLG should be tabled by the Council and once tabled, will be put on the public record and published on the Division's website.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That the final Promoting Better Practice report issued by the Division of Local Government on 2 September 2013 be noted.

REPORT

BACKGROUND**What is Local Government Reform – Promoting Better Practice?**

Local Government Reform - Promoting Better Practice is a review process that is part of the local government reform program. The program aims to improve the viability and sustainability of councils. The process represents the second stage of the NSW Government's program of reform for local government.

Objectives

Reviews can act as a 'health check', and has a number of objectives:

- to generate momentum for a culture of continuous improvement and greater compliance across local government
- to provide an 'early intervention' option for councils experiencing operating problems
- to promote good governance and ethical conduct principles
- to identify and share innovation and good practice in local government
- to enable the division to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.

How Does the Division Select Councils for Review?

The division advises that the following criteria are used as a guide when selecting Councils for review:

- whether councils in the region or locality have been reviewed and if so, how many
- where the council has requested a review
- the council's financial position
- the council's performance in key areas as identified in the comparative performance publication
- the date of the last review, section 740 inquiry or section 430 investigation of the council
- referral or request from another department branch or body such as the ICAC or the Ombudsman;
- number and seriousness of complaints and allegations about significant performance issues
- a direction from the Minister or Chief Executive, Local Government

The Review Program Process

A review involves a review team closely evaluating the effectiveness and efficiency of key aspects of council operations and giving feedback. This will involve assessing council's overall strategic direction, checking compliance, examining appropriate practices and ensuring that council has frameworks in place to monitor its performance.

A review may focus on specific areas of council activities that have been identified as a result of an analysis of council's information and data.

Councils are asked to complete a self-assessment of their strategic management and operating practices. An analysis of this will assist the review team to appropriately focus the review. The review team conducts a reality check as part of the on site review. It tests what the review team read, see or hear. The division endeavours to give the council about 4 weeks in which to respond to the self-assessment materials. The on site stage generally occurs a further 3 to 4 weeks after council's response is received.

The council receives a report on the issues identified during the review. The report will include what is working well at council as well as challenges for improvement. The Division of Local Government monitors council's actions in response to the report to ensure that the review recommendations are acted upon.

The Five Stages of a Review

According to the division, the five steps of the review process are as follows:

Preparing:

This involves council completing a strategic self-assessment and practice checklists, which we call the program tools. The strategic self-assessment examines the adequacy of council's strategic focus. It asks council to explore what it is trying to achieve; how it delivers its priorities; what it has or has not achieved; and what it has learned and plans to do next.

The council practice checklist is a series of 5 checklists that relate to council's assessment of its ability to meet minimum practice standards. The checklist covers the areas of Governance; Regulatory Functions; Asset and Financial Management; Community and Consultation; and Workforce Relations. Reviewers also request a range of key council documents including plans, policies, procedures and reports across a range of council operational areas.

Assessing:

The review team analyses performance data and local circumstances. The types of information considered by the reviewers before going on site includes; the demographics of the council area, community and social issues, development constraints or pressures, the types of activities council is involved in, council's organisational structure and staffing, management plans and processes, comparative information, council's financial position, seriousness and number of complaints and the results of council's self-assessment. Reviewers also consult other relevant stakeholders including the NSW Ombudsman, the Independent Commission Against Corruption, the NSW Department of Planning and other relevant NSW Government Agencies and community stakeholders.

The information the reviewers collect and analyse before going on site will help decide where the reviewers spend their time while on site. The focus of the review may vary according to the nature of the council's work and local circumstances. A good understanding of local circumstances may help to explain why a council manages its work in a particular way.

Checking:

Fieldwork provides the opportunity to gather valuable evidence to support the division's analysis of council's performance. Discussing these aspects with staff gives the reviewers an opportunity to "test" what they are seeing or finding.

During the review the reviewers conduct a range of activities such as: meeting with senior officers, talking with individual staff and councillors, observing council or committee meetings, following or auditing council processes and reviewing policies and procedures

Analysing:

As the review progresses, the review team develops and tests hypotheses or preliminary conclusions. Conclusions will be based on evidence – either what the reviewers have seen, discussed or drawn conclusions from data or documents. Conclusions will be based on more than someone simply telling the reviewer this is so – they should be supported by data, documents or other reports.

Conclusions will be based on an assessment of the scale of the problem (or better practice) – how prevalent is the problem? How great is the risk to the organisation? Giving examples assists to understand this. Our conclusions must be balanced, for example, giving a sense of the risk and scale of the practice, good or bad. It may be across the organisation or just isolated to one department or section, but could be a high risk concern for the council.

Conclusions will be based on themes that cut across individual functions in the organisation – while there may be issues that are specific to individual areas of council and these may need to be commented upon, the review team will be looking for themes that are common to a number of areas of council.

Reporting:

The reviewers will conduct an exit interview with council's General Manager and/or Mayor at the end of the on site visit. This should inform council of the emerging conclusions and areas likely to be the subject of comment in the report.

A draft report is prepared following the on site review and this is sent to council as a confidential draft for comment. Council's comments are considered and the final report is prepared and issued to council, the Minister and the Chief Executive, Local Government. Council must table the report so that it becomes a public document.

Council will be requested to draw up an action plan in response to the recommendations in the final report. The division monitors the implementation of the action plan.

Results for Warringah***Preparing:***

The DLG advised Warringah Council of its intent to carry out a Promoting Better Practice review in late December 2012. Warringah prepared the initial documentation and forwarded this to the DLG in the first week of February 2013 for review.

Assessing:

The DLG assessed all of the documentation received as part of the preliminary stage of the review prior to coming on site in late February 2013.

Checking:

The DLG were on site between 25 February and 1 March 2013 interviewing a range of staff across the organisation including the Mayor, Councillors, the General Manager, Deputy General Managers, Group Managers and other relevant staff. They also looked at other documents that were not provided as part of the preparation stage.

Analysing:

The analysis of Warringah occurred in conjunction with the documentation and the on-site visit, culminating in the draft Promoting Better Practice report issued to Council in July 2013.

Reporting:

The DLG conducted an exit interview with the Mayor and the GM prior to their departure on 1 March 2013.

The draft Promoting Better Practice Report was issued to Council in mid July 2013, with the final report being issued on 2 September 2013.

Warringah Council was given the highest 'better practice' rating in the areas of:

- Ethics and values
- Risk management
- Business continuity
- Internal audit
- Internal Ombudsman
- Procurement
- Records management
- Executive leadership/ management
- Council meetings
- Councillor induction and training
- Customer service
- Community engagement
- Resourcing strategy
- Financial management
- Asset management
- Tourism and economic development
- Development applications process
- Enforcement and compliance and
- Environmental management

The final report, along with the letter from the Chief Executive, Local Government Ross Woodward can be found at Attachments One and Two of this report.

Where to From Here?

Council will incorporate the findings from the DLG Promoting Better Practice review into its planning over the coming years, noting that a number of the findings have already been completed or are under way. Given the good result of Warringah's review, the DLG have advised that there is no requirement for Warringah to report back to them with regards to the findings and their completion.

CONSULTATION

All relevant Council staff, including the General Manager, Deputy General Managers and Group Managers were consulted as part of the Promoting Better Practice Review, and all Councillors received an opportunity to give feedback to the Division during the on-site visit, and comment on the draft report issued in June 2013, prior to Warringah submitting its comments back to the Division and prior to the issue of the final report.

TIMING

The Division of Local Government advised Council of the upcoming review in late December 2012, and supporting documentation was supplied to the Division as per their request by 5 February 2013. The Division were on-site at Warringah Council, looking at systems and processes and interviewing relevant staff and Councillors in the week of 25 February – 1 March 2013. A draft report was issued on 22 May 2013, allowing Council a 28 day timeframe to respond to the draft report. Council's draft response was issued to the Division on 21 June 2013.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 6.5	MINUTES OF THE SHOROC INC BOARD MEETING HELD 7 AUGUST 2013
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2013/246572
ATTACHMENTS	1 Minutes of the SHOROC Inc Board Meeting - 7 August 2013 (Included In Attachments Booklet)

REPORT

PURPOSE

To report the decisions of the SHOROC Incorporated Board Meeting held 7 August 2013 (Attachment) for the Council's information

REPORT

The Board of SHOROC Incorporated met at Brookvale on Wednesday 7 August 2013. Minutes from the SHOROC Incorporated Board Meeting are submitted for Council's consideration.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That the Minutes of the SHOROC Incorporated Board Meeting held 7 August 2013 be noted.

ITEM 6.6	OFFICE OF THE INTERNAL OMBUDSMAN ANNUAL REPORT 2012 - 2013
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2013/259307
ATTACHMENTS	1 Office of the Internal Ombudsman Annual Report 2012 - 2013 (Included In Attachments Booklet)

REPORT

PURPOSE

The purpose of the Office of the Internal Ombudsman's Annual Report 2012/2013 is to summarise the activity of the Office of the Internal Ombudsman during the business year 1 July 2012 to 30 June 2013.

REPORT

This Annual Report (as attached) is delivered in accordance with the requirement of the Internal Ombudsman Guidelines and reports on the various business functions of the Office for the business year.

The report specifically includes details on complaint handling, investigations, recommendations, education and cultural change, as well as the required data in relation to the Conduct Review Committee.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That Council notes the Office of the Internal Ombudsman's Annual Report 2012 - 2013.

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	WARRINGAH COMMUNITY PANEL
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/235393
ATTACHMENTS	1 Community Consultation Mechanisms Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

This report and attachment is in response to Notice of Motion 6/2013 – Warringah Community Panel resolved at Council Meeting on 26 March 2013:

- 1. That Council staff investigate the creation of the Warringah Community Panel at the earliest opportunity.*
- 2. That a separate report including details of the current mechanisms used for community consultation be reported to Council within 4 months.*

This report details the research undertaken to investigate the creation of a Warringah Community panel and includes:

- Background to the report
- Panel definitions
- Warringah Council's Current Online Approach and Tools
- Recommended approach including short, medium and long term recommendations

SUMMARY

Warringah Council has a well defined Community Engagement Framework that includes a Policy, Matrix and Toolkit. Our engagement approach is consistent with the IAP2 spectrum of Public Participation.

Research using a panel can provide valuable feedback from the community about current services, future plans and idea generation. Research panels are essentially a data base of community members who provide demographic information and agree to participate in a variety of research projects including online surveys. A panel does not replace the need for other engagement activities to ensure that people who are affected by a project or strategy are also engaged in the process.

The implementation of a panel, within the scope of the Community Engagement Register, will provide an additional research and engagement tool within the existing toolkit. This report details Stage 1 recommendations to be implemented within the next 6 months and Stage 2 recommendations proposed for completion within 18 months. These recommendations are detailed in this report.

FINANCIAL IMPACT

Stage 1 costs are included in the 2013-14 budget.

Stage 2 costs are \$80K and are not included in the current budget and additional funding will be required. This will be reviewed at future quarterly reviews and within the 2014 -15 budget process.

Stage 3 costs will be covered within operational budgets.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Enhance the scope of the Community Engagement Register to include panel membership option
 - B. Implement Stage 1 - short term recommendations within 6 months:
 - a. Modify web form to include panel sign up option
 - b. Merge all current project engagement lists including the Your Say Warringah (YSW) list to form one Community Engagement Register and promote membership via known groups, contacts and wider community
 - c. Develop internal processes, promotion and incentives plan, protocols and training
 - C. Implement Stage 2 - medium term recommendations, within 6 – 18 months, at an additional unbudgeted cost of \$80,000 if funding becomes available;
 - a. Build an integrated web interface to allow community self managed sign up and preferences to the Community Engagement Register
 - b. Implement supporting mechanisms: incentives, promotional campaign, data cleansing, management protocols
 - c. Ongoing review of new innovative engagement tools to encourage participation
 - D. Review Stage 3 - long term recommendations to be considered as part of further web and system development. These costs will be covered within operational budgets.
-

REPORT

EXECUTIVE SUMMARY

This report and attachment investigates the option of implementing a community panel to complement the existing tools and techniques and details the current engagement approaches used by Warringah Council.

A community panel is defined primarily as a research tool consisting of community members that have agreed to participate in research activities. This could include online surveys, focus groups, ideas forums. Community panels vary in size from a few hundred to many thousands and members provide demographic information to ensure representation and targeting.

Community panels normally have specific identity and we will confirm our naming conventions during Stage 1. Incentives are also used to promote membership and reward respondents. Careful consideration is given to the survey and topic content to remove bias and provide meaningful input as well as an understanding of how the results will be used. Panels are successful when there is regular feedback and the results are made available.

The review considered a number of current projects that could already form the basis for the creation of a panel, namely the development of a more sophisticated Community Engagement Register. The recommendation of this report is to expand the scope to include the option to join a panel via a community managed web portal.

Council currently has several community engagement databases that are used to promote engagement activities and seek input. These include:

- The community engagement register includes over 2300 interested community members that have been collated by involvement in major projects, participating in telephone surveys or self sign up.
- Your Say Warringah membership includes over 1600 registered members with the external engagement portal hosted by Bang The Table.

Enewsletters and surveys are sent several times a month to both of these databases to promote engagement opportunities and seek input. There is an opportunity to merge these lists as detailed in the short term recommendations.

These lists are effectively used as a panel; however the supporting system has limited functionality as it managed using Excel. Our online surveys are developed and reported using a professional survey tool, Question Pro. In the past 18 months there have been over 40 surveys and feedback forms. More details of these tools and approaches are included in Attachment 1.

Further recommendations in the medium term include enhancing the website to provide a community sign up portal that will allow community members to opt in and out of the panel and other major projects. Additional investment is required to build the web interface and sign up functionality.

New tools and techniques will also be explored as part of our commitment to engagement such as online focus groups, crowd sourcing, budget estimator and idea generators.

We will also continue to use a range of engagement tools and techniques as part of a planned engagement approach to each project. The register, including the panel, would be one of the available tools for community input and engagement.

BACKGROUND

The Notice of Motion 6/2013 – Warringah Community Panel, was resolved at Council Meeting on 26 March 2013:

1. That Council staff investigate the creation of the Warringah Community Panel at the earliest opportunity.
2. That a separate report including details of the current mechanisms used for community consultation be reported to Council within 4 months.

Councillor Gobert also provided the following background in his Notice of Motion:

“Warringah has expended considerable effort in enhancing its ability to engage our rate payers, residents, and businesses, and other organisations. Staff have a range of mechanisms for engaging and these include; focus groups, online surveys, telephone surveys, community displays, Strategic Reference Groups, community committees, project working parties, online engagement portal (Your Say Warringah) and a range of community workshops. Our ground breaking Youth Survey serves as an excellent illustration of engaging with over 1,000 young people making their views clear.

However as we move forward into a new era of renewal of public facilities (some unimproved for three decades), new forms of state government regulation, devolved decision making, and serious external pressures; understanding what our people think will become even more critical. This means that we must ensure that our means of engaging with the community and their ability to reach us are flexible, nimble, objective, and relevant. Otherwise we run the risk of making decisions based on vocal minorities and narrow interest groups. In addition it can take a very long time to see action, and often pre-set choices are presented, rather than options assessed.

The proposed Warringah Community Panel is a strategic entity with a purpose of advising Council on the broad directions people want to take. It would consist of three elements; a large pool of engaged people, software for disseminating, collecting, analysing and assessing the greater public view, and a reporting capacity for advising Council, Councillors, and the Community. Essentially a large panel of thousands of people is created and connected online. Rather than enticing people for their views, options are pushed outwards to the panel, the panel of people respond, and this data is assessed. The results are analysed and passed to Council and the Community”

Panel Research

Definition of a Community Panel

The terms “research panel” and “community panel” are used interchangeably in community engagement and research. Over time a number of more common definitions now exist: Our recommended approach uses the definitions consistent with the IAP2 techniques workbook and training ie namely a resident feedback register.

Customer / Community Panel

When explaining a community panel, most people are referring to an online research panel. This is a database of individual members who have agreed to participate in research over time. There are many options and considerations with these panels which we will discuss in more detail including:

- Government, Private Companies and Third party panels
- Common uses, selection and recruitment
- Membership numbers and representativeness
- Common platforms used

Advisory Panel:

This is a very different concept to an online panel. The advisory panel in this definition is a group of approximately 10-20 community representatives selected to meet regularly within the scope of a set terms of reference. They are invited to self nominate and selected as representative members

or as experts in particular fields. This type of panel is similar to the role of the current Strategic Reference Groups.

They provide an opportunity to develop community capacity and increased understanding of strategic or complex topics. They encourage ongoing involvement and deliberative discussions. This type of technique is normally on the involve / collaborate level of the spectrum. This panel type is not being considered in the report.

Types of Panels and common uses

The review included investigating the use of panels in government sectors, private companies and also dedicated research companies.

Local Government Panels / Registers (in house)

Many Councils run community panels and many use simple database tools to manage their information ie Excel or Access. Other Councils with larger panel membership use dedicated research software to manage their panels and research programs.

In addition, some Councils including Willoughby, Ryde, Randwick and Warringah use online communities hosted by Bang The Table. This web portal also allows for discussion forums, surveys, ideas etc on specific issues, similar to Your Say Warringah.

Warringah is seen to be a leader in online engagement and regularly present at conferences each year on our integrated approaches using Your Say Warringah and other traditional engagement.

Some Councils have used a third party research company to recruit members for their internal panels in order to achieve a more representative sample.

Private Sector Research (in house)

Research panels are widely used in the private sector both with existing customers, as part of a customer management relationship building approach, and with non customers to increase market share. This particularly applies in a business to business relationship where the top 20% of customers normally make up 80% of revenue.

Companies have easy access to existing customer details and are able to provide cost effective research to ensure they meet the needs of their priority customer segments.

Many consumer organisations use a range of research techniques to gain ideas and feedback including:

- Using third party online research panels
- Conducting telephone surveys
- Using customer service feedback
- Focus groups

Qantas is an example of a commercial panel and they recruit specific groups of customers such as frequent flyers to test ideas. This can be the development of a panel identity, advertising concepts and product lines. It is not community wide research, but more of a sounding board during the development stages of a project. There is a key interest in engaging major customer input as they are major airline customers.

Third Party Research Panels (externally managed)

There are many private third party research panels within Australia. These research providers recruit their own members, manage the research programs, incentives etc. They can also assist in report writing.

The use of third party panels is less common for Councils as the costs can be high and there may be limited community numbers within an LGA. Warringah Council has used a third party research panel via a research provider Micromex. This is useful when views are sought from outside the LGA.

Examples of research panels listed in the Australian Market and Social Research Directory include [ResearchPanel](#), [Australia Online Research](#), [Toluna](#), [Vision Critical](#), [iView](#), [ValuedOpinions](#) etc.

Common uses

A panel is one tool that can be used to conduct research as part of a broader community engagement approach. Common uses include:

- Sending surveys
- Online focus groups
- Online discussion forums
- Random invites to workshops/ focus groups
- Sending email updates on a range of engagement projects
- Providing feedback on ideas
- New product and service development

Recruitment, Membership and Retention

There are several options for panel recruitment and membership:

Opt in: The majority of community panels are open and anyone who has a relationship with the area can sign up to be a member. In some areas membership is restricted to residents and ratepayers only (Newcastle Voice) in other cases anyone with a relationship can become a member.

Panel membership often needs constant effort to maintain membership and activity. This often requires panel identity with promotional campaigns to encourage sign up and this normally includes rewards and incentives.

Closed recruitment: There are a smaller number of closed panels where membership is by invite only. Telephone recruitment is done by a Market Research company to meet demographic targets. These panels aim to have a representative sample of 500 – 700 residents. These panels are normally used for major area wide projects eg Community Strategic Plans and services reviews.

With all types of panels it is harder to recruit young people and people from culturally and linguistically diverse backgrounds to reflect the population statistics. Incentives can be offered to encourage responses especially if targeted at specific segments ie Youth.

Keys to recruitment and retention include:

1. Promotion - panels require promotion to encourage local community sign up. They need to have a sense of purpose and an idea of the activity and commitment required by members. This could be to complete a specific number of surveys per year or broader input across a range of projects.
2. Closing the loop – a key factor in motivating and maintaining panel membership and input is regular reporting back on survey findings and how their input has been used. Most Councils with research panels have regular e-newsletters that provide this information. In addition many also publish their research reports on their web site.

3. Incentives – most Councils offer incentives to sign up or reward input ie chance to win an iPad or movie tickets. A budget of \$15k – \$20k pa is needed to compete with privately run research panels.

Representation

The notion of representation is often debated when using panels. This can be split into two key goals: representative research and ongoing community engagement.

In reference to representative research, the aim of these panels is to provide a statistically representative view of the overall community in terms of demographics.

A well planned engagement approach will use a variety of techniques and tools to share information, involve stakeholders and collect and analyse input. The extent and type of community engagement will need to vary for each project and there is a community engagement planning template to help guide project managers in identifying key stakeholder groups. However, members who participate in the engagement process may not be representative of the general community as they are not randomly selected and normally participate because of their interest in the subject.

Opt in panels try to balance the concept of representation by attracting a large number of members from the region. These panels have over 2000 members with the view that the larger number will provide a wide range of representative views. However research has shown that results from a panel are often significantly different from the views collated via a random telephone survey.

Random telephone surveys still provide the most accurate representative results across an LGA and Warringah conducts several key telephone surveys including the Annual Community Satisfaction Survey.

To rely solely on the research panel for community input requires a level of rigour on the recruitment, selection, and longevity to avoid the risk of "panel effect". This occurs as a result of regular surveys and respondents become conditioned by the process and cease to be representative of the area as a whole. A panel alone may also not reach or include those community members most affected by an issue or project.

Warringah Council has been successful in balancing many of these challenges as we encourage both opt in membership in addition to recruiting members during our random telephone surveys each year.

Panel Benefits	<i>Panel Challenges</i>
Easy and quick access to a defined group to gain input via online surveys	The panel membership may not reflect the demographics of the general population
Online surveys are cheaper to design, manage and report	The views of the panel may not reflect the broader community
Can provide consistent approach if centrally coordinated	They often under represent "hard to reach" groups and these are difficult to attract
Can be used to source attendees for other research activities ie focus groups, workshops etc	Potential for bias due to brand affinity and panel affect
The panel membership can be designed to gain input from a range respondents	Limits access to those who have online facilities
Can build loyalty and sense of belonging from panel members	Requires additional resources to manage the panel ie recruiting, promoting, rewarding and communicating

Allows interested people to provide input on a range of topics if they are registered	Response rates often decline over time
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Managing and coordinating a panel

There are a number of standards guiding the requirements for managing research panels. These include:

- ISO 26362:2009 is applicable to all types of research panels, whether recruited and used online (e.g. via internet) or offline (e.g. via telephone, post or face-to-face interaction).
- Association of Market and Social Research Organisations (AMSRS) quality framework.

Council's research team includes a Full Member of the AMSRS to ensure that these standards are met.

A number of resources are required to effectively recruit and manage a community panel and these include:

- Internal staff resources to:
 - o Design questions, topics for input and write surveys, forums etc
 - o Regular promotion of the panel across the community
 - o Update panel details and maintain data quality
 - o Reward and incentivise responses and membership
 - o Interpret data and write reports
 - o Provide feedback to members
 - o Respond to ad hoc community requests
 - o Train and educate staff on use within engagement planning process
- Software support to include features that:
 - o Format and design surveys
 - o Collate input and produce statistical analysis
 - o Allows communications to be sent to members
 - o Option to track responses to individuals

External platforms

There are a number of IT platforms with a range of features that can be used to manage community panels. Many of these include a web interface, panel management, report development, e-newsletter capability etc. The type of solution has cost implications with a full suite of services – some of the full service systems can cost from \$50k – \$100k per annum. Some of these include: Toluna, Vision Critical, Australian Survey Research; Voxco; Bang the Table; Delib etc.

There are also a range of research tools that offer many of these features at a much lower cost including: QuestionPro, SurveyMonkey, SPSS etc.

At this time Warringah Council has two licensed providers

QuestionPro: a professional, branded and used to manage community online surveys and feedback forms.

Your Say Warringah web portal: hosted by Bang The Table. This platform offers dedicated project pages, online discussion forums, simple surveys and feedback forms, budget estimator tool, idea generator tool etc

These research tools are centrally coordinated by the Community Engagement and Research Team to ensure consistency and professional survey standards. We will discuss in more detail all of the current tools and approaches used at Warringah Council in the next section and Attachment 1.

Panel Summary

- In summary, common characteristics of Community Panels include:
- They have a “identity” to create awareness
- They have a whole of organisation commitment
- Membership is opt in and ongoing – they can opt out at any time
- Membership is “topped up” with other random members from telephone surveys and other events
- Membership has defined parameters ie only residents / ratepayers or those with relationship to area etc
- Incentives are offered to encourage sign up or increase response rates
- Members are clear about their role and commitment
- Members receive regular eNewsletters and project updates
- They can use a range of tools ie surveys, idea generators, online discussion forums

Warringah Council’s Current Online Approach and Tools

Council has a number of online engagement tools including:

- Website
- YSW engagement portal
- Community Email Register
- Eservices
- QuestionPro (survey tool)
- FaceBook, Twitter, YouTube, Google Maps

These are summarised in the next section and are also covered in more detail in the Community Consultation Mechanisms Report (Attachment 1).

Website

Council launched a new digital web platform on 31 May 2013. This new website offers a wide range of functionality that will continue to be enhanced over time.

The new “Get Involved” section includes Your Say community consultation opportunities (current, ongoing and past). There is also a community engagement register sign up form in this section.

The Your Say page lists all engagement projects and links to dedicated projects pages on the Your Say Warringah engagement portal – see below for more details.

Future planned enhancements for the Your Say web functionality includes: an engagement calendar and cleaner project display listings with search filters. In addition we are investigating other options include mapping functions, links to other social media platforms and further integration with the Your Say Warringah site.

Your Say Warringah Engagement Portal

The Your Say Warringah site was launched in March 2010 to support 2 major projects – Brookvale Park and Warringah’s Housing Future. The site is hosted and supported by Bang the Table and they provide independent moderation of online comments. This reduced the risk and management expenses associated with managing an online discussion tool.

Since 2010 the site has evolved with additional functionality. In addition we now create dedicated project pages for all community engagement projects. These pages remain on the site indefinitely as either ongoing projects or archived projects. Projects are only archived once a resolution of Council has finalised the project.

The key features of the Your Say Warringah portal include:

- Dedicated project pages including regular news updates throughout the project, key documents and links, pictures, frequently asked questions, key dates etc
- Integration with other social media tools ie You Tube, FaceBook, Twitter
- Optional tools
 - o Online discussion forums
 - o Surveys and feedback forms
 - o Submission tool
 - o Budget estimator
 - o Guest book comments

Warringah Council is regularly approached to present at conferences and seminars on our integrated approaches to online and traditional engagement based on over 3 years experience in this area.

Some key statistics from the Your Say Warringah site over the past 3 years are:

- 1.6k registered members
- 61 projects
- 63k visitors
- 245k site visits
- 582k page views
- 35 online forums - 3.6k comments
- 97k documents downloaded

As part of the recommendations we plan to merge the 1600 members on the Your Say Warringah site with the current community engagement register. Combining both lists into one database will remove duplications and provide a more consistent approach to our communications with these members. In the longer term we also propose a consolidated sign up process for all of our online engagement tools.

Community Engagement Register

One of the business improvements identified from the Community engagement review in 2010 was the implementation of a Community engagement register. This has been an evolutionary project since 2010 and further developments are planned. This register currently provides a basic sign up option for community members who want to be informed and involved about community engagement projects and activities.

The Community Engagement Register uses excel to manage community information and membership. There are currently over 2300 members that we regularly communicate with via email. There are another 1500 that do not have valid email addresses however this data is used to recruit for focus groups and workshops.

The members on the database have been collected through a variety of methods:

- In 2011 a number of major project contact lists ie Talk of the Town 2010 were merged together to form a central engagement database. Since then other contact lists have been added ie Community Strategic Plan, Narrabeen Lagoon Trail, etc (approx 1000 members)
- We ask all randomly contacted community members who participate in telephone surveys if they would like to register (approx 1500 members)
- There has been a basic webform since late 2011 (approx 45 sign ups)
- There is a sign up link on all engagement newsletter emails sent to be forwarded to others
- We also offer the option to sign up on hard copy and online feedback forms eg DY Kiosk

The main aims of the Community Engagement Register include:

- Allowing people to register to receive regular emails from Council on opportunities to get involved and have a say – approx 19 bulk emails sent in last 12 months.
- In the future this will be extended to provide easy, opt in, sign up to projects and preferences that can be self managed.
- Receive and complete online surveys
- Centralise and coordinate project lists within Council
- Link with our Community Database to ensure data quality and accuracy

To date, there has been limited promotion to the broader community of this engagement register as we have been working towards a coordinated, planned and manageable approach.

In the longer term, we do not want to create a separate community database to our core system and this will require data matching and cleansing functionality to ensure data integrity.

E-services

Council also use Icon software to manage our E-services functions and this is mainly used in land use planning ie LEP, DAs, planning proposals and more recently the formal public exhibition of the CSP and Budget report. There is an additional user sign up for this tool. This process is separate at present and will be included in the longer term “one sign” up project.

QuestionPro (Online Survey Tool)

Council uses QuestionPro as the main survey and research tool. This professional survey tool provides a range of key features including:

- Customised survey formats and displays to support Warringah branding
- Wide range of question types and display options
- Ability to pre load and track responses or run anonymous surveys
- Ability to store, copy and manage survey responses
- Extensive statistical analysis reporting

The set up, distribution and data collection is managed centrally by the engagement and research team to ensure consistency and provide professional survey standards. The analysis and reporting is provided by the project managers.

FaceBook, Twitter, YouTube

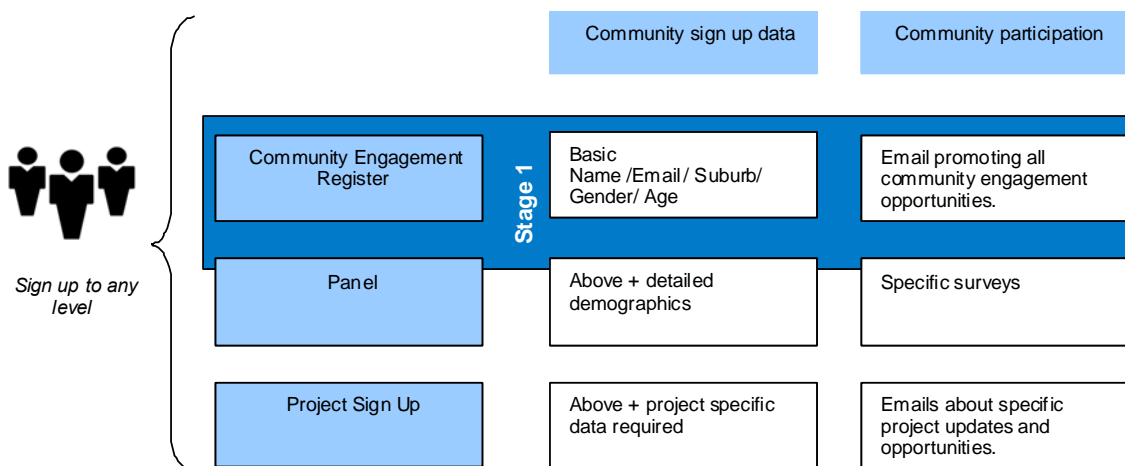
Council uses a range of other social media tools including Facebook, Twitter and YouTube. These tools are used as part of the overall community engagement approach and are mainly used to promote projects and direct them to the website for more information.

Summary and Recommended Approach

As detailed in this report, Warringah Council already has a number of tried and tested online engagement tools some of which perform many elements of a community panel.

Our recommended panel approach is as follows:

- Continue to develop the website functionality including integration with YSW and provide a self managed, community sign up interface.
- Further expand the scope of the community engagement register to include three levels: general sign up to receive email updates (as now), option to join the panel (short term) and in the longer term options to sign up for specific projects:



- Expand existing database by merging existing lists, data matching and cleaning (eg YSW, project lists, survey contacts etc).
- Offer a combined approach of both opt in membership together with randomly recruited members from other research projects.
- Develop and implement promotions, incentives, business protocols and training.
- The Register and Panel will be managed centrally by the Community Engagement & Research Team to provide consistent approach. However each project manager will continue to manage their engagement programs and business reporting.
- We will continue to use range of tools to research and engage including online surveys, forums, feedback forms etc and we will continue to explore new tools.

To join the panel, members will be required to provide detailed demographic data. This data could be used by the research team to target the community about specific topics.

The panel could be used for Warringah wide ideas, reviews and feedback. This already occurs for some projects such as the website review, library review and Warringah regional research. Other examples of projects could include reviews of broad council service areas, input to annual planning and budgeting and ideas and opportunities around specific topics.

Council's research team does not recommend using the panel as a means of simple polling – as whilst this may give top of mind responses to simple questions, polling is not recommended for complex topics that require a higher level of informed input.

It should be noted that the results from the panel is just one form of input and would be taken into account along with other engagement activities and input.

Staged recommendations

Topic	Action	Cost
	Stage 1 (0-6 months)	
<i>Enhance Register requirements</i>	Enhance the scope of the community engagement register to include a panel option with specific demographic details required. Amend current web form to include panel option	Within existing budget
<i>Expand existing Register</i>	Promote to known contacts and groups ie SRGs, committee members.	Within existing budget

Topic	Action	Cost
	Include contacts already on other Council project lists ie Youth Strategy, 2013 Community survey contacts	
<i>Create panel identity</i>	Review and confirm panel identity and register ie "Your Say Warringah"	Within existing budget
<i>Your Say Warringah (hosted by Bang the Table)</i>	Update new terms and conditions with BTT to allow Council access to current contact data Combine the BTT sign up list with the engagement register and align sign up fields	Within existing budget
<i>Process</i>	Confirm membership process and details of eligibility. Develop process for recruitment and management of panel. Develop business protocols for use by projects managers and staff training – promote internally	Within existing budget
<i>Data quality</i>	Develop data matching and updating process.	Within existing budget
<i>Reporting an analysis</i>	Additional research reports and analysis – depending on project	Included within project costs
<i>Promotion and incentives</i>	Develop a communications plan for the promotion of the register and panel including Manly Daily adverts and inclusion on other material, flyers etc Promote opportunities to sign up via existing channels and material. Develop incentive plan.	Within existing budget
Stage 2 (6-18 months)		
<i>Promotion</i>	Implement communications plan Collateral (welcome kit, eNewsletter template)	Additional \$10K in year 1 unbudgeted
<i>Data quality</i>	Develop data matching and updating process. Contact current members, clean data and match to NAR	Additional \$10K in year 1 unbudgeted
<i>Incentives</i>	Implement incentive program to encourage sign up and reward respondents	Additional \$10k pa unbudgeted
<i>Enhancements to current engagement register</i>	Build online web portal to self manage data, preferences and sign up	Additional web resources of \$50k
Stage 3 (18 months+)		
<i>Enhancements to current engagement register</i>	Interface and integration with the Your Say Warringah portal	To be defined
	Links to other internal customer data systems including Tech One (NAR customer database, eservices)	To be defined
<i>New tools</i>	Investigate expanding current mechanisms in the toolkit to incorporate other tools including: crowd sourcing, Online Focus Groups, budget estimator, idea generators, mapping functionality, better links with other social media platforms	Review within existing budget. New tools may be at additional expense

CONSULTATION

The consultation for this NoM included a number of previous studies and activities including:

- The Community engagement review 2010 telephone survey
- Focus groups with community members
- Input from the 2011 – 2013 community satisfaction surveys
- Research into other Private Sector and Local Government research panels

TIMING

There are several stages associated with the delivery of these recommendations. These have been detailed as short, medium and long term in the recommendations table.

- Stage 1 - short term within the next 6 months
- Stage 2 - medium term within 6-18 months
- Stage 3 - long term 18 months +

FINANCIAL IMPACT

The costs associated with Stage 1 are included in the 2013-14 budget.

- The costs associated with Stage 1 are included in the 2013-14 budget.
- The costs associated with Stage 2 (\$80K) are not included in the current budget and additional funding will be required. This will be reviewed at future quarterly reviews and within the 2014 -15 budget process.
- Stage 3 requires further detailed investigation and is not currently costed

POLICY IMPACT

There is no policy impact associated with these recommendations.

However the Warringah Community Engagement Toolkit will be updated to include more details of the register and panel tools.

ITEM 7.2	CULTURAL ACTIVATION - BUSKING IN WARRINGAH
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/257069
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

This report is in response to the Notice of Motion 13/2013 - Cultural Activation - Busking in Warringah, resolved at Council Meeting on 28 May 2013:

“That Council prepare a report investigating the feasibility of activating villages and town centres through Busking in Warringah.”

SUMMARY

Busking tends to be a small scale activity with performer/s getting together on an ad hoc basis to perform in public. It is therefore difficult to organise or plan for in many ways. Busking is currently permitted with no controls, other than existing EPA regulations under the existing Public Art Policy (*currently being reviewed*).

While most busking is relatively safe some performances can present a significant risk to the community. Some authorities have sought to administer busking through insurance and various other controls.

It is not recommended this approach be taken as it can result in discouraging street art through added financial and administrative burden.

Instead an amendment to the Public Art Policy is recommended, along with a Busking Code of Conduct, which allows Council staff to control and minimize the risk to the public and subsequently Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Alterations required to Public Art Policy (Policy No. STR-PL010) which is currently being reviewed.

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That

- A. A new Busking Code of Conduct be developed and be incorporated into the Public Art Policy (Policy No. STR-PL010), currently being reviewed, enforceable by Council staff and Rangers;
 - B. Council continue to support, encourage to perform to enliven areas by using buskers, other local performers and artists at council run events, such as but not limited to Australia Day, Brookvale Show, pop-up cafes and Art Exhibitions.
-

REPORT

BACKGROUND

Busking

While most frequently associated with single or small groups who play music or perform entertainment in a public place, busking can extend to street performances including circus skills, juggling, comedy, poetry, magic, puppetry, animals, street art with chalk etc. These can involve the use of props and/or amplified equipment.

Busking is usually an amateur activity with some minimal income being derived from members of the public throwing coins or small denomination notes into a container, hat or guitar case etc.

Some performers are more professional or semi-professional and seem to follow a national and sometimes international busker's circuit.

Other Councils and Agencies

Several Councils and other statutory bodies have specific Busking Policies, including: Manly, Pittwater, Willoughby, City of Sydney, City of Melbourne and the Sydney Harbour Foreshore Authority (which controls areas such as Circular Quay, Darling Harbour and The Rocks).

Most of these areas have high pedestrian traffic tourist precincts which could become very congested if busking was not controlled. These controls usually take the form of permitted location, performance times, types of performance and the management of potential risks.

The majority of these policies seek to regulate and usually charge buskers for the opportunity to perform, frequently requiring performers to be insured, licensed and sometimes to be 'accredited' by an assessment panel.

Such policies and controls would not fulfil the request of the Notice of Motion which looks to identify ways in which buskers and street performers could be encouraged to perform and enliven areas of the municipality. It is also contrary to the inclusive nature of *Council's Draft Public Arts Policy Part 2* Section f which states:

'Access and Equity - Public art should be accessible to all members of the community, irrespective of their age, ability or socioeconomic status.'

Local Government Act

The NSW Local Government Act requires approval for street performance, unless a policy allows busking without an approval.

The current situation in Warringah;

The Council's Public Arts Policy (Policy No. STR-PL010) allows for 'Ephemeral Art' which allows busking without any further controls. It also encouraged wider community arts and performances.

Relevant extracts –

Purpose of Policy

- *To support the development and commissioning of a diverse range of permanent, temporary and ephemeral artworks in public places which contribute to the social, cultural, environmental and economic value of the area*
- *To support local established and emerging artists and facilitate community participation*

- *To improve the quality of the built environment and enhance the relationship between the community and their urban landscape providing an increased sense of identity, place and pride*

Public Art

In its widest sense, public art is defined as artistic works created for, or located in part of, a public space or facility and/or accessible to the public. The site may be built, landscaped or natural, or in parts of buildings frequented by the public.

Ephemeral Artwork

Ephemeral art has an even shorter lifespan in the public domain than temporary art and may last for only a few hours or less. Ephemeral art may include:

- Chalk artworks
- Performances
- Busking
- Projection images

Therefore, no further policy direction is required for the Notice of Motion as it is covered under the existing Public Arts Policy (2008).

It may be desirable to modify the Public Arts Policy to better reflect the act of busking in its own right as the definition in its current form is very broad and uncontrolled.

Later this year Community Services will commence the development of a Cultural Strategy.

Staff believe the recommendations in the Cultural Strategy will reflect the communities desire for Public Art in a more defined way, consequently it would be timely to review the Public Arts Policy in line with the recommendations in the new strategy, in particular 'ephemeral arts'.

Advice from BP&SI is that buskers in public areas should have some form of insurance or they may put Council at risk. This is not the current situation where under the current and Draft Public Arts Policy all forms of busking and street performance are permitted with few controls other than those that exist under the Protection of the Environment Operations Act 1997, for excessive noise.

However, placing the requirement for insurance on buskers who carry out low key, low risk activities would be a prohibitive burden in most cases. It would be recommended that this not occur, but certain constraints and controls be put on busking, through a Busking Code of Conduct, which limits the risk to the public and subsequently Council.

Discussion

Warringah does not currently have a major problem with buskers. This is probably due to not having a significant pedestrian or tourist area where high volumes of pedestrians regularly congregate in a confined area, although Dee Why beachfront can attract large numbers on a good weekend. Anecdotally there are individuals and small groups carrying out performances, most frequently on Dee Why Promenade and in Oaks Avenue, Dee Why outside Woolworths.

Busking tends to be a small scale activity with individuals or groups of like minded performers getting together on an ad hoc basis to perform in public. It is therefore difficult to organise or plan for in many ways.

Safety and risk is a concern. While most busking is relatively benign with single or small groups playing instruments etc, some performances do use amplification (battery powered or though an available power outlet) and sometimes extensive and potentially dangerous props. This might include juggling sharp and/or flaming objects, bike or unicycle tricks, whips, tight rope stunts,

breakdancing and gymnastics. These can pose a significant risk to the public. Other acts may take up considerable space through the act itself or the crowd gathering around. For example, chalk street drawings can take up metres of pavement causing congestion and bottlenecks if not situated correctly in high traffic areas.

The biggest issue reported to Warringah Council with buskers is shop owners complaining about performers annoying customers and shop staff through ongoing playing near their shops or cafes. This is usually dealt with by Rangers who request the performer/s move on, which is normally complied with.

Busking has been incorporated into Council's large community events, such as Australia Day and it has the potential to be included in other events. It could also be used as part of a new performance art 'trail' or festival to highlight the extent of talent on the Northern Beaches e.g. at Narrabeen Trail or Manly Dam.

Some areas have introduced Busking Stages or platforms. These can be temporary and usually form part of a larger event or festival, or a more permanent structure which might include elements of lighting and power supply.

In the future Council will be developing a Policy surrounding the use of all Council's Public spaces. This may further define and delineate the busking issue.

Recommendations

Currently there does not seem to be a significant issue with busking in the area, which is permitted with few controls under the existing Public Art Policy.

Any moves to strongly regulate the situation may lead to expense and subsequent discouraging of public performance, particularly for local amateurs and young people.

At this stage it would be recommended to allow busking to take place within Warringah without council's direct endorsement and with minimal regulation under an amended Public Art Policy, which includes reference to a new Busking Code of Conduct.

That

A. A new Busking Code of Conduct be developed.

This will include information on;

- suitable locations, times, length of performance and activities/performances
- types of low key, low risk performances that do not require insurance and are permitted within reason e.g. acoustic music
- restricted potentially dangerous performances which may require them to have relevant insurance and Council permission e.g. fire twirling, acrobatics
- not permitted acts/behaviour.
- restrictions on the sale of items other than the performer's own original CD or DVD

The Code of Conduct to be enforceable by Council staff and Rangers as part of the revised Public Art Policy. This minimises the risk to Council without discouraging low risk activities through necessitating insurance etc.

B. Council continue to support, encourage to perform to enliven areas by using use buskers, other local performers and artists at council run events, such as Australia Day, the Brookvale Show, pop-up cafes, Art exhibitions etc.

CONSULTATION

Internal with Events, BP&SI (Risk Management), Development and Compliance (Rangers)

FINANCIAL IMPACT

Nil

POLICY IMPACT

Alterations required to Public Art Policy (Policy No. STR-PL010), which is currently being reviewed, to include reference to Busking Code of Conduct – to be enforceable by Council staff.

ITEM 7.3	APPLICATION FOR DEVELOPMENT AND ARCHITECTURAL SERVICES GRANTS PROGRAM - SURF LIFE SAVING NORTHERN BEACHES
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/261209
ATTACHMENTS	1 Request to Waive DA Application Fees - Warringah Surf Rescue Building - Surf Life Saving Northern Beaches Inc

EXECUTIVE SUMMARY

PURPOSE

To determine an Architectural and Development Services Grant application in accordance with the Grants and Sponsorship Policy (Policy POL011).

SUMMARY

The Grants' Program supports local not-for-profit community organisations develop plans for new or expanded facilities on public land and obtain the necessary approvals for construction.

An application has been received by Surf Life Saving Sydney Northern Beaches Inc (SLSSNB) for the reimbursement / waiving of their Development Application fees for their plan of subdivision for the Warringah Surf Rescue Building. Their application fails to meet a precondition under the policy in that the service / project represents primarily the Warringah Community "minimum of 75% participants from LGA". The SLSSNB represents 21 Surf Clubs, of which 12 (or 59%) are outside of Warringah. This would make the request ineligible for the grant funding.

FINANCIAL IMPACT

The SLSSNB is seeking to have the all fees waived being the DA fees of \$598 and Subdivision Certificate of \$1504.

POLICY IMPACT

This relates to Council's Grants and Sponsorship Policy (Policy PL011).

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council declines the Surf Life Saving Sydney Northern Beaches application for an Architectural Development Services Grant on the basis that the application fails to meet the eligibility criteria.

REPORT

BACKGROUND

Surf Life Savings Sydney Northern Beaches Inc (SLSSNB) has applied to have all fees associated with a subdivision application for the land around the Warringah Surf Rescue Building at Fisherman's Beach in Griffith Park waived under Council's Grants and Sponsorship Policy (Policy PL011).

The purpose of the proposed subdivision is to enable NSW Crown Lands Division to grant a 21 year lease of the building to SLSSNB under section 34A of the Crown Lands Act 1989. As the building is located within a larger lot known as Griffith Park, there are legal difficulties with adequately defining the building and the land being leased. It is proposed that the land be given its own title to facilitate the granting of the lease.

The proposed subdivision requires development consent

Council has previously given its support for the granting of the lease and for SLSSNB to lodge a Development Application for the subdivision.

CRITERIA FOR ASSESSMENT

Section 11 of the Grants and Sponsorship Policy is the Development and Architectural Services Grant Program *"provides one-off grants to assist community groups and sporting clubs engage architects, prepare concept plans for new or expended public facilities in consultation with local neighbours and lodge development application. Applicants need to be not-for-profit organisations developing facilities on Crown or Council land that meet the General Eligibility requirements. A maximum of \$5000 per organisation is available."*

General Eligibility Requirements:

To be eligible for funding or support, an organisation must:

- Offer a project or service in Warringah, or primarily for the Warringah community (minimum of 75% participants from the LGA)
- Be not-for-profit
- Be an incorporated body or be sponsored by one

Under these criteria, SLSSNB meet all criteria except the primary General Eligibility Requirement of a minimum of 75% participants from the LGA. SLSSNB represents 21 Surf Clubs, of which 12 (or 59%) are outside of Warringah. On this basis SLSSNB fail to meet the criteria for the grant program.

SLSSNB also applied for grants under Section 12 of the Grants and Sponsorship Policy. This section is focused on providing sponsorship for events, which does not meet the need for SLSSNB and also requires applicants to meet the General Eligibility Criteria. As such SLSSNB application is not eligible.

APPROVAL PROCESS

This grant program requires approval by Council and as such this is submitted to Council for determination.

FINANCIAL IMPACT

SLSSNB is seeking to have the all fees waived being the DA fees of \$598 and Subdivision Certificate of \$1504.

POLICY IMPACT

This relates to Council's Grants and Sponsorship Policy (Policy PL011).



ABN 31 416 737 307

Unit 9/1 Vuko Place, Warriewood NSW 2102

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www.surflifesaving.net.au

15 August 2013

Mr Rik Hart
 General Manager
 Warringah Council
 725 Pittwater Road
 Dee WHY NSW 2099



Dear Rik

Re: Request to waive DA Application Fees – Warringah Surf Rescue Building

As you may be aware, Surf Life Saving Sydney Northern Beaches (SNB) has been required to prepare a plan of sub-division for the Warringah Surf Rescue (WSR) building in order to identify the building and surrounding curtilage for the Section 34A lease with Crown Lands.

In order for the plan of sub-division to be registered, we must first lodge a Development Application with Warringah Council to allow for the sub-division from the existing larger lot. We have engaged JBA Planning to prepare the necessary reports and paperwork for the DA and to lodge the DA on our behalf.

We would like to apply for all fees associated with the DA lodgement and approval to be waived in recognition of the services we provide to the community. We understand that there are provisions for this under Council's policy PLO11 Grants under sections 11 or 12 of the policy.

We meet the eligibility requirements in section 4 of the policy, in that:

- The WSR building provides a service in the Warringah LGA;
- SNB is a not-for-profit organisation; and
- SNB is an incorporated association.

We trust that Council will look favourably upon this request.

Yours sincerely

Steve McInnes
 CEO



THE 21 CLUBS ON THE NORTHERN BEACHES



ITEM 7.4	SECURING THE FUTURE OF BROOKVALE OVAL - COMMUNITY CONSULTATION OUTCOMES
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2013/263851
ATTACHMENTS	1 Securing the Future of Brookvale Oval - Post-Exhibition Report - Straight Talk (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To approve the release of the report detailing the post-exhibition consultation outcomes on funding options to secure the future of Brookvale Oval, and provide an update as to the impact of the additional funding of \$10 million proposed by the Federal Government.

SUMMARY

Since 2010, Council has undertaken a comprehensive review of the sustainability of Council managing Brookvale Oval and the options to reduce the ongoing financial burden on the rate-payers. A final report on this review and community consultation has been withheld pending the NSW Government's Stadia Strategy, which has now been released. As such the report is now able to be released in full knowledge of the NSW Government's approach

Additionally, given Federal Government's \$10 million support for the Sea Eagles proposal for a new \$30 million eastern stand, it is timely that Council now implement the recommendations to secure the future of Brookvale Oval.

FINANCIAL IMPACT

The current budget deficit for operating and maintaining Brookvale Oval (excluding depreciation) is approximately \$200,000 per annum

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Implement the key recommendations from the Securing the Future of Brookvale Oval - Post-Exhibition report being:
 - a. Approach the State Government to discuss putting the Oval into a State Sponsored Trust with the appropriate ongoing community use forming part of the Trust agreement.
 - b. Approach the State Government for further grant funding to meet the estimated \$30 million cost for the new eastern stand works and \$15 million to fund ongoing renewals in perpetuity.
 - c. Pursue other commercial funding opportunities, including selling advertising space on the southern stand adjacent to Pittwater Road and selling the naming rights to
-

Brookvale Oval, which includes reclassifying the southern portion of land from community to operational land.

- d. Formally request Pittwater and Manly Council's to contribute to resolving the long term funding issues confronting the Oval

- B. Supports the Community view from the consultation process that Council should not provide capital funding for the proposed new eastern stand.
-

REPORT

BACKGROUND

Brookvale Park is a community owned asset, managed on behalf of the community by Warringah Council. The park was established 100 years ago and has for nearly 65 years been used as the home ground of the Manly Warringah Sea Eagles National Rugby League (NRL) team.

Since 2010, Council has undertaken a comprehensive review of the sustainability of Council managing Brookvale Park and the options to reduce the ongoing financial burden on Warringah rate-payers. The need to have a sustainable approach to Brookvale Park has recently been further highlighted by the Federal Government's \$10 million support for the Sea Eagles proposal for a new \$30 million eastern stand.

CONSULTATION ON THE FUTURE OF BROOKVALE OVAL

As detailed in the attached report "Securing the Future – Post Exhibition Report – Straight Talk" in 2010, Warringah Council undertook comprehensive community consultation to help determine the future of Brookvale Oval and Park. This consultation process told Council that the community:

- Think the Oval is the home of the Manly Warringah Sea Eagles
- Want the Oval facilities to be upgraded so it is 'fit for purpose'
- Believe that funding the upgrade should not be subsidised through a rate rise or Council funds.

A total of 29 recommendations were made as a result of the consultation process undertaken in 2010.

In 2011, Council resolved to implement one of the recommendations arising from the consultation, namely to explore the feasibility of developing land along Pittwater Road and using the revenue thus generated to upgrade and renew the Oval. As part of the concept design and master planning process, Council engaged Straight Talk to undertake community consultation to determine community preferences for the funding options generated.

CURRENT FINANCIAL SUSTAINABILITY

Over the past five years in excess of \$10 million has been spent on Brookvale Oval, comprising \$6.6 million committed by the previous State Government and approximately \$4 million committed by Council. These funds were allocated to upgrade existing facilities and extend the Jane Try stand to ensure it maximises the grounds current potential.

Warringah Council manages Brookvale Oval and Park, but the financial reality is that Council does not have the funds to continually upgrade the site as preferred by the Sea Eagles.

To ensure facilities are kept to a standard suitable for professional grade sport, maintenance and renewal works need to be continually funded. The current income versus expenditure deficit (excluding depreciation) means that the community is required to subsidise Brookvale Oval to the value of approximately \$200,000 per annum.

If the development of a new \$30 million eastern stand was completed as proposed using the \$10 million funding proposed by the Federal Government , it would require:

- A further funding source to deliver the unfunded \$20 million gap;
- An increased ongoing community subsidisation allowance for maintenance/operational costs, estimated as an additional \$100,000 to \$160,000, taking the total annual operational subsidy to over \$300,000 per annum.

- An allowance for additional depreciation within Council of up to \$600,000 per annum (by applying a 50 year life for the asset)

REPORT RECOMMENDATIONS

The report recommends the following actions:

1. Approach the State Government to discuss putting the Oval into a State Sponsored Trust such as its existing Stadia trusts, with the appropriate ongoing community use forming part of the Trust agreement.
2. Approach State and Federal Government for grant funding of at least \$45 million to provide \$30 million to fund the upgrade works (to build a new eastern stand only) and \$15 million to fund ongoing renewals in perpetuity by placing funds in a trust account to generate interest to fund renewals, supported by the following:
 - o Preparation of a costed staged development plan as a basis for seeking grant funding which:
 - Identifies upgrade works - to include a new eastern stand to provide additional covered seats* and community space underneath (which could be leasable for educational purposes or accessible for community use)
 - Renewal works – as required.
3. If grant funding for renewal works is secured and the oval is not accepted into a state trust, establish a local trust to manage the Oval facilities and funds for upgrade and ongoing renewal works and commit to transparently reporting on expenditure on upgrade and renewal works on an annual basis which would include the preparation of a financial expenditure statement made publicly available
4. If grant funding for renewal works is not secured, publish a maintenance schedule to demonstrate the impact on the Oval facilities of maintenance only works (which can be delivered within existing funds over the next decade)
5. Pursue other commercial funding opportunities, including selling advertising space on the southern stand adjacent to Pittwater Road and selling the naming rights to the oval (note this would require reclassification of the southern portion of land from community to operational land).
6. Formally request Pittwater and Manly Council's to contribute to resolving the long term funding issues confronting the Oval
7. If grant funding is not secured over the next 24 months, work with the Sea Eagles to discuss how to manage the Oval and its long term renewal. Provide a public update on the status of other recommendations emerging from the consultation undertaken in 2010 by mid 2012.

(Note to Action 7: Status update to be provided by mid 2015)

NSW STADIA STRATEGY

The NSW Government Stadia Strategy classifies Brookvale Oval as a Tier 2 stadium, of which there are 11 currently in NSW. The strategy proposes *“that the NSW Government work with local government and private operators to explore ways to provide increased community access. A range of options to be considered for these stadia include:*

- *Becoming training grounds and administration centres for their “home” teams*

- *Hosting exhibition events*
- *Hosting pre-season events*
- *Providing playing fields for junior games*
- *Providing sporting facilities for local communities and schools*
- *Replacing turf with all weather synthetic playing surfaces to enable a greater usage over an extended period of time*

The strategy foresees continuing discussion with stadium owners, operators and sporting organisations about the future direction of their grounds. At present from the experience of Victoria, Redfern Oval and Belmore Sports Ground indicates that a policy of moving games away from smaller suburban venues to venues with better facilities and good transport will be of longer-term benefit to sporting codes, teams and fans"

Given this position, the future viability of Brookvale Oval as a NRL playing ground for the Sea Eagles does not appear to be a guaranteed long term proposition unless the NSW Government makes a dedicated commitment to Brookvale Oval, such as including it within a State Trust.

FINANCIAL IMPACT

The current budget deficit for operating and maintaining Brookvale Oval (excluding depreciation) is approximately \$200,000 per annum. Should the new stand be built, excluding any cost of capital incurred by Council there will be an increased to the ongoing community subsidisation allowance for maintenance/operational costs, estimated as an additional \$100,000 to \$160,000. This will raise the total annual operational subsidy to over \$300,000 per annum.

Additionally, Council would need to make an allowance for additional depreciation costs of up to \$600,000 per annum (by applying a 50 year life for the asset)

POLICY IMPACT

Nil

8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	ELECTION OF DEPUTY MAYOR
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/197931
ATTACHMENTS	1 Office of Deputy Mayor - Nomination Form

EXECUTIVE SUMMARY

PURPOSE

To allow Council to elect a Deputy Mayor.

SUMMARY

Section 231 of the Local Government Act 1993 provides that Councillors may elect a person from among their number to be the Deputy Mayor. That person may be elected for the mayoral term or for a shorter term. The Deputy Mayor has no specific functions other than to exercise the functions of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising those functions or if there is a casual vacancy in the office of the Mayor.

FINANCIAL IMPACT

Council's Policy GOV-PL 120, Policy for the Payment of Expenses for, and Reimbursement of Expenses and Provision of Facilities for the Mayor, Deputy Mayor and Councillors provides that the Deputy Mayor shall be paid a percentage of the mayoral fee for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of Mayor.

The policy also provides that the amount of the fee paid is to be deducted from the Mayor's annual fee and that the percentage to be paid is to be determined by Council at the election of the Deputy Mayor.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. Council determines whether to elect a Deputy Mayor.
 - B. If Council determines to elect a Deputy Mayor, it then determines:
 - (a) The term of the Deputy Mayor
 - (b) The fee payable, if any, to the Deputy Mayor, for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of Mayor and how this will be paid
 - (c) Whether the election, if required, shall be carried out by Open Voting, Ordinary Ballot or Preferential Ballot.
-

REPORT

BACKGROUND

According to the Local Government Act 1993:

“231 Deputy Mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.”*

On 23 October 2012 Warringah Council resolved to elect Councillor Giltinan as Deputy Mayor for a period of 12 months. Elections for Deputy Mayor are generally held in September each year. Due to the Local Government Elections held in September 2012, and the first Council Meeting of the new Council not being held until October, it should be noted that the period that the Deputy Mayor has been elected for in this instance has been shortened by a period of one month. Council is now back on schedule for Deputy Mayor elections to be held in September each year.

Payment of Fees – Deputy Mayor

In relation to the payment of fees to the Deputy Mayor, Council's Policy for the Payment of Expenses for, and Reimbursement of Expenses for The Mayor, Deputy Mayor and Councillors, states that:

“The Deputy Mayor shall be paid a percentage of the Mayoral Fee for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of the Mayor. The amount of the fee so paid to the Deputy Mayor shall be deducted from the Mayor's annual fee and the percentage to be paid will be determined by Council at the election of the Deputy Mayor.”

Some Councils, including those with popularly elected Mayors, did not provide any additional fees to Deputy Mayors. A number of Councils, as an alternative to paying a fee to the Deputy Mayor, provide the Deputy Mayor with all or part of the additional facilities available to the Mayor during times that the Deputy Mayor is required to carry out the functions of the Mayor. There is no clear and consistent policy evident across Councils, with several Council policies being silent on the provision of any additional fees or facilities to the Deputy Mayor.

The fee paid to the Deputy Mayor, if any, will be deducted from the Mayor's annual fee. Council resolved, at its meeting on 28 May 2013, that the Mayor's fee (which is separate to the fee paid to the Mayor as a Councillor) for 2013 – 2014 would be \$59,100.

Election of Deputy Mayor

As provided by Clause 394 of the Local Government (General) Regulation 2005, the election of the Deputy Mayor is governed by the provisions of Schedule 7 of that Regulation which is provided below:

Part 1 - "Local Government (General) Regulation 2005 Requirements – Schedule 7**1 Returning officer**

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3 Election

- (1) If only one councillor is nominated, that councillor is elected.*
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) In this clause:
"ballot" has its normal meaning of secret ballot.
"open voting" means voting by a show of hands or similar means.*

Part 2 - Ordinary ballot or open voting**4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) An informal ballot-paper must be rejected at the count.*

6 Count-2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

7 Count-3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*

- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

Part 3 - Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) *The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

10 Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- (2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*
- (3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
- (4) *In this clause, "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.*

11 Tied candidates

- (1) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) *If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

Part 4 - General**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and*
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales."*

Please note nomination papers are attached (Attachment 1).

TIMING

Council shall decide the term of office for the Deputy Mayor, being either for the rest of the Mayoral term or for a shorter period.

FINANCIAL IMPACT

Council's Policy GOV-PL 120, Policy for the Payment of Expenses for, and Reimbursement of Expenses and Provision of Facilities for the Mayor, Deputy Mayor and Councillors provides that the Deputy Mayor shall be paid a percentage of the mayoral fee for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of Mayor.

The policy also provides that the amount of the fee paid is to be deducted from the Mayor's annual fee and that the percentage to be paid is to be determined by Council at the election of the Deputy Mayor.

POLICY IMPACT

Nil

**Office of Deputy Mayor**

In accordance with Clause 394 and Schedule 7 of the Local Government (General) Regulation 2005,

Councillor _____ is hereby nominated for
(insert name of nominee)

the office of **DEPUTY MAYOR** for a period to be determined by Council.

Nominators

1. Councillor _____
(insert name) (signature)
2. Councillor _____
(insert name) (signature)
3. Councillor _____
(insert name) (signature)

Nominee

I, Councillor _____, consent to this nomination.
(insert name)

(Signature)

Clause 124 and Clause (2) Schedule 3 of the Local Government (Elections) Regulation 1998 outlines the Statutory provisions for the nomination of candidates for election of **Deputy Mayor** by Councillors as follows:

"Nomination

2. (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held."*

Doc No 2012/297631

ITEM 8.2	ANNUAL REVIEW OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/219629
ATTACHMENTS	1 Draft - GOV PL 120 - Policy for Payment of Expenses Policy - August 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To review GOV-PL 120 Policy for Payment and Re-imburement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors in accordance with Section 252 of the *Local Government Act 1993*.

SUMMARY

Section 252 of the Local Government Act requires, in part, that within 5 months after the end of the financial year, a council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

FINANCIAL IMPACT

Whilst there may be some amendment to individual items within the current budget, there should be no overall impact on Council's budget. Expenditure of funds associated with public exhibition of the proposed Code amendments can be met from Council's adopted 2013/14 budget.

POLICY IMPACT

The Policy will need to go on public exhibition prior to adoption by Council and has been amended taking into consideration the Division of Local Governments latest Policy for Payment of Expenses guidelines released in 2009.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the amendments to Policy GOV-PL 120 Payment and Re-imburement of Expenses Incurred by, and Provision of Facilities to The Mayor, Deputy Mayor and Councillors be placed on public exhibition for 28 days and be reported back to Council.

REPORT

BACKGROUND

Section 252 of the *Local Government Act* requires, in part, that within 5 months after the end of the financial year, a Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

Following the Promoting Better Practice Review, the Division of Local Government (DLG), whilst advising that Warringah's Policy for Payment of Expenses was good, suggested that it could be further improved with a number of minor amendments, in general strengthening clauses already in place. Additions have been italicised and deletions have been struck through.

Some minor wording changes including typographical errors, and reference to incorrect clauses have also been amended to reflect the current Policy.

Proposed Changes

There are a number of proposed changes to the Policy which are summarised as follows:

- Amendment 1 – Strengthening of Clause 4 General Approvals, Approvals Clause
- Amendment 2 – Amendment to Clause 10.1 regarding the Mayor's transport to ensure that it is explicit that the Mayor pays this fee to Council
- Amendment 3 – Addition of Clause 11.17 related to limits for reimbursements for Councillors
- Amendment 4 – Amendment to Clause 12.2 with the addition of the per kilometre rates
- Amendment 5 – Amendment to Clause 12.5 with the addition of how to claim for use of a bicycle
- Amendment 6 – Addition of Clause 15.6 When a Councillor Spends over their Allocated Budget
- Amendment 7 – Amendment to Clause 23 Training and Conference Budget Including Travel and Accommodation related to the Mayors attendance at the Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) Conferences, over and above the annual training and conference budget limit
- Amendment 8 – Amendment to Clause 13 Who may Attend Conferences

Amendment 1 – Strengthening of Clause 4 (Approvals)

Currently Clause 4 (Approvals) advises that approvals and enquiries are to be directed to the Governance Manager and where appropriate the relevant Deputy General Manager will be consulted. The DLG have suggested that this clause be strengthened to incorporate the approvals process more explicitly. As such it is proposed to amend the Clause as follows:

Current

Approvals: All approvals, requests for, and enquiries in relation to, expenses and facilities under this policy are to be directed in the first instance to Council's Governance Manager. Where appropriate the Governance Manager will consult with the relevant Deputy General Manager regarding application of the policy.

Proposed

Approvals: All approvals, requests for, and enquiries in relation to, expenses and facilities under this policy are to be directed in the first instance to Council's Governance Manager. Where appropriate the Governance Manager will consult with the relevant Deputy General Manager regarding application of the policy.

The Governance Manager will approve travel, stationery, furniture, telephone, internet and out of pocket expenses, as well as any conference expenditure and conference associated expenses, where a conference has been approved either by Council, the Mayor and the General Manager jointly or this Policy.

The Governance Manager will contact any Councillor in the event that they are nearing, or have overspent on any allowable limits (such as training or telephone, and appropriate systems will be in place to recoup any overspend.

The Deputy General Manager Environment will approve any Councillor expenditure that is not within the Governance Manager's delegations.

Amendment 2 –Clause 10.1 (Mayor Transport)

The DLG advised Council that Clause 10.1 wasn't clear in that it was the Mayor who paid Council a fee based on Council's Private Use Car Scheme, therefore it is proposed to add words to this effect within Clause 10.1 to avoid any future confusion. As such it is proposed to amend the Clause as follows:

*Current***10.1 Transport**

(a) (i) **Mayoral Vehicle** – for a weekly fee based on Council's Private Use Car Scheme standard vehicle rate* a suitable and appropriate vehicle, (valued below the current luxury car tax threshold, as determined by the Australian Tax Office), fully maintained, insured and registered by the Council, for use by the Mayor for all official, executive and social duties connected with the Office of Mayor, and private and personal use in accordance with **Appendix A** to this Policy.

* Council's Private Use Car Scheme standard vehicle rate is set at \$100 per week as at 1 July 2013 and is adjusted annually.

*Proposed***10.1 Transport**

(a) (i) Mayoral Vehicle – for a weekly fee (*paid by the Mayor*) based on Council's Private Use Car Scheme standard vehicle rate* a suitable and appropriate vehicle, (valued below the current luxury car tax threshold, as determined by the Australian Tax Office), fully maintained, insured and registered by the Council, for use by the Mayor for all official, executive and social duties connected with the Office of Mayor, and private and personal use in accordance with Appendix A to this Policy.

* Council's Private Use Car Scheme standard vehicle rate is set at \$100 per week as at 1 July 2012 and is adjusted annually.

Amendment 3 – Expenses Under Clause 11 (the Mayor and Councillors)

The DLG have suggested that all expenses should have limits attached to them. Whilst in some instances, it is believed that this would be impractical. It is suggested that all expenses within Clause 11 have a capped limit (in its totality) as there are a number of areas within this clause (such as food and refreshments) where it is difficult to put a limit on. As such it is proposed that

those items within Clause 11 that already have a limit remain, and that a limit on all items within Clause 11 have an upper limit of . Therefore, a new Clause 11.17 is proposed as follows:

- 11.17 Expenses within Clause 11 shall not exceed \$7,000 per Councillor in any given year, with the exception of an election year, where new Councillors will receive all new equipment at once, and this limit will be increased to \$10,000 as a result of new equipment expenditure.

Amendment 4 – Clause 12.2 (Travel Costs)

The DLG have advised that Council should include the per kilometre rate that is applicable in relation to travel costs. As such, it is proposed to amend Clause 12.2 to advise the current rates.

Current

- 12.2 Kilometre rates for such travel will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to the Mayor or Councillor's own vehicle, and any loss of no claim bonus and any excess not covered by any insurance.

Proposed

- 12.2 Kilometre rates for such travel will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to the Mayor or Councillor's own vehicle, and any loss of no claim bonus and any excess not covered by any insurance.

The current claimable rate for kilometres is \$0.65c per km for cars under 2.5L and \$0.74c per km for cars over 2.5L.

Amendment 5 – Clause 12.5

As a part of the recommendation of the DLG to attach limits to all reimbursements, Clause 12.5 has been revisited in relation to bicycle travel. It is difficult to place a per kilometre rate of payment on bicycle travel. As such, a maintenance allowance has been incorporated in place of a per kilometre rate. The maintenance allowance is staggered and increases to a maximum of \$260 per annum dependent on the kilometres travelled per week. It is proposed to amend

Current

- 12.5 Where the Mayor and Councillors elect to use public transport or travel by bicycle for Council business, reimbursement of costs may be claimed.

The full cost of fares for public transport associated with Council business (as specified in 12.1) will be reimbursed subject to lodgement of a formal monthly claim. The claim must be made within six (6) months of the travel having occurred. Claims lodged after six (6) months shall not be paid.

Costs associated with bicycle travel for Council business (as specified in clause 12.1) will be reimbursed on a per kilometre basis, subject to lodgement of a formal monthly claim. The claim must be made within six (6) months of the travel having occurred. Claims after three months shall not be paid.

Proposed

- 12.5 Where the Mayor and Councillors elect to use public transport or travel by bicycle for Council business, reimbursement of costs may be claimed.

The full cost of fares for public transport associated with Council business (as specified in 12.1) will be reimbursed subject to lodgement of a formal monthly claim. The claim

must be made within six (6) months of the travel having occurred. Claims lodged after six (6) months shall not be paid.

~~Costs associated with bicycle travel for Council business (as specified in clause 12.1) will be reimbursed on a per kilometre basis.~~

Where a Councillor uses his/her own bicycle for transport whilst undertaking their duties as a Councillor, the following reimbursements will be allowed to provide for reasonable annual maintenance:

Average kilometres per week per annum (based on 48 weeks)	Maintenance allowance per annum
10 or fewer	\$60
10 to 20	\$160
20 to 30	\$200
Above 30	\$240

The above payment is subject to lodgement of a formal monthly claim. The claim must be made within six (6) months of the travel having occurred.

Amendment 6 – Addition of Clause 15.6

The DLG have advised that there should be some information within the Policy related to what Council has in place when a Councillor overspends on any allocated budget amount, and how this overspend is reimbursed to Council. Currently whilst a process is in place, the Policy does not have this process written within it. As such it is proposed to add Clause 15.6 into the Policy to cover this issue.

15.6 When a Councillor Spends over Their Allocated Budget

Where a Councillor spends over their allocated budget they will be required to reimburse Council for this overspend. Councillors will be notified by the Governance Manager in any given month if there has been an overspend related to phone and/ or internet expenses, and any other expenses that council manages where possible. In relation to training and conferences the Governance Manager will advise Councillors when they are nearing their annual limit.

Councillors will be requested to reimburse any overspend, either by that Councillor authorising Council to withhold any overspend from their Councillor fees (this must be in writing) or through direct payment/ reimbursement to Council through customer service. Any overspend should be reimbursed within three (3) months of incurring it.

Amendment 7 – Amendment to Clause 23 – Training and Conference Budget Including Travel and Accommodation

At its meeting of 12 February 2013, Council resolved as follows:

“That

- A. Council nominate Councillors Gobert and Regan to attend the Local Government Managers Australia National Congress and Business Expo 2013 to be held in Hobart, Tasmania from 19 to 22 May 2013.
- B. The Mayor’s attendance at the Local Government and Shires Association annual conference and the National General Assembly of Local Government over and above the annual budget allocated to Councillors each year within GOV-PL 120, Policy for Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors be approved, and that this

recommendation is formally incorporated into the next review of this Policy due in October 2013.”

As a result of this resolution it is proposed to amend Clause 23 as follows:

Current

23. Training and Conference Budget Including Travel and Accommodation

Council will provide training and education for Councillors as is appropriate for effective discharge of the function of civic office, functions and responsibilities.

Such training will be at Council's expense and will be provided in-house or by outside providers as appropriate.

Council will provide up to \$5,000 per Councillor per annum for training, education and conference costs, including any incidental costs associated with Councillor attendance.

An individual Councillor may carry over their unspent funds from the previous financial year only.

Proposed

23. Training and Conference Budget Including Travel and Accommodation

Council will provide training and education for Councillors as is appropriate for effective discharge of the function of civic office, functions and responsibilities.

Such training will be at Council's expense and will be provided in-house or by outside providers as appropriate.

Council will provide up to \$5,000 per Councillor per annum for training, education and conference costs, including any incidental costs associated with Councillor attendance.

The only exception to this limit will be for the Mayor, who is allowed to attend the Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) Conferences each year, over and above the allocated \$5,000 per Councillor limit.

An individual Councillor may carry over their unspent funds from the previous financial year only.

Amendment 8 – Amendment to Clause 13.1 Who may Attend Conferences

Council's current practice is to provide a report to Council for any relevant conferences that Councillors wish to attend, with a recommendation of which Councillors should attend (this is ascertained through gaining interest from all Councillors) and a general cost to Council of Councillor attendance at this conference. This task is becoming quite onerous given, the large number of appropriate conferences that Councillors wish to attend. As such, it is proposed to amend Clause 13 to delete the requirement of a report to Council, and the whole of Council approving conference attendance, allowing the Mayor and the General Manager to jointly approve conference attendance subject to the request for attendance being given in writing and outlining the benefit of attendance to Council. Clause 14, where a Councillor must report back to Council regarding any conference attendance still stands.

Current

13.1 The Mayor and Councillors may be nominated and authorised to attend conferences by:

- (a) The Council, through resolution duly passed at a Council Meeting;
- (b) The Mayor, acting within any delegated authority during Council recess;

- (c) The Mayor and the General Manager jointly, where such conference is for one day or less or does not involve an overnight stay (or, where the applicant is the Mayor, the Deputy Mayor/ one other Councillor and the General Manager jointly).

Proposed

- 13.1 The Mayor and Councillors may be nominated and authorised to attend conferences by:
- (a) The Mayor, acting within any delegated authority during Council recess;
 - (b) The Mayor and the General Manager jointly (or, where the applicant is the Mayor, the Deputy Mayor/ one other Councillor and the General Manager jointly). *

** Note: (b) will be subject to the Councillor wishing to attend a conference submitting their request in writing to the Mayor and the General Manager outlining the benefits of their attendance to Council.*

Other Suggestions

The DLG have suggested that Appendix A1, 3.2(a) bullet point 4 is inconsistent as it infers private use, however it should be noted that the Mayor pays a PUCs fee for the use of this vehicle (under Warringah's private use car scheme) and therefore this type of use is acceptable.

The DLG have also suggested that Council add a maximum limit for reimbursements under Item 7 in the Policy (Legal Assistance for the Mayor and Councillors). However Council disagrees with this suggestion as given the unpredictable nature of litigation it is not reasonable to set an upper limit and each case needs to be considered on its facts. There are sufficient safeguards in place which require the approval of the General Manager and the involvement of Council's insurer.

CONSULTATION

Relevant Council staff have been consulted in relation to the proposed amendments.

The Councillors were briefed in relation to the Code of Meeting Practice amendments at a Councillor Briefing session in early September 2013 and given an opportunity to provide the Governance team with feedback. No formal feedback from Councillors regarding any amendments was received.

The suggested amendments to the Policy will be placed on public exhibition for 28 days.

TIMING

As per Section 252 of the *Local Government Act*, the proposed changes to the Policy will be placed on public exhibition for 28 days, the results of which will be brought back to Council prior to adoption.

FINANCIAL IMPACT

Whilst there may be some amendment to individual items within the current budget, there should be no overall impact on Council's budget. Expenditure of funds associated with public exhibition of the proposed Code amendments can be met from Council's adopted 2013/14 budget.

POLICY IMPACT

The Policy will need to go on public exhibition prior to adoption by Council and has been amended taking into consideration the Division of Local Governments latest Policy for Payment of Expenses guidelines released in 2009.

ITEM 8.3	REVIEW OF GOV-PL 130 - WARRINGAH COUNCIL CODE OF MEETING PRACTICE
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/246030
ATTACHMENTS	1 Draft GOV PL 130 - Code of Meeting Practice - August 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To review Council's Code of Meeting Practice – GOV-PL 130.

SUMMARY

Council's Code of Meeting Practice (the Code) was last formally reviewed in early 2012. Since this review there have been a number of requests for minor changes in relation to the content and application of the Code. The proposed amendments include:

- the addition of Items by Exception in the Order of Business and an Items by Exception clause
- movement of the Late Items clause to a more appropriate place within the Code
- deletion of part of the definition of 'Council Chamber' within definitions
- amendment to the clause relating to Authority of Staff Removing Persons from the Meeting after Expulsion are the result of officer review.

It is noted that whilst the Code is on exhibition, some further work will be undertaken by Council officers to improve the layout and readability of the Code. This will be completed prior to the results of the public exhibition being reported to Council.

FINANCIAL IMPACT

Expenditure of funds associated with public exhibition of the proposed Code amendments can be met from Council's adopted 2013/14 budget.

POLICY IMPACT

This review has been undertaken with consideration of the Meetings Practice Note No 16, released in 2009 by the Division of Local Government, Department of Premier and Cabinet as well as the Local Government Act (1993) and the Local Government Regulation 2005.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Endorses the proposed amendments and that the revised draft Code of Meeting Practice be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act, with the results being reported back to Council.
 - B. Authorises the persons for the time being occupying or acting in the positions of General
-

Manager, Deputy General Managers Environment and Community and Ranger to remove a Councillor or a person from a meeting of Council after expulsion pursuant to Clauses 32 and 33.

REPORT

BACKGROUND

Council's Code of Meeting Practice was last formally reviewed in February 2012. Since this review of the Code there have been a number of requests for minor changes in relation to the content and application of Council's adopted Code of Meeting Practice. The proposed amendments are the result of officer review.

Whilst the Code is on exhibition, some further work will be undertaken by Council officers to improve the layout and readability of the Code. This will be completed prior to the results of the public exhibition being reported to Council.

In summary the amendments put forward in this report are as follows:

- Amendment 1 – Addition of Items by Exception in the Order of Business
- Amendment 2 – Addition of Clause 17 – Items by Exception
- Amendment 3 – Movement of the Late Items clause from Notices of Motion to Clause 18 (new Clause)
- Amendment 4 – Deletion of part of the definition of 'Council Chamber' due to Council ceasing Council to the Community Meetings in 2011
- Amendment 5 – Amendment to Clause 33.1 Authority of staff to Remove Persons from Meeting after Expulsion

Proposed Amendments to the Code of Meeting Practice

Amendment 1 – Addition of Items by Exception in the Order of Business

Current practice at Council Meetings is that after Public Forum and before Mayoral Minutes, the Mayor moves a Procedural Motion related to Items by exception. This is whereby Councillors call out any staff reports on the Business Paper that they wish to discuss and all remaining staff reports are adopted by exception (with no debate).

Council would like to formalise this practice within the Code. The first step in this process is to officially add it to the Order of Business. It is proposed that Items by Exception be added between Censure Motions and Notice of Intention to deal with Matters in Confidential Session within Clause 12(3) as follows:

12. Order of Business

- (3) The general order of business at Council meetings shall be as follows: -
- (i) Apologies
 - (ii) Confirmation of Minutes of Previous Meetings
 - (iii) Declaration of Pecuniary Interest
 - (iv) Public Forum
 - (v) *Items by Exception***
 - (vi) Notice of Intention to deal with matters in Confidential Session
 - (vii) Censure Motions
 - (viii) Mayoral Minutes

- (ix) Reports to Council Meeting
- (x) Reports to Council Committee
- (xi) Adoption of Committee Recommendations
- (xii) Notices of Rescission
- (xiii) Notices of Motion
- (xiv) Questions On Notice
- (xv) Responses to Questions On Notice
- (xvi) Confidential Matters – closed session
- (xvii) Report of resolutions passed in closed session.

Following this addition to the Order of Business, it is proposed to add a Clause related solely to Items by Exception in the Code (see amendment 2).

Amendment 2 – Addition of Clause 17 Items by Exception (in globo)

Currently, this clause does not exist in the Code of Meeting Practice and we are looking to formalise this practice in the Code. It is proposed that Item 14.8 read as follows:

17 Items by Exception (in globo)

Council may deal with staff reports individually or by exception (in globo). This is where Council adopts the recommendations contained within staff reports with no discussion on the matter.

The Chairperson requests each Councillor to call for consideration any staff reports on the agenda they wish to discuss, then by a Council resolution each of the recommendations in the remaining staff reports (those not called) are adopted in globo.

All staff reports can be dealt with by exception including confidential reports after which, in accordance with clause 26, the General Manager will read out the resolutions of those confidential reports.

Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a report that Councillor should remove themselves from the Council Chamber and not vote on the resolution to adopt the reports in globo. If this is likely to affect Council's ability to vote due to a lack of quorum

This information is then recorded in Council's meeting minutes in accordance with Clause 16.7 (c) of this Code and s.453 of the Act.

Amendment 3 – Movement of the Late Items Clause from Notices of Motion to Clause 18 (new clause)

Currently the Late Items clause in the Code of Meeting Practice sits within Clause 14.2 Notices of Motion, this does not seem the correct place for this item as it does not relate solely to Notices of Motion but also staff reports. This clause has previously caused some confusion due to its placement in the Code and therefore, whilst there is no wording change proposed to Late Items, it is recommended to be a separate clause and has therefore been moved to Clause 18. All clauses following this additional clause have been renumbered accordingly.

Amendment 4 – Deletion of part of the definition of ‘Council Chamber’ due to Council ceasing Council to the Community Meetings in 2011

As a result of Council not undertaking Council to the Community Meetings (this practice ceased in 2011), the wording within the definition of Council Chamber is inconsistent, and it is proposed to remove the following paragraph:

For the purpose of Council to the Community Council Meetings, Council Chamber shall mean the formal meeting floor of the facility being used for the meeting, the public gallery area and any area that is open to the public for use as part of the meeting during the conduct of any Council or Committee Meeting.

Amendment 5 – Amendment to Clause 33.1 Authority of staff to remove persons from meeting after expulsion and 46(3) Certain persons may be expelled from Council Committee meetings

The Authority for staff to remove persons from a meeting after expulsion Clause was originally adopted in 2001. It is proposed to re-adopt this clause as part of the amendments to the Code, due to the change in the organisation structure, ensuring that this clause is consistent with this change, whereby clauses 32 ‘How disorder at a meeting may be dealt with’ and 33 ‘Power to remove persons from meeting after expulsion’ can be carried out by the General Manager, Deputy General Managers Community and Environment and any person appointed by Council as a Ranger.

Therefore it is suggested that both clauses 33.1 and 46(3) be amended as follows, and that recommendation B to this report reflect this change:

“That Council:

- B Authorises the persons for the time being occupying or acting in the positions of General Manager, Deputy General Managers Environment and Community and Ranger to remove a Councillor or a person from a meeting of Council after expulsion pursuant to Clauses 32 and 33.”*

CONSULTATION

Relevant Council staff have been consulted in relation to the proposed amendments.

The Councillors were briefed in relation to the Code of Meeting Practice amendments at a Councillor Briefing session in early September 2013 and given an opportunity to provide the Governance team with feedback. No formal feedback from Councillors regarding any amendments was received.

FINANCIAL IMPACT

Expenditure of funds associated with public exhibition of the proposed Code amendments can be met from Council’s adopted 2013/14 budget.

POLICY IMPACT

This review has been undertaken with consideration of the Meetings Practice Note No 16, released in 2009 by the Division of Local Government, Department of Premier and Cabinet as well as the Local Government Act (1993) and Local Government Regulation 2005.

ITEM 8.4	STRATEGIC REFERENCE GROUP REVIEW - STAGE TWO - ADOPTION OF REVISED STRATEGIC REFERENCE GROUP GUIDELINES AND CHARTERS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/256433
ATTACHMENTS	<ol style="list-style-type: none"> 1 Draft Guidelines - Strategic Reference Groups (Included In Attachments Booklet) 2 Draft Charter - Strategic Reference Group No 1 (Included In Attachments Booklet) 3 Draft Charter - Strategic Reference Group No 2 (Included In Attachments Booklet) 4 Draft Charter - Strategic Reference Group No 3 (Included In Attachments Booklet) 5 Draft Charter - Strategic Reference Group No 4 (Included In Attachments Booklet) 6 Strategic Reference Group Ground Rules (Included In Attachments Booklet)

EXECUTIVE SUMMARY

NOTE: This item was deferred by resolution from the Council Meeting of 27 August

PURPOSE

To report the results of the Business Improvement Initiative in relation to the Strategic Reference Group (SRG) review and seek adoption of the proposed SRG Guidelines and Charters.

SUMMARY

SRGs were established by Council in March 2010 with meetings commencing in November 2010. The SRGs were a new method of community engagement for Warringah Council and together with the revised Community Committees (CCs) made up the Community Engagement Framework. As with all new initiatives a review process was established and an initial review of the framework was carried out in August 2012.

This review recommended changes to the structure of the SRGs and CCs including reducing the length of meetings to two hours, minor changes to the Guidelines and Charters and administrative changes to enhance the workings of the SRGs and CCs, their effectiveness and the relationships with each other.

The major recommendation of the review was to extend the term of both the SRGs and the Community Committees for 12 months until August 2013 prior to spilling membership and carrying out recruitment. This allowed time for a Business Improvement Initiative (Initiative) that was already underway to be carried out and make recommendations to improve the effectiveness of the SRGs for the future.

This report presents the results of the Initiative, including the process undertaken, solutions implemented so far, and seeks the adoption of a revised format of SRGs that have been aligned to the Community Strategic Plan and the commencement of recruitment for the SRG members to the four new SRGs.

FINANCIAL IMPACT

The cost of advertising SRG and CC recruitment has been factored into the 2013/14 financial year budget.

POLICY IMPACT

Once adopted the proposed SRG Guidelines and Charters will take effect and supersede the existing documents. The recruitment process is in line with Council's Policy and procedures, particularly relating to the Appointment of Community & Other Stakeholder Representatives Policy - Council Committees.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Adopts the revised Strategic Reference Groups Guidelines and Charters.
 - B. Determines the councillor membership and the roles of Chairperson and Deputy Chairperson for each Strategic Reference Group.
 - C. Notes the end of the current terms of the Strategic Reference Groups and thanks members for their input.
 - D. Supports the commencement of recruitment and selection of new members in accordance with Council policy and that the outcome be reported to a future Council Meeting.
-

REPORT

BACKGROUND

The Strategic Engagement Framework comprising the Strategic Reference Groups (SRGs) and Community Committees (CCs) was adopted by Council resolution on 23 March 2010 with meetings starting in November 2010. A part of that resolution was a decision *"That implementation of the Strategic Committee Framework be subject to a review twelve (12) months following the first meetings of the Strategic Reference Groups."*

This initial review was undertaken in 2012, with a report to Council on 28 August 2012, recommending a number of changes to the SRG Guidelines and Charters and CC Guidelines. The major decision was that:

"The term of all Strategic Reference Groups and Community Committees with the exception of the Community and Culture Strategic Reference Group and Sister Cities Community Committee be extended until August 2013."

The decision to extend the current membership was twofold, firstly to allow the Business Improvement Initiative (Initiative) looking to improve the effectiveness of the SRGs, which was underway at the time, to be completed and secondly to provide continuity within the membership of the groups during the development of the Community Strategic Plan and whilst Local Government Elections took place. This allowed the newly elected councillors to join established teams and for the community members to assist with the councillors integration into those groups and to share their knowledge and experience.

The three SRGs whose terms were extended, Environmental Sustainability, Infrastructure and Development and Recreation and Open Space have continued to meet bi-monthly in the past 12 months and the Community Committees have been meeting accordingly.

The Community and Culture SRG was disbanded on 28 August 2012 and since this time Councillors and Council staff have been working together on a way forward for the Community and Culture SRG. These ideas have been incorporated into the proposed recommendations.

Business Improvement Initiative

Warringah Council has adopted a Business Excellence Framework and an integral part of the framework is Business Improvement utilising Lean Six Sigma Methodology. DMAIC (which stands for Define, Measure, Analyse, Improve and Control) is the problem solving approach used within the Lean Six Sigma Methodology and has been used for the second stage of the SRG review. By adopting the recommendations in this report the project will complete the 'Improve' stage then move into the 'Control' stage, which seeks to ensure that the solutions are implemented and effective.

The problem - Define

In the first stage of the review over 60% of SRG members responded that they were *'undecided if their contributions are making a difference'*. This was quite a substantial amount of members not feeling that the time they committed to Warringah Council's SRG was making a difference – this alone was sufficient reason to undertake the Initiative before these engaged community members became disengaged.

Staff involved with supporting the SRGs were also surveyed to establish their satisfaction with the current process and they responded with an average rating of 2.7 out of 5.

With neither SRG members feeling they made a difference nor staff feeling satisfied with the current process there was an opportunity to review the status quo and make recommendations for

the future. As such these two critical factors became the focus of the Initiative and what the outcomes would look to address.

Statistics – How do we MEASURE This?

The second stage in the DMAIC process is Measure and it is essential to try and establish the root cause of a problem. The initial review collated information through surveys and workshops with SRG members and was incorporated into the Measure stage. A summary of the key feedback provided from SRG members is below:

- Lack of appropriate items or too many items listed on agendas
- Ineffective chairing of meetings
- Meetings not keeping to time and not all items presented being relevant
- Agenda items not reflecting the strategic nature of the Strategic Reference Groups
- Considerable staff time and effort being expended in setting up the Strategic Reference Group meetings and agendas
- Strategic Reference Group members feeling their recommendations not being considered appropriately by Council.

Further information was sought and a review of the history of the SRGs was completed, the key findings being that:

- 12% of agenda items were actually strategic with the rest operational or tactical
- 60% of agenda items were for information only
- 15% of agenda items sought input/opinions from SRG members
- Around 50% of the outcomes from agenda items were actions for staff to carry out.

The data collected demonstrated that there was a discord between the strategic direction/goal of the SRGs and the agenda items for the meetings, that the outcomes sought very little advice or input from the SRG members and that the running of meetings could be improved.

Reviewing the Information - Analyse

During the Analyse stage in the process a workshop is held to look at all the data collected and to identify solutions to address the issues identified and aim to improve the critical factors for each project.

The Project Improvement Team (PIT) identified that SRGs added value to Council through providing input at the beginning of project ideas and providing feedback and endorsement to the latter end of strategic projects.

With this as the goal the PIT reviewed and generated a number of solutions to address the range of issues with the aim of improving the two critical factors of staff satisfaction and SRG members feeling that their input made a difference. The following six key solutions were identified:

- Induct the newly elected Councillors
- Establish senior staff contacts to liaise with SRGs for the best outcomes
- Define the roles and responsibilities to create greater understanding between members and staff
- Develop 'ground rules' to make the meetings more effective

- Plan the agenda Items for the next 12 months to keep focus in the right areas
- Revise the Charters and Guidelines to better reflect the direction of the SRGs.

Implementing the Solutions – Improve

Following the Analyse workshop the Initiative moved into the Improve stage where the solutions are implemented, some of these have been completed already and endorsed by the SRGs and the final solution – Review SRG Guidelines and Charters has now been drafted and presented to Council for adoption.

1. Induct the new councillors

The 2012 September Local Government Elections saw a large number of new Councillors at Warringah Council and a large changeover of Councillor members on the SRGs. The newly elected Councillors were taken through an induction process for the SRGs and CCs as part of the induction program for Councillors following the Local Government Elections that took place in September 2012. The induction provided all Councillors with a greater insight and understanding of the role of the SRGs, their chairing duties and general information in relation to the meetings, how they should run, and the expectations of members.

2. Establish senior staff contacts to liaise with SRGs for the best outcomes

To ensure the effectiveness of the SRGs the relationship between SRG members, Councillor members, the chairperson and staff need to be established. It was decided that each SRG should have one Liaison Officer as the central person to contact should they need any information. The Liaison Officer would work closely with the chairperson in ensuring the meeting agendas are relevant and sufficient time is allocated to cover each agenda item.

3. Define the roles and responsibilities to create greater understanding between members and staff.

Many people are involved within the SRG process and a detailed list of roles and their responsibilities would be beneficial to provide clear guidance to all individuals, including community, Councillor members, the Chairperson and staff so that they understood their role within the SRG. The Governance team at Council has an oversight role of all of these groups, which includes agenda preparation, dissemination, and minute taking at the regular SRG meetings, as well as general information dissemination as required. The Roles and Responsibilities were developed, reviewed by SRG members and adopted in April 2013.

4. Develop 'ground rules' to make the meetings more effective

The SRG Ground Rules were developed to address the feedback from members and their concerns in relation to meetings running over time, personal interests getting on the agenda, members dominating the meeting and keeping to agenda topics. The SRG Ground Rules now provide the parameters in relation to how the meetings would run and the behaviour that is expected of members. The Ground Rules were developed, reviewed by SRG members and adopted in April 2013. The Ground Rules can be seen in attachment 6.

5. Plan the agenda items for the next 12 months to keep focus in the right areas

In order to avoid the SRG agendas being too overcrowded and filled with non-strategic items it was agreed to create a forward schedule for the agenda. The forward schedule would be compiled by Council staff who map out strategic projects and upcoming issues facing Warringah to be discussed at the relevant SRGs going forward. The forward schedule would allow staff and SRG members to be prepared for the upcoming discussions and also for complex issues to be scheduled consecutively so that members are educated sufficiently over time to be able to have discussions and make recommendations.

To accommodate the feedback to include more informal workshop style discussions the agendas have been separated to allow two workshop discussions of 45 minutes each as well as the formal requirements of the SRGs, confirmation of previous minutes, review of CC minutes as well as receive updates from staff on existing projects. This was developed to ensure that SRG members had greater participation opportunities as per the International Association for Public Participation model which is incorporated in the Community Engagement Framework (matrix and policy) adopted by Warringah Council.

IAP2 PUBLIC PARTICIPATION SPECTRUM				
INCREASING LEVEL OF PUBLIC IMPACT				
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.

This solution is aimed at directly addressing the critical issue of SRG members feeling that they make a difference. Moving them up the participation spectrum to involve and collaborate through workshop discussions will increase their input from the previous practice of providing information only agenda items which would only be 'inform', the first step on the spectrum.

A set of internal business rules has also been developed which further detailed that:

- The agenda will include items that will be determined by the Community Engagement Matrix and Policy as this is used at the planning stages of all major projects or service reviews.
- The forward schedule will allow for staff to discuss issues that cross a number of SRGs and schedule joint meetings if necessary.
- The forward schedule would initially be developed by staff, then reviewed and endorsed by SRG members to ensure they feel that they own the agenda.
- The agenda layout will include agenda items to be scheduled consecutively (i.e. presentation of background, workshop discussion then feedback on discussions) in order to build knowledge and awareness of any issue and allow SRG members to be able to make recommendations and have valid input in relation to the subjects discussed.

6. *Revise* the Charters and Guidelines to better reflect the direction of the SRGs

The final solution from the Initiative was a review of the SRG Charters and Guidelines. The original four SRGs were not aligned directly to any of the Key Service areas of Council which caused some confusion internally in relation to what projects should be taken to which SRG and resulted in the SRGs not having a clear direction or specific objectives.

In late 2012 to early 2013 the Community Strategic Plan (CSP) for 2013-2016 was developed by staff with extensive consultation with the community including workshops with the SRGs. The CSP identifies the outcomes for the local area and are divided into six outcome areas. It was considered that in order to be more effective the SRGs should be realigned with the key outcomes of the CSP which is the focus of all projects and activities carried out by Warringah Council.

The proposed SRG format is as follows:

SRG	Outcome Area	Outcomes
No 1	Vibrant Community Our community is enhanced in its cultural life, connections and wellbeing - catering for all generations and needs	1.1 We have the services to promote and deliver health and wellbeing
		1.2 We are safe and protected at home and in public, and we respect each other and the area
		1.3 We support and care for all our community members and provide opportunities to connect and belong
		1.4 We value our heritage and cultural diversity, celebrating together and fostering creativity
	Working Together' Our community actively participates in decision-making; Our leadership and management is responsive, building effective partnerships and planning for the future	6.1 We are effectively represented, can provide our opinion, and contribute to decisions that impact Warringah
		6.2 We trust our politicians and public officers and they demonstrate leadership, transparency, accountability and deliver effective services
		6.3 We participate in effective partnerships and collaboration for now and the future
No 2	Lifestyle and Recreation Our lifestyle is enriched through sport and recreation and outdoor enjoyment in an attractive setting	2.1 We have access to a diverse range of recreational facilities that meet the needs of the community and sporting groups
		2.2 We access attractive parks and natural areas that encourage and support a safe healthy lifestyle
		2.3 We have inviting public spaces that are clean, green and well designed
No 3	Healthy Environment Our natural environment is healthy and well-protected and we strive for a sustainable future	3.1 We value the health of our beaches, foreshores and waterways as natural habitats and for our enjoyment
		3.2 We protect and sustain our diverse bushland as valuable habitats, and provide for a variety of wildlife to flourish and migrate
		3.3 We strive to live and work more sustainably to reduce our ecological footprint
		3.4 We effectively plan for and respond to natural hazards and climate change in a sustainable way
No 4	Connected Transport Our transport connections effectively allow us to get around for living, working and learning within and outside Warringah	4.1 We have an effective interconnected public transport system that is safe, efficient and affordable
		4.2 We use a well-designed and functioning road network, and an available range of travel options
		4.3 We can conveniently access parking near transport hubs and close to urban centres
		4.4 We can safely and conveniently walk or ride around Warringah
	Liveable Neighbourhoods Our growing community's diverse needs are met for living, working and learning in an attractive urban environment	5.1 We have attractive and functional urban and commercial centres that adapt to the needs of residents and business
		5.2 We encourage and support a diversity of businesses that provide a range of services and employment opportunities
		5.3 We offer a variety of housing choice that meets the needs of our community and complements local neighbourhoods and the Warringah lifestyle
		5.4 We have access to a range of local educational and training opportunities that complements the local economy

It is noted that the proposed SRGs have only been identified by a number so far and not given official names. This is so that the new members of the SRG when recruited can decide on the name of their group themselves. It is anticipated that this will create additional ownership of the SRG by the members.

Summary of changes to SRG Charters

The SRG Charters have been simplified with the terms of reference for each group being to “consider, review, contribute to and participate in discussions regarding the current major projects and future directions of Warringah to achieve the long term Community Strategic Plan outcome/s” followed by the details for the CSP outcomes specific to each group.

The only variance to this model is for the No 1 SRG which includes the CSP outcome of Vibrant Community and as such has incorporated the recommendations from staff and Councillors who have been working to review the disbanded Community and Culture SRG and improve its effectiveness moving forward. The recommendations made were that the number of community representatives should be increased to ten (10) members with eight (8) coming from community organisations and two (2) members from the Warringah Youth Advisory Committee. There was also further detail regarding what topics could be considered by the SRG to assist with ensuring the scope of the SRG was not too wide.

Summary of changes to SRG Guidelines

In addition to the proposed alignment to the CSP Outcomes a number of additional changes have been made to the SRG Guidelines:

- Removal of requirement for equal representation of Wards to ensure that the most suitable/experienced community representations are selected irrespective of where they live within Warringah.
- Formal adoption of the staggered term for Councillors and community members. The four (4) year term for Councillors will commence directly after the Local Government Elections and the four (4) year term for community members will commence 12 months later.
- Community members can serve on SRGs for two terms (consecutive or otherwise)
- All SRG meetings will be held on the same night to assist with facilitating joint discussions/meetings and that councillor membership on each SRG will be two (2)
- Clarification regarding “community” for SRG members as being “i.e. neighbours, friends, family, colleagues, group members etc”
- The offer of Chairperson training to encourage good meeting practice to both the Chairperson and Deputy Chairperson
- The meetings are now divided into two parts formal and informal/ workshop style. The formal part of the meeting will consist of items including the adoption (and discussion) of the previous minutes, reviewing any strategic items raised from the CC minutes (including their adoption) and any updates on key projects. The informal parts of the meetings are to consist of workshop style sessions in which strategic topics as agreed with the groups and Council officers will be discussed in a less formal setting.

CONSULTATION

Consultation has taken place throughout the Initiative with both internal stakeholders comprising the Executive Management Team, Group Managers, SRG Liaison Officers and the Governance team as well as all Councillors and SRG members. Regular updates were provided to SRG members at the meetings with numerous opportunities to provide input throughout the Initiative.

Current members of all groups will be notified of the recruitment process to be undertaken and forwarded new application forms should they wish to re-apply.

TIMING

A full recruitment process will be undertaken following adoption of this report, estimated to be completed by late October with the first meeting of the new SRGs being held in December 2013.

FINANCIAL IMPACT

The cost of advertising SRG and CC recruitment has been factored into the 2013/14 financial year budget.

POLICY IMPACT

Once adopted the proposed SRG Guidelines and Charters will take effect and supersede the existing documents. The recruitment process is in line with Council's Policy and procedures, particularly relating to the Appointment of Community and Other Stakeholder Representatives Policy - Council Committees.

ITEM 8.5	COUNCILLOR REQUESTS AND RELATED INFORMATION - MARCH 2013 TO AUGUST 2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/246038
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To report the number and type of Councillor Requests received in the period between 1 March 2013 and 31 August 2013.

SUMMARY

In 2010, Council resolved to receive an ongoing report on the Councillor Requests that have been received within the previous six months. Further to this, Council resolved at the 27 August 2013 Council Meeting to include statistics in relation to Councillor Briefings and Council Meetings as part of this report. This reporting period started on 1 March 2013.

During the period 1 March 2013 and 31 August 2013, 228 Councillor Requests have been received. The breakdown of these requests is outlined in detail in the report that follows.

FINANCIAL IMPACT

These costs have already been incurred.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the report be noted.

REPORT

BACKGROUND
Councillor Requests

During the period 1 March 2013 to 31 August 2013, 227 Councillor Requests have been received. A breakdown of the number of requests during the period of 1 March 2013 and 31 August 2013 by complexity, Councillor, cost per Councillor and estimated staff time can be seen in Table 1 below.

Table 1 – Councillor Requests – March to August 2013

Councillor	Number of Requests	% of Total Requests	Estimated Total Cost (\$)	Estimated Total Staff Hours
Councillor Daley	12	5	3726	57
Councillor De Luca	41	18	12730	196
Councillor Giltinan	8	3	2484	38
Councillor Gobert	8	3	2484	38
Councillor Harrison	29	13	9004	139
Councillor Heins	50	22	15524	239
Councillor Kerr	5	2	1552	24
Councillor Menano-Pires	50	22	15524	239
Councillor Moskal	18	8	5589	86
Mayor Regan	6	3	1863	29
All Councillors	1	1	310	5
Total	228	100	70789	1090

Council Meetings

Council Meetings generally occur on the fourth Tuesday of the month. Between the period 1 March 2013 and 31 August 2013, a total of 8 Council Meetings, two of which have been extraordinary meetings have been held. Table 2 (in part) illustrates attendance at Council Meetings.

Councillor Briefings

Councillor Briefings generally occur on the first and third Tuesday of the month. Between the period 1 March 2013 and 31 August 2013, a total of 14 Councillor Briefings occurred, including three extra briefings of which Councillors were notified. Table 2 (in part) illustrates attendance at Councillor Briefings.

Table 2 – Attendance at Council Meetings and Councillor Briefings – March to August 2013

Councillor	Number of Council Meetings attended (out of a possible 8)	Number of Councillor Briefings attended (out of a possible 14)
Councillor Daley	7	9
Councillor De Luca	8	Nil
Councillor Giltinan	7	Nil
Councillor Gobert	6	5
Councillor Harrison	8	12
Councillor Heins	8	12
Councillor Kerr	6	2
Councillor Menano-Pires	8	9
Councillor Moskal	8	11
Mayor Regan	8	7

TIMING

This reflects Councillor Requests, Council Meeting attendance and Councillor Briefing attendance between 1 March 2013 and 31 August 2013, a period of 6 months.

FINANCIAL IMPACT

These costs have already been incurred.

POLICY IMPACT

Nil

ITEM 8.6	AUSTRALASIAN INDUSTRIAL ECOLOGY CONFERENCE 2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/252569
ATTACHMENTS	1 Program - Australasian Industrial Ecology Conference (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To determine Councillor attendance at the Australasian Industrial Ecology Conference 2013 being held in Parramatta between 16-18 October 2013.

SUMMARY

This is the 4th Australasian Industrial Ecology Conference held and aims to showcase and promote leading examples of initiatives that pioneer the optimisation of material and energy flows within industry. In particular, how organic waste, consumer waste, packaging waste and more can be economically reutilised whilst embodying the ultimate Industrial Ecology goal of 'zero waste'.

FINANCIAL IMPACT

Funds are available in the 2013/2014 budget for councillor attendance at the Australasian Industrial Ecology Conference 2013. Overall cost of attendance including conference registration and travel is estimated at approximately \$1,800.

POLICY IMPACT

Attendance at the conference and payment of expenses accords with Council's Policy GOV-PL 120, Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council authorises Councillor Daley to attend the Australasian Industrial Ecology Conference being held in Parramatta from 16-18 October 2013.

REPORT

BACKGROUND

The aim of the 4th Australasian Industrial Ecology Conference is to showcase and promote leading examples of initiatives that pioneer the optimisation of material and energy flows within industry. In particular, how organic waste, consumer waste, packaging waste and more can be economically reutilised whilst embodying the ultimate Industrial Ecology goal of 'zero waste'.

The conference series promotes the practice of industrial ecology (IE) in Australia generally. Each event provides a stimulating forum in which ideas and opportunities can be presented and discussed. Conference presentations are focussed on practical outcomes and solutions for managing business wastes - not just talking about it but actually doing something about it and simultaneously making/saving money.

Keynote speakers include:

- Sophia Skoda – Manager – Resource Recovery Program, East Bay Municipal Utility District (California, USA)
- Sarah King – Leader – Sustainable Manufacturing, CSIRO

TIMING

The Australasian Industrial Ecology Conference is to be held from 16-18 October, 2013.

POLICY IMPACT

Attendance at the conference and payment of expenses accords with Council's Policy GOV-PL 120, payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

FINANCIAL IMPACT

Funds are available in the 2013/2014 budget for councillor attendance at the conference. The cost of the attendance per person is expected to be approximately \$1800.

This includes:

Registration fee (two day package)	\$1250
Accommodation (2 nights)	\$400
Travel via car (approximately 70 kms return over 2 days)	\$50
Out-of-pocket expenses (including some meals)	\$100
Total	\$1,800

ITEM 8.7	PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2013/252525
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

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:

- A. 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 8.8	NARRABEEN LAGOON CATCHMENT - ABORIGINAL NATIONAL PARK AND STATE PARK OPTIONS
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2013/241228
ATTACHMENTS	1 Gai-Mariagal National Park Proposal Map (Included In Attachments Booklet) 2 State Park Proposal Map (Included In Attachments Booklet) 3 Land Common to Both Proposals Map (Included In Attachments Booklet) 4 Comparison between Gai-Mariagal National Park Proposal and State Park Proposal Map (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To advise Council that staff have received correspondence from the NSW Department of Trade and Investment and the Metropolitan Local Aboriginal Land Council (MLALC) regarding management and tenure options for areas of land within/and around the Narrabeen Lagoon catchment.

SUMMARY

Council has been presented with two independent management and tenure models for parcels of land in and around the Narrabeen Lagoon catchment, including an Aboriginal National Park and a State Park. These management models would be administered by two different state agencies – the Office of Environment and Heritage, and the NSW Department of Trade and Investment (Department of Crown Lands).

This report outlines some of the current functions of the land and some of the differences between the State Park and Aboriginal National Park options/models.

The management of the Narrabeen Lagoon catchment is currently fragmented across multiple land holdings and tenures. The State Park and Aboriginal National Park options are a step towards achieving a consistent and enhanced management outcome for the catchment.

The ultimate decision regarding a potential State Park or Aboriginal National Park is a matter for the State Government and may take a considerable amount of time to resolve. Notwithstanding, as a significant and valued area within Warringah, there is likely to be strong community interest in these proposals. It is therefore proposed that Council staff provide updates to the community about the ongoing progress of both options.

FINANCIAL IMPACT

Unknown at this stage.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Work with the Metropolitan Local Aboriginal Land Council, the NSW Department of Trade and Investment, and their delegates to assist both parties to achieve a sustainable conservation outcome for the Narrabeen Lagoon Catchment and surrounding areas;
 - B. Provide updates to the community about the ongoing progress of the Aboriginal National Park and the State Park options within the Warringah Local Government Area;
 - C. Provide a further report on the preferred option at a later date.
-

REPORT

CORRESPONDENCE

Council has recently received correspondence from Minister Stoner (NSW Department of Trade and Investment) seeking a commitment from Council in regards to the creation of a State Park over lands in and around Narrabeen Lagoon and its catchment.

Council has also received correspondence from and has been in discussions with the MLALC regarding the creation of an Aboriginal National Park. The correspondence seeks in principle support for the creation of the Aboriginal National Park.

BACKGROUND

The Narrabeen Lagoon catchment has high biodiversity, cultural and recreational values. It contains significant environmental and cultural features such as watercourses, rock outcrops, and significant areas of bushland, including fauna habitat. It is of high importance that the health of the lagoon and the broader catchment are conserved into the future.

The catchment is approximately 5500 hectares in size, of which 67% is naturally vegetated or is public open space. This is unique in a largely urban Local Government Area (LGA) such as Warringah. Land ownership (or management tenure) in the catchment has always made the management of the land difficult (including the environment values and recreational access). The catchment is largely owned and managed by three key managers including, Crown Lands, the MLALC, and the Office of Environment and Heritage (Garigal National Park). The land that is subject to this report is that land owned by the Crown Land and the MLALC, Council owned reserves and other Government land.

The Land - Its Current Value and Use

The Aboriginal National Park and State Park options relate to a combined total of approximately 1318 hectares of land largely within the Narrabeen Lagoon catchment, including the Oxford Falls Valley and Narrabeen Lagoon (refer to Attachments 1, 2, 3 and 4). Attachments 1, 2, 3 and 4 are based on mapping information provided by the MLALC and the NSW Department of Trade and Investment.

The area of land is bounded by Garigal National Park to the north, Narrabeen Lagoon to the east and land within Oxford Falls. It also includes one parcel in Frenchs Forest to the south and the proposed 'offset area' associated with the Ralston Avenue Planning Proposal – a residential planning proposal currently under assessment.

The land is recognised as being a unique landscape within Warringah that is highly valued by the community. Narrabeen Lagoon is the largest lagoon within the Sydney region, and provides an array of recreational opportunities, including swimming, canoeing and fishing. The broader catchment, including the Oxford Falls Valley, is largely undeveloped and contains large areas of remnant natural vegetation which is recognised for its own intrinsic value, as well as contributing to the health of Narrabeen Lagoon.

The Narrabeen Lagoon is used by a variety of stakeholders throughout the Northern Beaches and is a regional asset, visited by people from outside of the area. The lagoon is largely used for recreation, but also provides some commercial opportunities associated with recreation, such as paddle boat hire and adjoining cafes and restaurants, which contribute to the economic development of the area.

Currently community members are accessing some land within the Narrabeen Lagoon catchment without the permission of land owners. In instances where access is granted to public or private land, it is largely unregulated, no fees are charged and there is no opportunity to raise revenue to

offset the costs of management. In addition, in some instances this unregulated and unmanaged access is causing damage to the environmental and cultural values of the land.

Conservation Options

The two conservation options being considered for the Narrabeen Lagoon Catchment are:

1. Aboriginal National Park, approximately 952 hectares of land – shown on map at Attachment 1
2. State Park, approximately 725 hectares of land – shown on map at Attachment 2

Both options provide a conservation outcome for the region whilst balancing the public use and enjoyment of the land.

Land Common to Both Proposals

The MLALC's Aboriginal National Park option covers almost 1000 hectares of land within the Warringah LGA. The option includes land owned by the MLALC and Crown land under claim. It also proposes to include approximately 39 hectares of Council owned reserves and other Government land. To date, Council has not received a formal request from MLALC to transfer any Council owned land.

The State Park option covers approximately 725 hectares in and around Narrabeen Lagoon and its catchment. The distinguishing geographical feature of the State Park option is its application to important recreational land along the foreshores of Narrabeen Lagoon.

The State Park and Aboriginal National Park options include 359 hectares of land that is common to both (Attachment 3). This land is currently owned by the Crown Lands, but is under claim by the MLALC; the success of the land claim/s is yet to be determined.

What is an Aboriginal National Park?

The *Aboriginal Land Rights Act 1983* (ALR Act) acknowledges that the State of New South Wales (NSW) was traditionally owned and occupied by Aboriginal people and that the land is of spiritual, social, cultural and economic importance to Aboriginal people.

An Aboriginal Land Council such as the MLALC may lodge a claim over Crown Land within NSW and be granted ownership of the land under the ALR Act (Aboriginal Land).

An Aboriginal National Park is the common name given to Aboriginal Land that is leased to the Minister for the Environment and reserved as a national park under Part 4A of the *National Parks and Wildlife Act 1974* (NPW Act). If successful with their application, the MLALC intends to name the area Gai-Mariagal National Park.

What is a State Park?

The *Crown Lands Act 1989* (CL Act) allows for the reservation or dedication of Crown reserves, managed for the public interest of the people of NSW. The attributes and purpose of Crown reserves differ, but they often have important environment, cultural or recreational values. Ultimately, Crown reserves are managed by a reserve trust, this trust can be managed by Council, the Crown, the community, or a combination of these. Council manages many Crown reserves including Manly Dam War Memorial Park and Griffith Park.

A State Park is the common name given to Crown reserves with exemplary recreational or environmental values.

Like Crown reserves, objectives for the management of State Parks are broad and not limited to conservation or cultural outcomes - they allow for a wide variety of recreational and commercial

uses. They are often governed through an adopted plan of management, developed in consultation with the community.

What are the key differences between the Aboriginal National Park and State Park options?

Table 1.1 below provides an overview of some key differences between a State Park and an Aboriginal National Park:

Aboriginal National Park	State Park
Managed under the NPW Act	Managed under the CL Act
The land is owned by the MLALC	Applies to Crown Reserves, which are owned by the Crown
Identification and protection of outstanding or representative ecosystems, natural or cultural features, landscapes or phenomena	Allows for a range of uses, including conservation and recreational use
To allow for public appreciation	Multiple uses including the protection of environmental values
Sustainable tourist and visitor use	Commercial uses may be supported to provide opportunities for sustainable visitor use and enjoyment

Planning Issues

There are a range of planning issues and matters to be considered in the assessment of the merits of each of these proposals.

It is important to note that with respect to either option Warringah Council is not the decision maker and that this responsibility rests with the State Government. However as a key stakeholder it is anticipated that Council will be consulted and will provide information of relevance to the land that will assist both parties with the progress of their proposals. For example Council holds significant information regarding the characteristics of the land including spatial information and natural environment data.

Oxford Falls Valley and Belrose North Strategic Review (Strategic Land Review)

The main objective of the Strategic Review is to bring all deferred land into one Warringah Local Environmental Plan 2011 (WLEP2011). At present Council operates under two Local Environment Plans, which is very resource inefficient.

The Strategic Review covers some of the land subject to the Aboriginal National Park and State Park proposals. The Strategic Review will not affect any future decision to prepare a planning proposal to rezone land reflective of an agreed Aboriginal National Park and/or State Park. As such the Strategic Review project is continuing on Department of Planning and Infrastructure's agreed timeline with Council.

Keeping the Community Informed

Given the importance of the land to the community and the level of stakeholder interests in the land, the community must be kept informed. In response it is recommended that Council make available regular updates to the community about the progress of the Aboriginal National Park and State Park applications.

TIMING

The timing of an Aboriginal National Park application and/or a State Park application is unknown.

FINANCIAL IMPACT

Unknown at this stage.

POLICY IMPACT

Nil

ITEM 8.9	WHEELCHAIR ACCESS WALKWAY FROM DEE WHY TO LONG REEF - UPDATE REPORT
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/222801
ATTACHMENTS	1 Proposed Wheelchair Access Walkway - Dee Why to Long Reef - Maps (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

This update report is in response to Council Resolution 121/13, and reports on options for improving wheel chair access in areas of Long Reef Headland and Griffith Park down to Dee Why Lagoon, together with an action plan for investigating a walkway from Dee Why Surf Club to Dee Why Lagoon.

SUMMARY

Further Investigations have confirmed that improved wheelchair access can be provided in areas of Long Reef Headland and Griffith Park, through better walkway surfaces and safer separated pathways. However, due to local topography constraints, the existing and improved pathways will not meet wheelchair accessibility standards under AS 2126 – Walking Tracks, i.e. the requirement that someone in a wheelchair would be able to independently move around the entire track.

The works around the Long Reef Headland section are relatively straightforward, and could commence in 2014/15 subject to funding being made available. The southern trail works around the Long Reef Beach car park are more complex and will require further design and environmental approvals. Additional options are possible: to close the walkway loop around Griffith Park; to provide additional boardwalks to reduce some of the gradient issues; and to provide access to new viewing points. The funding required for the basic trail works is \$953,000 with an additional \$1,092,200 required for all of the optional improvements.

An action plan has also been developed, based on a phased approach, to develop a walkway from Dee Why Surf Club to Dee Why Lagoon. Phase 1 of this process, which is expected to take 12 months and require \$190,000 in funding, involves the development of a route options report, with Council then adopting a preferred route.

FINANCIAL IMPACT

The Council funding required for the implementation of the base case upgrade of the Long Reef Headland and Griffith Park trail sections is \$953,000 (based on the assumption that a grant application of \$100,000 from the Regional Development Australia Fund is successful).

The Council funding required for the Phase 1 of the Dee Why Surf Club to Dee Why Lagoon trail development action plan is \$190,000.

POLICY IMPACT

The proposed walkway upgrades will need to comply with the relevant Plans of Management, as well as other environmental and coastal regulations.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. Council adopts the general alignment of the proposed wheelchair access walkway through Long Reef Headland and Griffith Park, including the optional additional boardwalks, viewing platforms and pathways (subject to funding).
 - B. Funding contributions for this project are sought from grant funding bodies and available external sources.
 - C. The balance of funding requirements for the Long Reef Headland and Griffith Park trail sections, and for Phase 1 of the Dee Why Surf Club to Dee Why Lagoon trail are considered in future capital works budgets.
-

REPORT

BACKGROUND

This update report is in response to Council Resolution 121/13, which is related to the report entitled "Wheelchair access walkway from Dee Why to Long Reef" submitted to Council at its meeting on 28 May 2013.

This report commented on the generally feasibility of a fully wheelchair accessible walkway around Long Reef Headland through to the Dee Why Surf Club. The cost for the complete track was estimated to be \$6.5 million, of which \$860,000 was included for the Long Reef Headland and Griffith Park sections. The report also advised that the local topography of the area generally prevents a walkway meeting the required wheelchair accessible standards, i.e. that gradients of 1:20 are not exceeded.

The Council resolution stated:

That staff prepare a further short report within 3 months outlining:

- A. *Project costings, permissibility and funding options for upgrading areas of Long Reef Headland and Griffith Park to improve access for wheelchairs (motorised and/or manual) to Dee Why Lagoon;*
- B. *An action plan and costings for investigating a walkway from Dee Why Surf Club and the entrance to Dee Why Lagoon.*

Long Reef Headland & Griffith Park Section

Track design

The **Long Reef Headland section** (see Attachment 1) from Fisherman's Beach to Long Reef Beach has gradients that exceed the required 1:20 grades. However it is possible to improve this section of the walkway by constructing;

- a new pathway from Fisherman's Beach to the Long Reef Headland car park, on the golf course side of the road (C2);
- a designated shared car park / pathway zone in the Long Reef Headland car park (subject to a thorough risk assessment – otherwise an adjacent pathway may need to be constructed); and
- new sections of additional concrete paving to replace the current sandstone surfaces (C3, C4 and C8).

These upgrades would provide improved wheelchair access with better walkway surfaces and safer separated pathways, while exceeding the required minimum gradients in some sections. These works are relatively straightforward and do not require significant environmental approvals.

The **southern paths** (see Attachment 1) connecting Long Reef Beach car park to the existing tracks on the western and seaward side of Griffith Park also pose significant gradient constraints. The proposed new improvement works include:

- replacing the very steep section where the track from the headland enters the Long Reef car park reserve (C5);
- upgrading the existing boardwalk joining the headland and western tracks (B2);
- constructing a new walkway from Pittwater Road to the western track, to replace the existing informal path (C9); and

- constructing a new pathway on the seaward side of the Long Reef car park, down towards the Dee Why Lagoon (C6). This path will require the removal of a small number of car park spaces, so the path can clear the existing building.

These upgrades would also provide improved wheelchair access with better walkway surfaces and safer separated pathways, while exceeding the required minimum gradients in some sections. However these works are more complex, will require further design and environmental approvals, and would require a longer project delivery timeline.

There are also a number of **options** (see Attachment 1) to further improve the walking track to close the loop of Griffith Park, with additional boardwalks to reduce some of the gradient issues, and to provide access to new viewing points. These optional works include constructing:

- a new pathway on the southern side of Anzac Avenue (C1);
- a new low level boardwalk into the Long Reef Beach Car Park reserve (B1); and
- two new viewing points (VP 1 & VP2).

Permissibility

The State Environmental Planning Policy (SEPP)(Infrastructure) provides the permissibility pathway for Council to proceed with the construction of this section of the proposed walkway upgrades, provided the project meets the specified requirements including minimal environmental impact.

The Griffith Park Plan of Management covers this section of the proposed walkway, and supports its development, with a management strategy that seeks to *“Improve quality of public access, recreational linkages and pedestrian circulation, providing an integrated system of pathways, interpretive/ directional signage, landscaping and recreational facilities”*.

A Review of Environmental Factors report will be required to satisfy the requirements of the Environmental Planning and Assessment Act 1979, and the SEPP. A Fauna and Flora assessment and supporting specialised reports will also be required.

Costing and Funding Options

The cost estimates and funding options for the trail sections discussed above are based on currently available information, and are subject to confirmation at the project delivery stage. Details are shown below:

Trail Section	Cost (Funded)	Cost (not Funded)	Total cost
Long Reef Headland	\$100,000	\$272,520	\$372,520
Southern Pathways	0	\$349,700	\$349,700
Signage, environmental assessments, and project management	0	\$163,300	\$193,300
Contingency	0	\$137,780	\$137,780
Total	\$100,000	\$953,000	\$1,053,000

Trail Section	Cost (Funded)	Cost (not Funded)	Total cost
Anzac Avenue option	0	\$ 90,000	\$ 90,000
Optional boardwalks and viewing platforms	0	\$1,002,200	\$1,002,200

The funding requirement shown above is based on the grant application to the Regional Development Australia Fund being awarded, and available in the 2014/15 financial year. The balance of funding requirements will be required from further grant applications and Council sources.

Dee Why Surf Club To Dee Why Lagoon Section

This section of the proposed walkway is more complex, with a number of issues to be resolved, including environmental assessments and permissibility, the impact of the Dee Why Lagoon Wildlife Refuge Plan of Management, construction concerns, and government agency responses.

It should be noted that in 2005 Council prepared and lodged a Development Application 2005/0900 (DA) for the construction of a concrete pathway and boardwalks along the seaward edge of the Dee Why Lagoon, around the back of the dunes. This DA was referred to the Independent Hearing and Assessment Panel (IHAP) who recommended deferral of the application, due to a number of insufficient assessments. Council subsequently withdrew the application, and did not proceed.

Action Plan

Due to the complexity of this section of the walkway, and the history of the previous application, a phased approach is proposed. This would include:

- Phase 1 - The preparation of a route options report, with the development of preliminary designs, environmental assessments, confirm permissibility and approvals, costing, and time line.
- Phase 1 - Community consultation and feedback on the draft route options report.
- Phase 1 - Council adopts a preferred option, based on the route options report.
- Phase 2 - Preparation of detailed designs and completion of approval requirements.
- Phase 2 - Community consultation and feedback on the walkway detailed design.
- Phase 2 - Council approval of the walkway detailed design.
- Phase 3 - Procurement and construction.

This approach would allow the project to be fully investigated, and to be implemented with community support in an environmentally sustainable manner.

Costing

The estimated costs and project durations for the implementation of this section of the trail project are:

Action	Estimated Cost	Timing
Engage Landscape architect to prepare and draft options report	\$50,000	8 months
Engage Ecological consultants to undertake assessments	\$30,000	Included
Confirm permissibility and approvals	\$ 20,000	Included
Community Consultation	\$10,000	3 months
Council report	0	1 month
Project Management and contingency	\$80,000	Included
Sub total - Phase 1 – Options Report	\$190,000	12 months
Phase 2 Detailed design and approvals	\$150,000	6 months
Community Consultation	\$10,000	2 months
Council report		1 month
Project Management and contingency	\$80,000	Included
Sub total - Phase 2 - Detailed design and approvals	\$240,000	9 months
Phase 3 – Procurement and Construction – <i>Estimated but dependent on Phases 1 & 2</i>	\$1,000,000	12 months

The cost estimates above are based on currently available information, and are subject to confirmation at the project delivery stage.

CONSULTATION

This report is based on discussions within Council, and an internal review of relevant documentation. To-date, discussions on the project have not been held with external parties such as government agencies and community groups.

TIMING

The Long Reef Headland and Griffith Park upgrades could be implemented in the 2014/15 financial year, subject to the availability of funding.

Similarly Phase 1 of the Dee Why Surf Club to Dee Why Lagoon section could also be implemented in the 2014/15 year.

FINANCIAL IMPACT

The Council funding required for the implementation of the base case upgrade of the Long Reef Headland and Griffith Park trail sections is \$953,000 (based on the assumption that a grant application of \$100,000 from the Regional Development Australia Fund is successful).

The Council funding required for the Phase 1 of the Dee Why Surf Club to Dee Why Lagoon trail development action plan is \$190,000.

POLICY IMPACT

The proposed walkway upgrades will need to comply with the relevant Plans of Management, as well as other environmental and coastal regulations.

ITEM 8.10	ADOPTION OF THE MANLY LAGOON FLOOD STUDY
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/244039
ATTACHMENTS	1 Manly Lagoon Flood Study - Final Report - August 2013 (Included In Attachments Booklet) 2 Manly Lagoon Flood Study - Mapping Compendium - Final - August 2013 (Included In Attachments Booklet) 3 Manly Lagoon Flood Study - Flood Planning Level - Warringah Council - Final Report - August 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek adoption of the Manly Lagoon Flood Study.

SUMMARY

The Manly Lagoon Flood Study has been prepared for Warringah and Manly Councils to define the existing flood behaviour in the Manly Lagoon catchment, and to establish the basis for subsequent floodplain management activities. It updates previous studies on the Lagoon including the Manly Lagoon Flood Study (PWD, 1992) and also considers land use changes, the influence of Manly Lagoon entrance management, as well as the potential influence of climate change.

The Flood Study has shown that 1910 Warringah properties are located within the Flood Planning Area, and an additional 772 Warringah properties within the Probable Maximum Flood extent.

The draft Flood Study was approved for public exhibition at Warringah Council's meeting of 23 April 2013. During the public exhibition, letters and information brochures were sent to approximately 3,400 properties, 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 66 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. As this is a joint project, a similar report was presented to Manly Council at its meeting of 2 September 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 Manly Lagoon Flood Study Final Report (August 2013).
 - B. Amend the relevant Section 149(2) planning certificates for properties identified in the Flood Study as being lower than the Probable Maximum Flood (PMF) extent.
-

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 Manly Councils.

Warringah Council commissioned BMT WBM Pty Ltd to undertake the Manly Lagoon Flood Study in February 2011 on behalf of Warringah and Manly Councils. This study defines the existing flood behaviour in the Manly 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 Manly Lagoon Flood Study

2.1 Catchment Description

The Manly Lagoon catchment is situated on the southern boundary of the Warringah LGA bordering on the Manly LGA. It occupies a total area of approximately 18km², extending from Frenchs Forest and flowing generally south-east to the entrance to the Tasman Sea via Manly Lagoon. A map of the Study Area is shown in Figure 1.

2.2 Comparison with previous 1992 Manly Lagoon Flood Study

This study updates previous studies on the Lagoon including the Manly Lagoon Flood Study (PWD, 1992) and studies of individual tributary streams, providing a holistic assessment of flooding within the catchment. It also incorporates the full Manly Lagoon catchment area (as opposed to the 1992 study which only covered the lagoon area), and considers the potential impacts of climate change on flood risk within the catchment.

The variation in peak flood levels between the current study and the 1992 flood study 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.

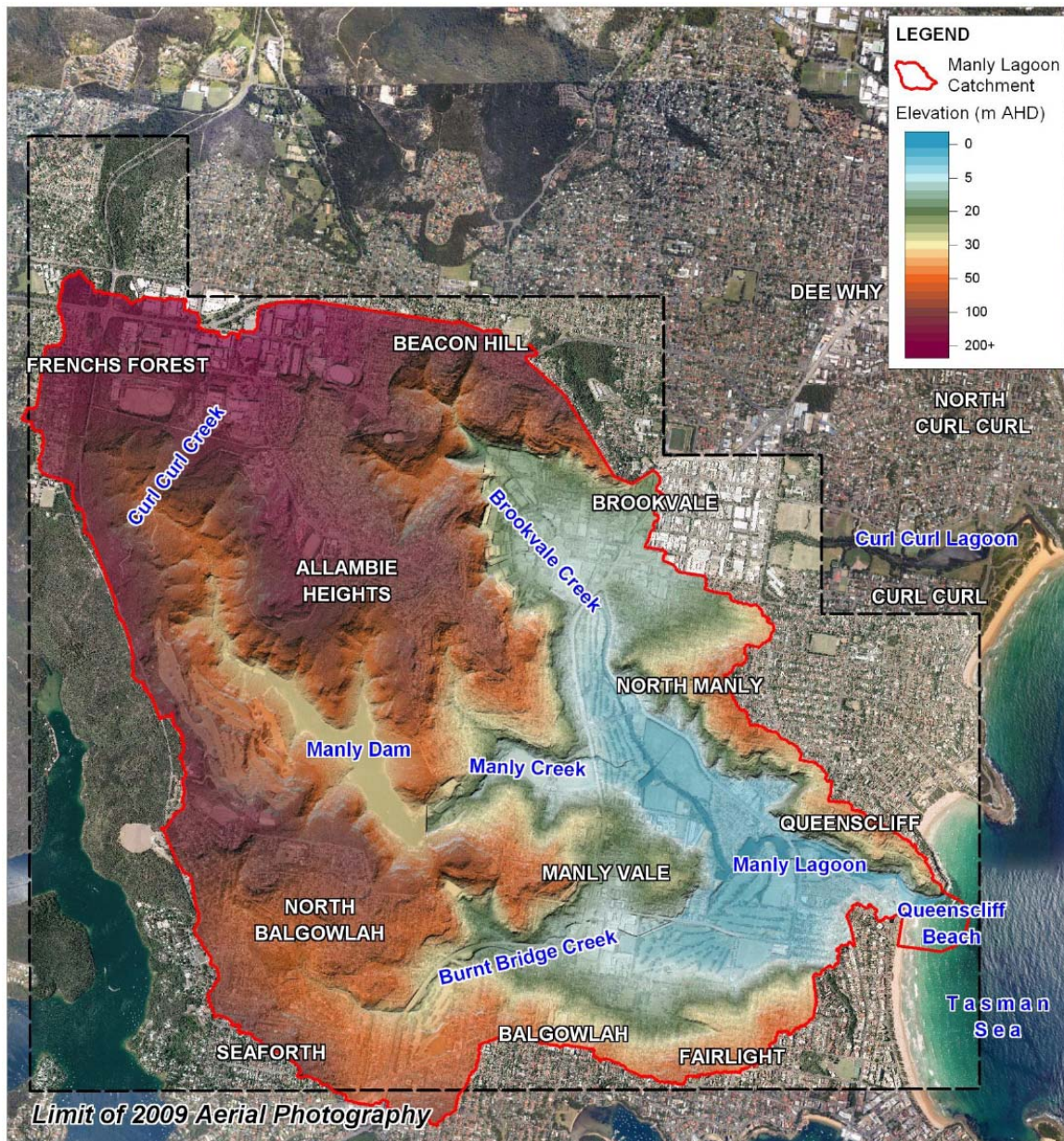


Figure 1: Manly Lagoon Study Area

2.3 Model Results

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

As an additional quality assurance measure of the draft Flood Study a peer review was undertaken by a flood specialist from the University of New South Wales, Water Research Laboratory. The peer review highlighted only minor points which were addressed in the final Flood Study Report.

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 Manly 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).

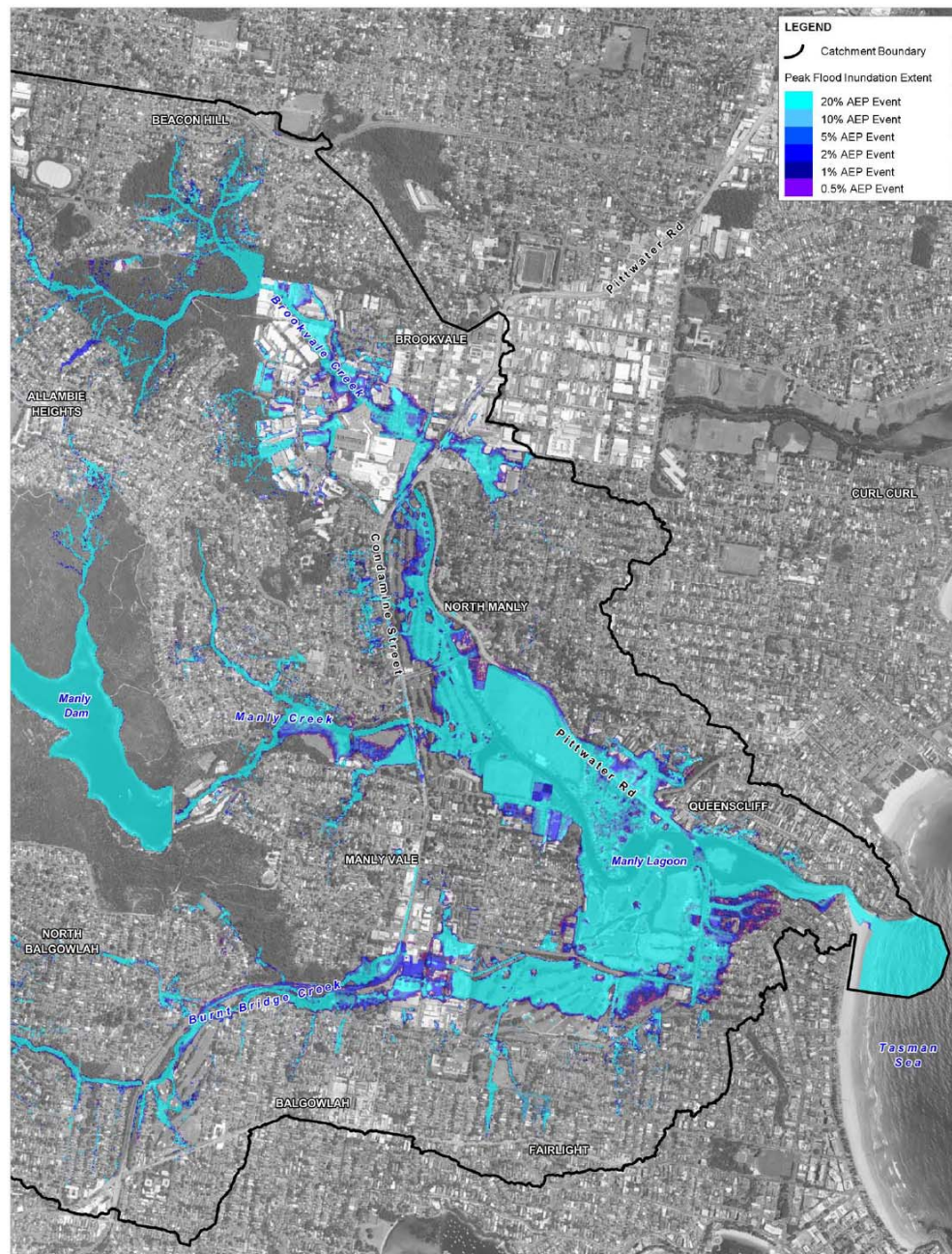


Figure 2: Manly Lagoon Catchment Flood Extents

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 Manly Lagoon.

The impacts of climate change have been investigated in this flood study and will be further considered in the upcoming Floodplain Risk Management Study. The key potential influences on flood behaviour incorporated in the assessment include:

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

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 previous flood study for Manly Lagoon focussed on flooding on the Lagoon floodplain (i.e. only part of the catchment) and identified approximately 1,200 properties subject to flooding by the Flood Planning Level extent (1 in 100 year flood level plus 0.5m freeboard). The current study assesses flooding in the whole Manly Lagoon catchment and identifies 2,460 properties subject to flooding by the Flood Planning Level extent – 1910 in Warringah and 550 in Manly. The majority of the 1,260 additional properties identified as flood affected are located in the upper catchment, which was not included in the 1992 Manly Lagoon Flood Study.
- The flood levels from this flood study are slightly higher than those previously adopted for the 1992 Manly Lagoon Flood Study. The main reasons for this difference include more advanced models and calibration data, better understanding of entrance conditions, improved survey and changes in land use.
- Longer duration rain events (6 - 9 hours) typically provide for the worst case flooding conditions in Manly Lagoon. With the Lagoon water body providing storage for flood waters, longer rain events are required to generate sufficient flood volumes from the catchment to raise Lagoon water levels. In the lower reaches of all the tributaries, flooding is dominated by the Lagoon level. The peak flood level in the Lagoon extends a significant distance up the tributary channels. In the upper reaches of the tributary catchments, shorter, more intense rainfall events produce worse flooding conditions.
- The rise in flood water levels can be relatively fast from the catchment's response to rainfall. The main period of rise in Lagoon water level can occur over a few hours. The April 1998 flood event (used for model calibration in the current study) is an example of such a response in the catchment. Flood levels in the tributary catchments may also rise significantly faster owing to the flash flooding nature of the smaller creeks. This potentially rapid inundation has implications for flood warning and emergency response, particularly in flood situations where property and access roads may be quickly inundated.
- Peak flood water levels are expected to progressively increase as the impacts of climate change are felt. For the Manly 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 lagoon entrance sand berm and higher initial water levels in the lagoon. Effective land use planning and development policies will be required to ensure future flood risks are not exacerbated with climate change impacts.
- There are a number of areas within the Manly Lagoon catchment which represent the most significant flood risk exposure to existing property. The areas most subject to flooding are the low lying areas on the floodplain surrounding Manly Lagoon; these areas include the foreshore areas of the Lagoon around Riverview Parade. Much of the lower floodplain area is however occupied by park lands / golf courses such that flood risk exposure of existing property is limited. Elsewhere, the Warringah Mall and Manly Vale industrial precincts are located on Brookvale Creek and Burnt Bridge Creek respectively. When drainage system capacities in these areas are exceeded, there is potential for overland flow through these areas.

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.

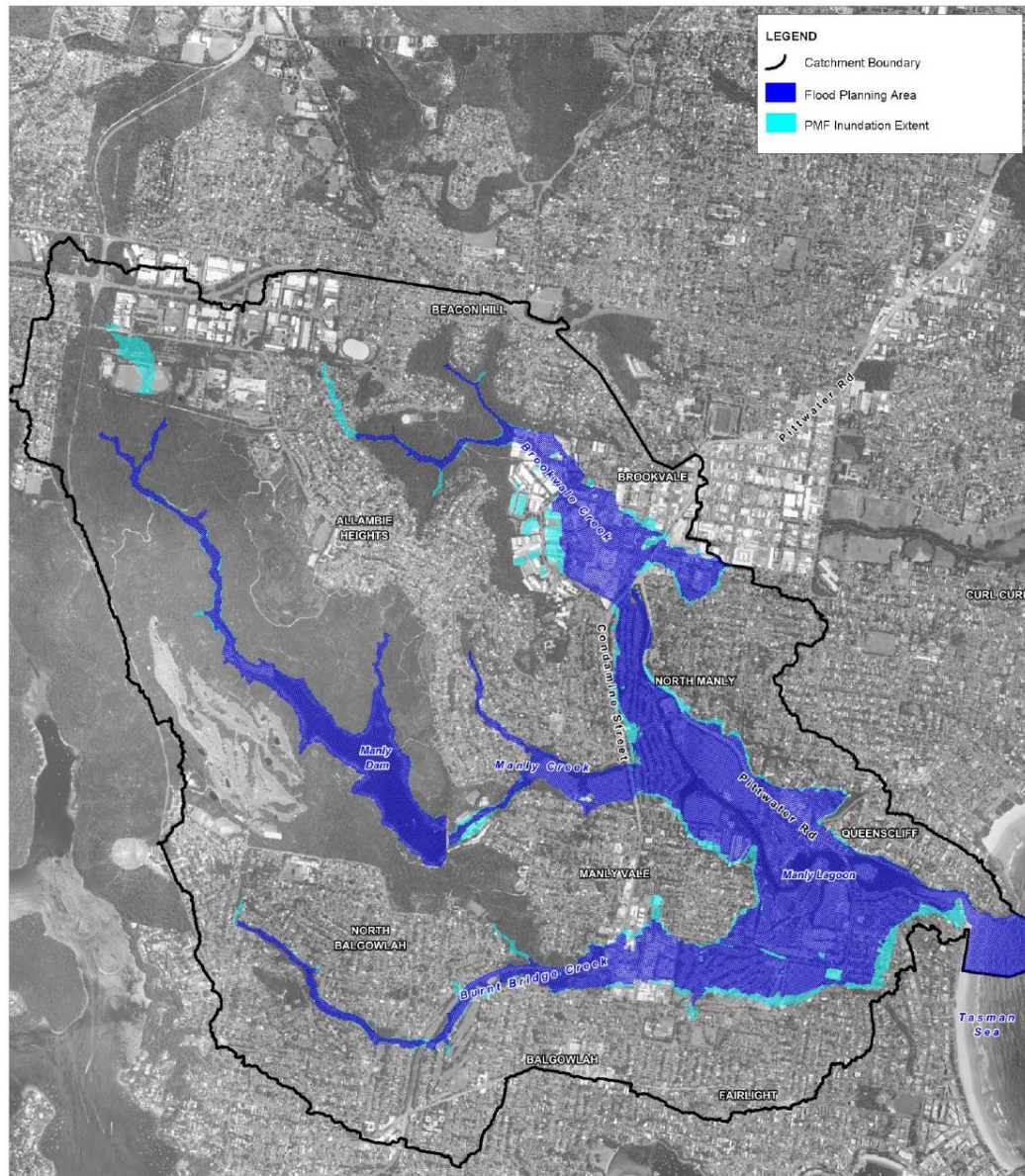


Figure 3: Flood Planning Area (FPA) and Probable Maximum Flood (PMF) Inundation Extent

Certificates 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. This includes 1910 Warringah properties. An additional 772 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 development controls apply (but for non-residential development only). Many of the certificates for these properties are already tagged, based on previous flood studies. 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 080/13, public exhibition of the Manly Lagoon Flood Study took place from 1 May to 29 May 2013. 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 extent of the Probable Maximum Flood 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 available in 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.

Warringah and Manly Councils each posted the brochure with their own letter to residents and property owners. There were 2682 properties in Warringah affected up to the PMF, and 699 properties in Manly. The letter advised whether the property was within the FPL extent, or between the FPL 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 77 individual appointments were held across the four days of information sessions. 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. Many of the attendees also provided formal submissions to the Public Exhibition of the Draft Report.

A total of 66 submissions were received by both councils during the public exhibition, with the distribution within the catchment area shown in Figure 4. Shown for reference is the draft FPA and PMF extents. Note that the draft extents were placed on public exhibition, but have since been revised after the consultant's review in response to community feedback during the public exhibition. Many of the residents who made submissions are no longer flood affected, particularly in the North Balgowlah area.

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. The principal concern of many landowners was the inclusion of their properties within the defined FPA or PMF extent, and the potential impact on planning certificates, property value and insurance premiums.

3.1 Mapping

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

- There was some misunderstanding about the study being a catchment wide flood study, which therefore included tributaries as well as the lower Manly Lagoon water body. This was particularly the case for some residents along the smaller upper tributaries who did not associate local stream flooding with flooding in the broader Lagoon area.
- Further to the above, this is the first time that detailed flood mapping has been undertaken along some of the upper tributaries. Accordingly, there are significant areas included in the

current study that extend beyond the previously mapped areas which were based on the previous 1992 Manly Lagoon Flood Study.

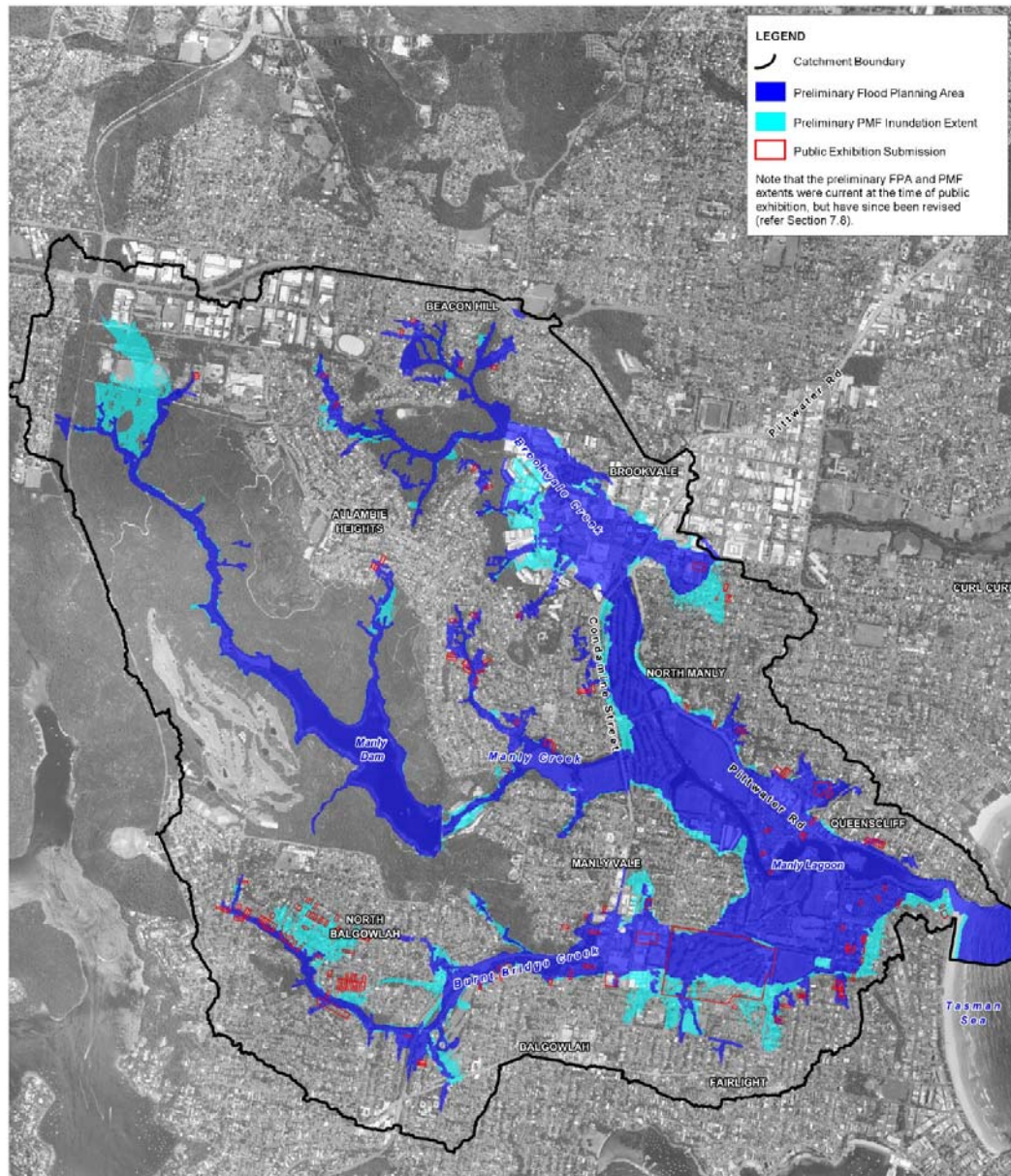


Figure 4: Distribution of Public Exhibition Submissions

- The concept of Probable Maximum Flood proved somewhat difficult, however this is not uncommon as it relates to an extreme event in comparison 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”.
- Similar to the misconception between tributary and Lagoon flooding, there was some confusion about the difference between overland and mainstream flooding. The draft flood study included mapping of major overland flow paths in the catchment, which in most cases are separate to the mainstream and Lagoon flooding areas. Many residents were surprised their property was subject to flood risk considering the distance to the mainstream channel alignment.

- There was some misunderstanding between lot and building footprint in terms of flood affectation. A number of owners of lots towards the edge of the FPA, and therefore identified as flood prone, noted that their building was actually located outside the FPA, and was not at risk of flooding. It was explained that development applications were subject to merit assessment on an individual basis according to the actual proposal. If a lot was identified as flood prone but the proposed residential development was outside the FPA, then flood-related planning controls would not apply.

In addressing the concerns of landowners in relation to the flood mapping, further consideration was given to the flood severity and risk both on a catchment wide and property basis, as well as the resolution of the computer modelling. The FPA and PMF extents were revised, resulting in some lower risk properties being filtered out in the mapping of the final flood planning extents.

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 Manly Lagoon Catchment, through appropriate land use planning, evacuation procedures, community education and flood mitigation works.

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.

FINANCIAL IMPACT

Nil

POLICY IMPACT

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

ITEM 8.11	NOTES ON THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 25 JULY 2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/230723
ATTACHMENTS	1 Draft Notes - Manly Lagoon Catchment Coordinating Held 25 July 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report the Notes of the meeting of the Manly Lagoon Catchment Coordinating Committee held on 25 July 2013.

SUMMARY

Councillor Heins chaired the Manly Lagoon Catchment Coordinating Committee meeting and represented Warringah Council at the meeting on 25 July 2013.

In accordance with the Terms of Reference of this Committee a quorum could not be reached in the absence of a Councillor from Manly Council or their nominated representative. The meeting took place but no actions could be voted on or moved and only Notes were produced.

The key items discussed at this meeting held on 25 July were:

- Manly Dam water releases
- Grant investigations for restoration of Manly Creek
- Draft Manly Lagoon Flood Study
- Draft Memorandum of Understanding (MoU) for the Joint Management of Manly Lagoon and its Catchment
- Dredging/Clearing the Mouth of Manly Lagoon at Somerville Bridge
- Sediment Build up in Brookvale and Manly Creeks
- Burnt Bridge Creek Update and WSUD Development Controls
- Sydney Water Report

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the notes of the Manly Lagoon Catchment Coordinating Committee meeting held on 25 July 2013 be noted.

REPORT

BACKGROUND

The main function of the Manly Lagoon Catchment Coordinating Committee (MLCCC) is as an advisory body to both Warringah and Manly Councils on matters concerning the management of Manly Lagoon and its catchment. Membership of the Committee comprises representatives from the elected Councils of Warringah and Manly, local community, State Government and Council Officers. Meetings are held quarterly.

Councillor Heins chaired the meeting and represented Warringah Council at the meeting on 25 July 2013.

Due to the absence of a Councillor from Manly Council or their nominated representative, a quorum could not be reached, however the meeting continued but only Notes have been prepared. These and the presentations are provided in Attachment 1.

The key issues discussed at this meeting are summarised below.

KEY ISSUES**Manly Dam Water releases**

Mr Turnbull advised the Committee that improvements have been made to the process, and Council is confident that future flooding incidents due to dam releases while blockages occur at the low flow pipes have been overcome.

Grant investigations for restoration of Manly Creek

Mr Turnbull asked the Committee whether they had received the Sydney Coastal Councils guide to funding opportunities for the 2013/14 year. The majority of committee members had, and the link has been re-sent to those that had not.

Draft Manly Lagoon Flood Study

Mr Howley advised there had been a significant number of public submissions and these were being addressed as appropriate. He advised that the draft Flood Study would be sent out to this Committee prior to being submitted to Council for adoption. The Committee was also informed that lagoon entrance conditions and Manly Dam releases are considered in the model.

Draft Memorandum of Understanding (MoU) for the Joint Management of Manly Lagoon and its Catchment

Mr Ruszczyk informed the Committee that the updated MoU has been signed off by both Councils.

Warringah Council has now secured a five year permit from NSW Fisheries allowing for emergency clearance works should the low flow pipes become blocked with kelp.

Dredging/Clearing the Mouth of Manly Lagoon at Somerville Bridge

Mr Roberts raised his concerns regarding the amount of sand under and to the west of Stuart Somerville Bridge.

In response, Mr Galloway spoke to a comparison of historic aerial photos (1930 to present) which illustrated that the sand tongue has been present to roughly the same extent as it is today since at least 1930 (see Attachment 1).

Mr Galloway also tabled two academic papers with results suggesting entrance clearance works did not lead to any increase in tidal response/flushing and thus did not provide the stated environmental outcomes/benefits.

It was emphasised that the Committee and both Councils should be clear on the objectives, benefits and costs of any future proposed sediment removal. If the objective can only be related to aesthetic benefit rather than environmental outcomes, then the ability to seek additional grant funding from the Office of Environment and Heritage will be severely constrained.

Sediment Build up in Brookvale and Manly Creeks

The issue of sediment build-up and future rehabilitation works in Brookvale and Manly Creeks was raised in a letter from Minister Baird (see attachment 1).

Mr Turnbull noted the comparison of Brookvale and Manly Creeks with respect to recent works undertaken in Burnt Bridge Creek, and discussed the geographical location of Burnt Bridge Creek and Manly Lagoon as adjoining two Local Government Areas. This situation makes them eligible for significant State Government grant contributions that enabled recent restoration works. Neither Manly nor Brookvale Creek are in this position, however Council is willing to undertake further creek restoration works should State Government funding become available.

In addition to ongoing maintenance works in these areas, Mr Turnbull advised the Committee that Warringah Council applied for grant funding in March 2013 from the Sustainable Environment stream of the Caring for our Country program. If successful, components of the proposed grant funded project include bank stabilisation works on Brookvale Creek (adjacent to the 6th Hole site of Warringah Golf Course), and general weed control contracts for both creeks.

Burnt Bridge Creek Update and WSUD Development Controls

Mr Galloway discussed the successful works completed at Manly West Park sediment basin (removal of 354.9 tonnes of sediment from lower Burnt Bridge Creek), and the proposed removal of accumulated sediment (300 tonnes) from upper Burnt Bridge Creek. He also discussed water sensitive urban design development controls in the Manly LEP/DCP 2013.

Sydney Water Report

Sydney Water Community Update for June was noted (see Attachment 1).

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.12	LINKING LANDSCAPES GRANT - JJ MELBOURNE HILLS MEMORIAL RESERVE
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/256107
ATTACHMENTS	1 JJ Melbourne Hills Memorial Reserve Proposed Biobank Site (Included In Attachments Booklet) 2 Biobanking Information - Site Manager (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council's support of the use of the NSW Biobanking and Offset Scheme as a mechanism to manage environmentally significant land within Warringah. To inform Council that a Council grant application to list JJ Melbourne Hills Memorial Reserve as a biobank site has been short listed by the NSW State Government, and seeks Council's resolution to support this application.

SUMMARY

Warringah Council has been short listed for a Linking Landscapes Grant of up to \$1.5 million for the management of JJ Melbourne Hills Memorial Reserve as a 'Biobank' site. If successful, the grant involves the establishment of a permanent conservation agreement between Council and the NSW Office of Environment and Heritage (OEH). The agreement includes in perpetuity funding for environmental management works within bushland at JJ Melbourne Hills Memorial Reserve. Council's approval for the finalisation of a biobank site will be sought prior to execution of required documentation.

FINANCIAL IMPACT

An initial contribution of \$30,000 is required over the first two years. The ongoing management includes works Council currently funds plus additional actions, and as such will be a long-term cost saving to Council. This funding requirement will be met by Council's current budget allocation of \$15,000 per year for bush regeneration on the site.

Also, to demonstrate Council's commitment to setting up the biobank site, a temporary co-contribution of approximately \$25,000 would be required to undertake the initial assessments and site setup. However, this contribution would be refunded upon execution of the formal agreement with OEH and formal registration of the biobank site. This cost, together with costs associated with public consultation and amendment to the existing Plan of Management (PoM), will be accounted for within Council's existing operational budget.

POLICY IMPACT

The establishment of a biobanking site is consistent with the Local Habitat Strategy 2007 and the Bushland Policy ENV-PL 005, but would require minor amendment to the JJ Melbourne Hills Memorial Reserve Plan of Management.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

-
- A. Support the use of the NSW Biobanking and Offset Scheme as a mechanism to manage environmentally significant land within Warringah.
 - B. Work with the NSW Office of Environment and Heritage (OEH) to complete a grant application for the registration of JJ Melbourne Hills Memorial Reserve as a biobank site.
 - C. Note that prior to finalisation of a biobank proposal, a report will be brought back to Council seeking approval for execution.
-

REPORT

BACKGROUND

JJ Melbourne Hills Memorial Reserve is located in the suburb of Terrey Hills on the southern side of Mona Vale Road. The reserve is approximately 44 ha in size, and is contiguous with the Kimbriki Waste and Recycling Facility and Garigal National Park. The bushland areas of JJ Hills are also used for recreation, including archery and horse riding. The site has significant environmental values; containing Duffys Forest endangered ecological community and the threatened *Grevillea caleyi*.

Warringah Council has been short listed for a grant application by the NSW State Government for the management of JJ Melbourne Hills Memorial Reserve as a 'biobank' site. The grant is part of the 'Linking Landscapes' project and has a value of approximately \$1.5 million.

The grant program is being managed by the NSW Office of Environment and Heritage (OEH) and is funded through the NSW Environmental Trust. The majority of the funding allocated from the grant would go into the BioBanking Trust Fund, which is managed by the Environmental Trust with investments through TCorp (the NSW Treasury Corporation).

The Linking Landscapes project is aimed at public land managers willing to manage bushland for conservation. The grants are used to establish a permanent conservation agreement under the NSW Government's BioBanking Scheme where the landowner is paid to protect and manage bushland in perpetuity. BioBanking provides for an ongoing annual payment to the land manager to fund all required bushland management works, with no requirement for a Council co-contribution beyond an initial contribution of \$15,000 per year for two years, which is Council's current budget allocation for this site.

This means the bushland on a biobank site such as JJ Melbourne Hills Memorial Reserve would be managed in-perpetuity with an external source of funding covering all costs above Council's initial contribution of \$30,000 over the first two years. The agreement includes works Council already funds, and as such represents a long-term cost saving to Council. Staff will seek approval from Council prior to the execution and final registration of a biobank site.

Funding provided as part of the grant would be used for biodiversity conservation actions, including bush regeneration, revegetation, weed and pest animal controls, fencing, bushfire management, signage and track maintenance. The establishment of a biobank site does not preclude the current recreational activities identified within the reserve PoM. However it does limit the extent to which these activities can be amended, particularly in terms of intensity of usage.

Benefits of the grant include:

- The provision of up to \$1.5 million for establishment of the biobank site, which is paid into a trust fund which in turn accrues interest. This is called the 'trust fund deposit', and will be held by OEH.
- Ongoing, in perpetuity funding to the value of approximately \$75,000 per year for management of the reserve for conservation purposes. Ongoing funding is enabled as the trust fund deposit accrues interest.
- Facilitation of the implementation of some of the management actions which have been identified within the adopted PoM.
- The in-perpetuity management of the reserve's high conservation values including the endangered plant, *Grevillea caleyi* and the Duffys Forest Endangered Ecological Community.
- Management of the existing wildlife corridor linkage between Garigal and Ku-ring-gai National Parks

- State recognition of Warringah's high biodiversity conservation values
- Long term cost savings. The grant funding covers actions Council already allocates budget towards including bush regeneration, pest species control, fencing and signage. The saving to Council is approximately \$15,000 per year (plus CPI) in perpetuity.

Should Warringah Council's grant application be successful, there is a legal requirement for public exhibition of the proposal including amendments to the JJ Melbourne Hills Memorial Reserve Plan of Management (2010), and associated community consultation.

The disadvantages to Council establishing a biobank site include:

- The need to revise the PoM and associated stakeholder engagement including archery club, horse riders and bike riders
- Possible dissatisfaction with the proposal by current reserve users, including archery club, horse riders and bike riders
- The establishment of a biobank site is in perpetuity and is therefore restrictive to changes in land use, including use by the community or the operational needs of Council
- Council is responsible for the actual implementation of the works required by the biobank site management plan.

Extensive information is available at the NSW Office of Environment and Heritage website, however Attachment Two provides summary background information on the scheme.

CONSULTATION

Consultation is required for the amendments to the PoM and for the finalisation of the Biobanking agreement.

This includes:

- Councillor Briefing on the preparation of the draft PoM, and progress update on the development of the biobanking reports
- Report to Council requesting to exhibit the amended draft PoM
- Mail out to stakeholders advising of the proposed amendment to the PoM and consultation
- Exhibition of the amended draft PoM at Council's website, Civic Centre and Council libraries
- Notification of exhibition and consultation via public notices in the Manly Daily
- An on-site community information session at JJ Melbourne Hills Memorial Reserve Plan of Management
- A public hearing into the categorisation assigned in the draft Plan may be required, as per the requirements of the Local Government Act 1993.
- On-line survey regarding the actions and management direction proposed in the amended draft Plan.
- Email to Council's community engagement contacts register
- Report to Council requesting the adoption of the amended draft PoM
- Councillor Briefing and Report to Council for permission to register the biobank site, on finalisation of the documentation.

TIMING

Notification of successful grant applications is expected late September. Should the grant application be successful, Council will be required to enter into a contractual arrangement committing to amendment of the PoM and preparation of the biobanking reports by 18 October 2013. This includes a commitment to fund half the cost of the report preparation (approximately \$25,000).

Community consultation and adoption of the amended PoM is estimated to take between 7 and 10 months. The formal execution of a biobanking agreement would take place after this date.

FINANCIAL IMPACT

An initial contribution of \$30,000 is required over the first two years. The ongoing management includes works Council currently funds plus additional actions, and as such will be a long-term cost saving to Council. This funding requirement will be met by Council's current budget allocation of \$15,000 per year for bush regeneration on the site.

Also, to demonstrate Council's commitment to setting up the biobank site, a temporary co-contribution of approximately \$25,000 would be required to undertake the initial assessments and site setup. However, this contribution would be refunded upon execution of the formal agreement with OEH and formal registration of the biobank site. This cost, together with costs associated with public consultation and amendment to the existing PoM, will be accounted for within Council's existing operational budget.

POLICY IMPACT

The establishment of a biobanking site is consistent with the Local Habitat Strategy 2007 and the Bushland Policy ENV-PL 005, but would require minor amendment to the JJ Melbourne Hills Memorial Reserve Plan of Management.

ITEM 8.13	REVIEW OF TREE ASSESSMENTS FOR DEVELOPMENT APPLICATIONS
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2013/246176
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement for exhibition of changes to Council's Development Control Plan in relation to the assessment of tree applications.

SUMMARY

At the Council Meeting on 26 March, Council resolved to request that a report on the current Warringah Development Control Plan (WDCP) be provided having regard to the circumstances of a tree falling onto a house in Allambie Heights.

The following report outlines a review of the Warringah Local Environmental Plan (WLEP) and Warringah Development Control Plan (WDCP), associated application forms, the website, tree assessment models, comparison against similar Council's to Warringah and presents options to improve our controls and processes.

It is recommended that the existing provisions in the WDCP be amended to make more trees in Warringah exempt from the application process by, introducing a setback to trees and expanding the exemption species list to facilitate a more sustainable, cost effective and efficient system of private tree management in Warringah.

FINANCIAL IMPACT

It is estimated that the number of applications received for the removal of trees will be reduced by 50% (approximately 300 applications), which will result in a reduction of income of \$33,000.

POLICY IMPACT

No impact to Council's current Policies as the Warringah DCP relates to trees on private land.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council resolve to place on public exhibition the proposed changes to Warringah Development Control Plan as follows:

- A. Amend Part E1 "*Private Property Tree Management*" to introduce a setback to trees of 3 metres, whereby trees within that setback to a building or structure will be exempt from requiring approval.
- B. Amend Appendix 5 "*Species suitable for removal without consent*" to include the 9 additional species listed in this report.
- C. Amend Section A.8 "*Interpretation*" to alter the definition of a "*Tree*" to increase the minimum height of a tree that requires approval from 5 metres to 6 metres.

REPORT

BACKGROUND

On 23 February 2013, a tree which was the subject of a refused Development Application fell and damaged a house on a neighbouring property in Allambie Heights. The incident caused significant stress for the owners of the affected property.

The incident has also triggered the need for a review of the management of trees on private property by Council, which led to the following Council decision on 26 March 2013:

“That this Council resolves to request the General Manager to prepare a report on the application of the DCP for tree removal taking into account the particular circumstances of the case (i.e. the fallen tree at 5 Peronne Parade, Allambie Heights).”

It is standard practice for Council to investigate why the incident happened and look for any improvements in its practices.

Warringah Local Environmental Plan

The preservation of trees in Warringah is embodied in the WLEP 2011 under Clause 5.9 “Preservation of trees or vegetation”, which is a mandatory provision set by the state government for all Council LEPs. This clause specifies that a person must not remove a tree without Council approval. The clause also gives broad scope for Council to manage trees in Warringah via the provisions of the WDCP.

As the provisions of the WLEP cannot be altered, the means by which a change in the regulation of trees in Warringah is achieved by amending the WDCP.

Warringah Development Control Plan

The WDCP is the vehicle through which Council identifies which trees are regulated. This report focuses on Part E1 “*Private Property Tree Management*” of the DCP, however there are other sections dealing with other vegetation such as native vegetation (i.e. threatened species, potential habitat for threatened species, populations and ecological communities, high conservation habitat, wildlife corridors, core areas) and the requirements for lodging development applications.

To amend the WDCP will require the resolution of Council to publicly exhibit the proposed changes and report back to Council the results of the public exhibition process with any further changes. The final adopted changes to the WDCP will be made public and the Department of Planning and Infrastructure notified.

Review of Tree Fall Incident

The incident in Allambie Heights highlighted a number of important questions in relation to how Council regulates the removal of trees on private property in Warringah.

It is important to note that when the tree application was made to remove the Norfolk Island Pine Tree (July 2011), the tree provisions were contained under Council’s Tree Preservation Order and WLEP 2000 contained no specific tree provisions. The refusal of the application was due to insufficient information (evidence of damage and experts report) being submitted.

An independent investigation by an Arborist was commissioned by Council prior to the fallen tree being removed. The Arborist observed that the root conditions of the tree were poor and insufficient to sustain the height and mass of the tree. However, importantly, concluded that these conditions would not have been visually obvious without “conducting further advanced Arboricultural investigations”.

The main issues for discussion arising from the Allambie Heights incident include:

- Are the controls clear and well communicated?
- Are the controls too restrictive?
- Can the controls be refined to provide a better balance between protection of the environment and give adequate rights for residents to make their properties safe?
- How does Council ensure its liability is adequately addressed?
- Can the tree removal process be made more cost and resource effective?

The incident highlighted the need for greater awareness of residents as to their current rights for removing a dangerous tree and what their responsibilities as landowner are in these situations. The incident also highlighted that there is a need to make it easier for residents to have a tree removed.

A review team was set up which comprised representatives from the various business units of Council which deal with trees.

The review identified the following in terms of the requirements for trees in Warringah:

- The tree provisions are difficult to follow.
- The tree provisions therefore could be better communicated to residents via a clear and concise website and other means.
- The tree provisions are restrictive at present and could be relaxed.
- Adequate protection of the environment can be achieved despite a relaxed level of control.
- Given the number of applications lodged for tree removal which are approved, it is clear that there is scope to significantly reduce the number of applications without any significant negative consequences to the character of Warringah. .

Options Investigated for Amending the Warringah Development Control Plan

Four (4) options were chosen based on consultation with the review team and an evaluation of other similar Councils' controls in Sydney. The following discussion briefly outlines the positives and negatives of each option:

OPTION 1 Protect Locally Indigenous Species Only

This option is known as the "Hornsby Model" as it is based on a recent review (2011) of that Council's Tree Preservation Order. This option aims to reduce Council's intervention in the management of trees on private property. The principle is that trees that are indigenous are the crucial part of any vegetation management scheme and should be the priority, with all other trees becoming exempt.

Positives:

1. Reduce the cost and delay in tree management for Council and residents
2. Maintain protection for indigenous trees which promotes biodiversity and habitat for wildlife
3. Significantly reduce the number of applications lodged with Council and reduce staff resources required for tree management.
4. Facilitate the removal of environmental and noxious weeds

Negatives:

1. Difficult to define “Indigenous” and to compile a complete list of locally indigenous tree species
2. Loss of species diversity and creates a potentially vulnerable native-only tree canopy
3. Potential loss of non-indigenous tree canopy, habitat and biomass

Hornsby Council recently decided to change its approach to a more conservative model involving an expanded exempt species list as there was a noticeable reduction in the canopy cover in areas of the Hornsby LGA as a result of larger non-indigenous trees being removed.

This option is not recommended.

OPTION 2 Protect Locally Indigenous Species and native trees in Wildlife Corridors and Core Bushland Areas Only

This is similar to Option 1 but focuses on environmentally significant areas only. Such trees would only be protected inside these areas and all other trees would be exempt.

Positives:

1. Prioritises preservation of trees in higher conservation areas
2. Supports existing DCP controls

Negatives:

1. Trees outside of these areas may still be important habitat
2. Most tree applications are on residential properties not in these areas

This option is not recommended.

OPTION 3 Maintain Existing Provisions

This is the “*Do Nothing*” option and simply maintains the status quo in terms of the controls in the WDCP. Currently, the WDCP protects all trees with the exception of a limited Exempt Species List.

The current WDCP controls result in a high number of Development Applications (681 in 2012-2013), however 93% or 631 of the 681 applications submitted were approved by Council. This highlights that the WDCP generates a regulatory process in which the majority of applications are approved.

This option would not deliver any tangible benefits to both residents and Council and is not recommended.

OPTION 4 Existing Provisions, plus expand the Exempt Species List and Introduce a Setback

The current tree provisions in the WDCP are able to be amended to ensure the needs of residents are enhanced and ensure adequate protection of the environment.

This option has the following elements:

1. Expand the Exempt Species List from 30 to 39 trees. The 9 new trees are highlighted in a draft version of WDCP’s Appendix 5, which is contained in Attachment 1 to this report. These additional species represent a large number of typically problem trees in Warringah which are usually approved for removal as they are invasive and cause damage.

The additional species include:

Alnus jorullensis Evergreen Alder

Archontophoenix alexandrae Alexander Palm

Archontophoenix cunninghamina Bangalow Palm

Eucalyptus nicholii Peppermint Gum

Eucalyptus scoparia Willow Gum

Phoenix canariensis Phoenix Palm

Pittosporum undulatum Sweet Pittosporum

Pinus radiata Radiata Pine

Washingtonia spp Fan Palm

2. Introduce a setback of 3 metres to existing buildings and structures (similar to other Council's in Sydney and consistent with SEPP Exempt and Complying Codes) so that any tree within 3m of a building or structure can be removed without consent.

The new exemption would read:

The removal of a tree located within 3 metres of the footprint of an existing permanent building or structure that, if being constructed today, would under current planning controls require development consent, or a Complying Development Certificate.

3. Under the definition of a 'tree' in the WDCP, increase the height from 5m to 6m to be consistent with SEPP Exempt and Complying Codes. Trees under this height do not require consent to be removed.

The new definition would read:

Tree means a palm or woody perennial plant greater than ~~five (5)~~ six (6) metres in height or seven (7) metres in canopy width

Positives:

1. Reflection of practical reality
2. Will save time and money for residents
3. Streamline the tree regulation process
4. Conserve indigenous and non-indigenous trees in areas and locations that are suitable in an urban environment
5. Reduce DA numbers by up to 50% (combination of 3m setback and 9 new exempt species) reducing the impact on staff resources and the budget

Negatives:

1. Loss of some indigenous and other native trees that contribute to the tree canopy, habitat and character of the area

Other Related Tree Assessment Matters

As part of the review, the following items were investigated:

1. **Tree DA Forms and Website**

The Tree DA form was amended to include the existing provisions which allow dangerous trees to be removed without Council consent, and better articulate scope of additional information the applicant needed to provide to submit with their application.

Further amendments to the Tree DA form and Council's website will be required to be consistent with the proposed changes to the WDCP. A simple but comprehensive information brochure will also be produced to be handed out to the public.

2. Tree Assessment Models

A review of the current assessment model and other models used in the industry was carried out. The current model is the Visual Tree Assessment (VTA) and is comprehensive as it looks at all aspects of the tree. It is able to pick up likely future problems, looks at previous pruning and damage and gives a good overall picture of the tree and is a useful guide as to the appropriateness of the tree and the hazard it presents or will present in the future.

It is recommended that the current model be retained.

3. Trees on Public Land

Advice provided by Council's Parks, Reserves and Foreshores Group flagged some important issues with how trees are currently being dealt with on public land, including land zoned RE1 – Public Recreation under WLEP 2011 and our road reserves.

The issue of trees on public land is currently part of a Business Excellence Project and the development of an overarching "Tree Policy" for Warringah and eventual Operational Plan for the assessment of public trees. This will be reported to Council in the near future.

There are no Objectives and Requirements in the WDCP for trees on public land, which is a separate issue to this review.

Therefore, any changes to the WDCP to include provisions for trees on public land should be dealt with separately to this process which relates to private property.

CONSULTATION

Consultation was undertaken with Natural Environment Unit, Parks Reserves and Foreshores Section, Strategic Planning Section, Council's Tree Assessment Officer and Landscape Adviser.

TIMING

Public exhibition will take place for 28 days commencing in October and reported back to Council in November 2013

FINANCIAL IMPACT

It is estimated that the number of applications received for the removal of trees will be reduced by 50% (approximately 300 applications), which will result in a reduction of income of \$33,000.

POLICY IMPACT

No impact to Council's current Policies as the Warringah DCP relates to trees on private land.

ITEM 8.14	RENAMING OF PORTION OF JOALAH ROAD, DUFFYS FOREST
REPORTING MANAGER	GROUP MANAGER ROADS TRAFFIC & WASTE
TRIM FILE REF	2013/241423
ATTACHMENTS	1 Detailed Map of Portion of Joalah Road to be Renamed 2 Site plan of Portion of Joalah Road to be Renamed

EXECUTIVE SUMMARY

PURPOSE

To seek Council's approval for the renaming of the Council owned section of Joalah Road (Between Namba Road and Bibbenluke Avenue) Duffys Forest as Guwara Road.

SUMMARY

The development and subdivision of Lot 447 Joalah Road, Duffys Forest into six rural residential lots will result in the construction of a presently unformed section of Joalah Road to gain access to these lots. This road construction is part of the development costs and is at no cost to Council.

This section of Joalah Road is remote from and has no link to the northern section of Joalah Road which will create confusion, particularly for essential and emergency services.

Council has provided the 30 days written notice of the proposed renaming to the statutory bodies and authorities and the proposal has been on public exhibition for the required period.

Council has received only one submission which is in favour of the proposed name change.

FINANCIAL IMPACT

Publishing and gazettal notices plus the installation of street signs will be the only costs incurred and will be met from existing operating budgets.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council

- A. Approve the renaming of the Council section of Joalah Road between Namba Road and Bibbenluke Avenue, as Gurawa Road.
 - B. Provide written notice of the change of road name to the required statutory bodies and authorities.
 - C. Publish in the New South Wales Government Gazette, the local newspaper, and Warringah Update, notice of the road name change.
-

REPORT

BACKGROUND

Council has acted in accordance with its powers under Section 162 of the Road Act 1993 to change the name of the southern section of Joalah Road Duffys Forest so as to provide an acceptable and recognisable street address.

The road name change is essential to disassociate the new road with the northern section of Joalah Road as there is no link between the two sections which would cause confusion for utility and emergency services.

The name Guwara Road, chosen from a list of names provided by the Aboriginal Heritage Office, has been notified and advertised as required under the Act and to which we have received one submission in favour of the proposed change.

There are no other roads within Warringah Local Government Area with this name. The proposed street name is also in accordance with Council's policy for street naming.

FINANCIAL IMPACT

Publishing and gazettal costs are negligible, the street signs will cost approximately \$400, and all costs will be met from existing operational budgets.

POLICY IMPACT

Nil





ITEM 8.15	TORONTO AVENUE CROMER - PROPOSED TRAFFIC CALMING SCHEME
REPORTING MANAGER	GROUP MANAGER ROADS TRAFFIC & WASTE
TRIM FILE REF	2013/264253
ATTACHMENTS	1 Report from Warringah Traffic Committee 3 September 2013 (Included In Attachments Booklet)

REPORT

PURPOSE

To report to Council the proposed introduction of a traffic calming scheme on Toronto Avenue and Truman Avenue, Cromer.

REPORT

In response to representations made by residents, Council has undertaken a resident survey in July and August 2013 to residents of Toronto Avenue and Truman Avenue. Having regard to the residents' responses and the existing traffic conditions, it was recommended that the proposed traffic devices be undertaken in three stages with a review of traffic conditions including a traffic speed and volume count to be undertaken after each stage.

Stage 1:

- Install edge line treatment on Truman Avenue and Toronto Avenue from Belmore Lane to South Creek Road.
- Provide painted chevron adjacent to property 130 Toronto Avenue.
- Install painted central chevron treatment at the intersection of Kenna Place and Toronto Avenue including reflective raised pavement markers (RRPMs).
- Install painted central chevron treatment at the intersection of Macquarie Street and Truman Avenue including RRPMs.
- Continued inclusion in Council's road safety education program.

Stage 2:

- Provide a roundabout at the intersection of Truman Avenue and Macquarie Street subject to further consultation with affected residents.

Stage 3:

- Subject to further community consultation, install speed cushions with appropriate signs and line markings adjacent to 132 and 86 Toronto Avenue, and consideration of an additional speed cushions between Carrington Avenue and South Creek Road.

The Report from the Warringah Traffic Committee meeting is Attachment 1.

FINANCIAL IMPACT

Stage 1 has no financial impact on Council as it is funded from the RMS Block Grant for signs and marking.

The provision of a roundabout at the intersection of Truman Avenue and Macquarie Avenue has an estimated cost of \$60,000 and it is planned that this work would be listed in the future traffic works ledger at a priority 4 Desirable.

The two speed cushions in Toronto Avenue, located adjacent to 132 and 86 Toronto Avenue, have an estimated cost of \$30,000 and it is planned to list them in Council's future traffic works ledger at priority 4 Desirable.

POLICY IMPACT

There is no impact on Council policies of the implementation of this traffic calming scheme.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. The staged introduction of a traffic calming scheme on Toronto Avenue and Truman Avenue be supported by Council.
 - B. Stage 1 of the proposed traffic calming scheme for Toronto Avenue and Truman Avenue be implemented.
 - C. The provision of a roundabout at the intersection of Truman Avenue and Macquarie Street at an estimated cost of \$60,000 be listed in Council's future traffic works ledger at priority 4 Desirable.
 - D. The provision of two speed cushions in Toronto Avenue located adjacent to 132 and 86 Toronto Avenue at an estimated cost of \$ 30,000 be listed in Council's future traffic works ledger at priority 4 Desirable.
-

ITEM 8.16	RESCISSION OF MANLY WARRINGAH PITTWATER SPORTING UNION'S DELEGATED AUTHORITY TO DETERMINE THE ALLOCATION OF USE OF WARRINGAH COUNCIL'S SPORTS GROUNDS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/261664
ATTACHMENTS	1 History Sporting Union to August 2013 (Included In Attachments Booklet) 2 Delegation to Sporting Union (Included In Attachments Booklet) 3 Draft Sportsground Agreement August 2013 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the withdrawal of the Manly Warringah Pittwater Sporting Union's delegated authority to determine the allocation of use of Warringah Council's sports grounds.

SUMMARY

Since 2006, Council has worked with the Manly Warringah Pittwater Sporting Union Incorporated (Union) to formalise an agreement about sustainable management and use of Warringah Council's sports grounds and associated facilities. A draft Sportsground Management agreement has been developed. An unresolved matter in the negotiations for the agreement is the role of the Union in the allocation of sports grounds.

In 2002, Council delegated to the Union authority to determine the allocation of use of Warringah's sports grounds in the summer and winter sports seasons. This delegation remains in force.

Following a review of the research undertaken by Council and the Shore Regional Organisation of Councils (SHOROC) and the benefits of Council's current approach to allocating sports grounds it is proposed to withdraw the Union's delegation and then to include in the Sportsground Management agreement that the Union has a role in proposing allocations and Council has final approval.

This proposal was considered by the Recreation and Open Space Strategic Reference Group at their meetings held 11 June 2013 and 13 August 2013 - the proposal was supported.

Following consideration of this report by Council, the draft agreement will be finalised in consultation with the Union.

The Union is to be acknowledged for the significant contribution made, over many years, to the development of sport and sporting infrastructure in Warringah.

CONSULTATION

Council has been consulting the Union about a Sportsground Management Agreement since 2006.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. All delegations authorised by Council resolution at the meeting held 17 September 2002 related to Item 5.3 'Council Delegations to External Bodies - Manly Warringah Pittwater Sporting Union Incorporated: Allocation of use of Sports Grounds' be rescinded.
 - B. Council's General Manager be given the authority to enter into an agreement with the Manly Warringah Pittwater Sporting Union Incorporated regarding the management and use of Warringah Council's sportsgrounds and associated facilities. The agreement is to include that the Union has a role in proposing allocations and Council has final approval.
 - C. Council's General Manager be given the authority to enter into an agreement with the Manly Warringah Pittwater Sporting Union Incorporated regarding the management and use of Warringah Council's sportsgrounds and associated facilities. The agreement is to provide for the Union to have a role in proposing allocations and for Council to have final approval.
 - D. The Manly Warringah Pittwater Sporting Union Incorporated is acknowledged for the significant contribution made, over many years, to the development of sport and sporting infrastructure in Warringah.
-

REPORT

BACKGROUND

Since its formation, in 1964, the Manly Warringah Pittwater Sporting Union Incorporated (Union) has had a variety of roles in the development and management of Warringah's sports grounds. Attached is a historical overview of the Union's relationship with Council (see attachment 1). This partnership with the Union has been integral to the successful development of sport and sporting infrastructure in Warringah.

The Union has also had arrangements with the Pittwater and Manly Councils for the management of their grounds.

Council has over this time formalised the role of the Union. Initially the Union was formed to manage the sports grounds at District Park. A 1984 Council policy extended this role to include other Warringah sports grounds. In 2002, Council delegated to the Union authority to determine the allocation of use of Warringah Council's sports grounds in the summer and winter sports seasons (see attachment 2). This delegation remains in force.

Notwithstanding the contribution that the Union has made, over many years, to the management of Warringah's sports grounds, the increasing complexity of this role is such that the current arrangement is not sustainable.

Currently the Council provides and manages over 54 sports grounds. Sporting facilities at these grounds include; playing fields, netball courts, cricket nets and clubhouse and amenity buildings. Every week there are tens of thousands of people of all ages playing sport, volunteering for clubs and spectating at events held at these sports grounds.

Robust and agile management systems are required to ensure that Council can maximise the use of its resources in meeting the increasing and competing demands on Warringah's sports grounds and facilities. Key management issues include; residential impacts, increasing facility maintenance, upgrade and replacement costs, need for real time data, community engagement and an increasingly complex regulatory, planning and legal environment.

The Regional Sportsgrounds Analysis (Shore Regional Organisation of Councils (SHOROC) 2006) and the Council's Sportsground Plan of Management (2007) and Recreation Strategy (2009) all recommend a review of the role of the Union in the allocation of grounds and support the position that Council seek greater management control.

The Regional Sportsgrounds Analysis (SHOROC 2006) outlined issues including that:

- Councils act as the "maintainers" of sports fields rather than as their "managers". The most important management role (i.e. allocation of seasonal use) is delegated to the Union. Thus, there is little routine contact between Council administration and community sporting organisations.
- The provision and maintenance of the region's sporting fields to the expected standards by Councils is not sustainable using current management practices.

It was recommended, amongst other things, that:

- 6. The function of allocating sports fields to seasonal users be transferred to Council (staff); which would ensure that Council policies with respect to allocation, usage and charging are applied consistently; and that officials of community sporting organisations have ongoing communication with professional Council staff with direct responsibility for the provision of their facilities.

- 8. The key role of the Sporting Union should revert to that of a traditional “sports council”, representing and lobbying the needs and issues of its members to Councils and other government and sporting agencies. The Union could maintain a role in liaising between member associations and Council staff in the allocation process, providing advice in both directions when required.

From 2006, SHOROC, the Warringah, Manly and Pittwater Councils and the Union worked together for several years to establish a joint agreement about management of sports grounds that addressed the recommendations of the Regional Sportsgrounds Analysis (2006) report. However, no joint agreement was reached.

In July 2010 Pittwater Council revoked agreements with the Union relating to allocating their grounds and collecting fees. At this time SHOROC informed the Union that it should deal directly with the councils in regards to sports ground management. The Manly Council retain a partnership with the Union for the management of its sports grounds.

In contrast, Warringah Council has sought to change the way it manages grounds and to retain a partnership with the Union.

Since March 2011, Council’s Parks, Reserves and Foreshores Group has; established a quarterly sports forum with the Union and local sports associations, implemented significant improvements in facility management, maintenance and planning, approved the ground allocations recommended by the Union and collected sporting user fees. Positive outcomes from these actions include:

- Improved relationships with sporting groups
- Increased standards of facility maintenance
- Increased understanding of the seasonal use of all grounds
- Reduction in blanket allocations, allowing for increased use of under utilised grounds
- Reported reduced conflict between sporting groups
- More flexibility to modify allocations during the season in response to reactive maintenance requirements and requests for casual use
- Improved scheduling of maintenance, Council services including waste services and capital works, minimising impact on users
- More information is available for planning future works and managing use
- Allocations better reflect the needs of sporting groups
- More timely collection of fees and the introduction of financial controls
- Implementation of improvements in booking systems and wet weather ground management

Since 2006, Council has continued to work with the Union to formalise an agreement about sustainable management and use of Warringah’s sports grounds and associated facilities. A draft Sportsground Management agreement has been developed (see attachment 3). The draft agreement supports a partnership with the Union and clearly articulates that Council retains primary responsibility and control of the sports grounds and facilities and is the primary point of contact relating to use, management and maintenance. The draft agreement also provides guidelines about matters including:

- Winter and summer sports seasons and seasonal change over
- Allocations and hours of use

- Maintenance and capital works
- Fees and charges
- Planning
- Amenities and sports ground lighting
- Ground closures
- Risk management
- Communication and reporting

An unresolved matter in the negotiations for the draft agreement, is the role of the Union in the allocation of sports grounds. As previously indicated the Union currently has delegated authority to allocate sports grounds.

Following a review of the research undertaken by Council and SHOROC and the benefits of Council's current approach to allocating sports grounds it is proposed to withdraw the Union's delegation and then to include in the Sportsground Management agreement that the Union has a role in proposing allocations and Council has final approval.

This proposal was considered by the Recreation and Open Space Strategic Reference Group at their meetings held 11 June 2013 and 13 August 2013 - the proposal was supported.

Following consideration of this report by Council, the draft Sportsground Management agreement will be finalised in consultation with the Union.

The Union is to be acknowledged for the significant contribution made, over many years, to the development of sport and sporting infrastructure in Warringah.

CONSULTATION

Council has been consulting the Union about a Sportsground Management Agreement since 2006.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

ITEM 8.17	SOUTH CREEK ROAD CLOSURE
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2013/136795
ATTACHMENTS	1 South Creek Road Closure Map

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to investigate the feasibility and benefits of closing the unmade section of South Creek Road adjacent to Narrabeen Lagoon.

SUMMARY

As requested through Mayoral Minute No 5/2013, staff have reviewed the feasibility of applying to close the unmade section of South Creek Road, and concluded that there is a benefit in such an application. This would involve the land zoning being changed from road reserve to Council owned Community Land. This change would help permanently protect the endangered bushland on the site by not allowing any future development of a sealed road within the corridor. It will also protect the accessibility and natural outlook of the multi-use trail being completed around the lagoon.

The application to the Crown Lands Division of NSW Trade and Investment (Crown Lands) would cost approximately \$1,000 in fees and related expenses and incur a moderate level of staff time. If Crown Lands approve the application then a detailed survey of the site will be required which may cost approximately \$35,000 in survey fees.

However, a previous application to close the road was rejected in 2007 due to objections by the adjoining land owner, RSL LifeCare Pty Ltd who have indicated they will object again to any further application to close the road.

Crown Lands recently indicated that there have been some developments in their policy regarding objections to road closures which may increase the chance of success should a new application be submitted.

Council would still be responsible for the care and maintenance of the land including bush regeneration and track maintenance. A number of community representatives are concerned that the land should be protected and have requested this application be made over the past years.

FINANCIAL IMPACT

The cost to successfully close the road would be approximately \$1,000 for a government processing fee and advertisements. If the application is approved a further \$35,000 may be needed for a site survey. This would require an increase in the budget for either the 2014/15 or 2015/16 financial year.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That staff complete and submit an application to close the unmade section of South Creek Road, requesting the land become Council owned Community Land.

REPORT

BACKGROUND

Council staff have been requested through Mayoral Minute No 5/2013 to investigate the feasibility and benefit of closing the South Creek Road unmade road reserve (DP151292) and advise Council of the outcome.

The unmade section of South Creek Road reserve is located in Narrabeen/Wheeler Heights. The section is sited between South Creek Reserve to the west and the RSL LifeCare War Veterans Retirement Village and one private residential property to the east. The section adjoins Jamieson Park Reserve to the north and James Wheeler Place to the south.

The unmade road contains an important portion of bushland bordering Narrabeen Lagoon which is classified as Swamp Sclerophyll Forest on Coastal Floodplains and Swamp Oak Floodplain Forest, which are listed Endangered Ecological Communities, protected under the *Threatened Species Conservation Act 1995*.

The unmade road also forms an access corridor between the edge of the lagoon's high water mark and private property, helping to link South Creek Reserve to Jamieson Park. Part of the road reserve contains sections of the existing Jamieson Park walking/bike track, which will become part of the Narrabeen Lagoon multi-use trail when it is completed.

Council currently maintains the land through bush regeneration contracts and also maintains the walking/bike track through the reserve.

Previously, Warringah Council applied to the former Department of Lands to have the road closed but due to objections from an adjoining land owner, RSL LifeCare, the application was refused. RSL LifeCare objected due to the potential to change the unmade section into a sealed road for the purpose of creating additional road access to James Wheeler Place for residents and visiting public to the War Veterans Retirement Village.

However, Council has recently been informed that the NSW Government has undertaken policy reforms in regards to the consideration of objections to road closure, particularly where alternate formalised access is available and where impediments exist to future construction.

If the unmade road section is not closed, RSL LifeCare could apply in the future to either purchase it or have it constructed as a sealed road. If this was approved by the Crown Lands Division of NSW Trade and Investment (Crown Lands), it would result in a loss of a portion of important bushland and an important link of the Narrabeen Lagoon multi-use trail. There are however considerable constraints to building this road given the environmental limitations posed by the ecological community and proximity to the lagoon foreshore.

Feasibility

To close the unmade road, Warringah Council will have to complete and submit an application to Crown Lands.

The application requires details such as road uses, services, vegetation and proposed road use to be completed. Also consultation with adjoining landowners has to be undertaken and letters of agreement regarding the road closure need to be attached with the application. RSL LifeCare have already indicated they will not agree to closing the road and a letter stating this will have to be sent to Crown Lands for consideration.

It is envisaged the application would take a number of months to complete, including detailed consultation with adjoining landowners and limited community consultation.

Once submitted, the application will be reviewed by Crown Lands and based on the information provided and adjoining landowner feedback, a decision on the matter will be communicated to Council. The likelihood of the application succeeding is unknown.

Options and Benefits

There are two options to be considered regarding this issue. These include the following:

- Apply to close the road with the land vested as Council owned Community Land.

Council can apply to close the road with ownership vested to Council as Community Land for public access, recreation and environmental protection. Council would continue to manage the land as a bushland reserve and would incorporate it into the 'Generic Bushland Plan of Management' at the next scheduled review.

- Do nothing and do not apply to close the road.

Council can do nothing and not submit an application to close the road. This would result in the current unmade road status being retained with Council continuing to maintain the land through bush regeneration contracts and track works.

At present the potential benefits of each option are:

- Benefits of closing the road with the land as Council owned Community Land.

Council would retain the land as Community Land and manage it as a bushland reserve with no threat of a future road being built.

This option is likely to cost approximately \$1,000 in Crown Lands fees and associated costs as well as a moderate level of staff time with the benefits being that Council has full ownership and control of the land. As it is currently considered a bushland asset, it is recommended that the land be protected and maintained in its current condition. If Crown Lands approve closing the road then a detailed survey of the site would be required by NSW Land and Property Information (LPI) for gazettal purposes which may cost \$35,000. If LPI do not require a detailed survey and only a compiled survey of past data then costs may only be approximately \$5000, however this is unlikely to be the case.

- Benefits of doing nothing and not applying to close the road.

Council can decide to not apply to close the road and maintain its current status as it has for the past six years. This would not cost any money and save on staff time. Council would continue to maintain the land through bush regeneration contracts and track works, though the potential for the land being developed as a sealed road in the future still remains. This would remain an issue for some members of the community who wish to protect the land from any possible development. There are a number of environmental constraints which would make the development of a sealed road unlikely however, should this occur then this would have impacts on the local ecology and the Narrabeen Lagoon trail which may need to be modified or incorporated into the road as a footpath.

CONSULTATION

At present only limited external consultation on this issue has been carried out. RSL LifeCare has been made aware of this report through the Mayoral Minute and has again stated they would object to the road closure should Council proceed with the application.

Should Council proceed with the application for road closure then further detailed community consultation will have to be undertaken with adjoining property owners including RSL LifeCare, as well as with local residents in James Wheeler Place.

This consultation would be run in the early stages of the project and any responses would be attached to the application as required by Crown Lands.

TIMING

It is expected that work on the application and community consultation would take a number of months before it was ready for submission to Crown Lands.

FINANCIAL IMPACT

The cost to successfully close the road would be approximately \$1,000 for a government processing fee and advertisements. If the application is approved a further \$35,000 may be needed for a site survey. This would require an increase in the budget for either the 2014/15 or 2015/16 financial year.

POLICY IMPACT

Nil



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9.0 NOTICES OF RESCISSION

ITEM 9.1	NOTICE OF RESCISSION MOTION NO 1/2013 - PLANNING PROPOSAL FOR 20-24 TRALEE AVENUE, KILLARNEY HEIGHTS, ITEM 8.7, 27 AUGUST 2013
TRIM FILE REF	2013/251613
ATTACHMENTS	NIL

Submitted by: Councillors Vincent De Luca OAM; Bob Giltinan; Sue Heins

RESCISSION MOTION

That the Council's resolution relating to Item 8.7 Planning Proposal for 20-24 Tralee Avenue, Killarney Heights passed at the meeting of Council held on 27 August 2013 which reads as follows:

"That Council does not endorse the planning proposal and does not refer the application to the Department of Planning and Infrastructure for Gateway consideration and determination."

be and is hereby rescinded.

NOTICE OF CONSEQUENTIAL MOTION

Should the rescission motion be ADOPTED, we give notice that it is our intention to move the following motion in lieu thereof of which due notice is hereby given:

That Council

- A. Support the proposal to amend the WLEP 2011 to rezone Lot 1 in DP 879900, 20-24 Tralee Ave, Killarney Heights from RE2-Private Recreation to R2-Low Density Residential;
- B. Send the Planning Proposal for 20-24 Tralee Ave, Killarney Heights to the Department of Planning and Infrastructure for Gateway Determination;
- C. Upon receipt of the Department of Planning and Infrastructure Gateway Determination, and in accordance with any conditions contained, consult with government authorities and publicly exhibit the Planning Proposal for 20-24 Tralee Ave, Killarney Heights.

10.0 NOTICES OF MOTION

ITEM 10.1	NOTICE OF MOTION NO 21/2013 - PROPOSED TELSTRA TOWER AT GOVERNOR PHILLIP LOOKOUT
TRIM FILE REF	2013/266000
ATTACHMENTS	NIL

Submitted by: Councillor Sue Heins

MOTION

That Council:

- A. Investigate all avenues to prevent the installation of a Telstra Tower being built creating a visual impact from Governor Phillip Lookout.
 - B. Contact the relevant authority to outline Council's objection to the position of the mobile tower and the objection to its implementation as it will have a serious impact on residents and users of Governor Phillip Lookout
-

FUNDING SOURCE

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

BACKGROUND FROM COUNCILLOR SUE HEINS

I understand Council is not the consent authority for these things however this motion is to have Council assist the community in their endeavour to stop the tower and that other stakeholders have not been consulted with eg: The Governor Phillip Trust etc.

ITEM 10.2	NOTICE OF MOTION NO 22/2013 - LOCAL BIODIVERSITY COMMUNITY ENGAGEMENT INITIATIVES
TRIM FILE REF	2013/263201
ATTACHMENTS	NIL

Submitted by: Councillor Sue Heins

MOTION

That a short report be prepared within 5 months for staff to investigate the feasibility of running regular community engagement initiatives for residents in order to foster an increased awareness of, and appreciation for, local biodiversity; and

- A. That a particular focus is placed on what is living in residents' immediate surroundings, in order to engage people in the care and protection of their local environment; and
 - B. That a form of citizen science may be appropriate, with the information gathered by residents being utilised as a form of biodiversity survey.
-

FUNDING SOURCE

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

ITEM 10.3	NOTICE OF MOTION NO 23/2013 - KERB YELLOW LINES
TRIM FILE REF	2013/269828
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano-Pires

MOTION

That Council

- A. Endorses the Traffic Committee unanimous decision to implement "kerb yellow lines" as replacement for "No Stopping" signs across the Warringah Local Government Area, where appropriate and applicable.
- B. Immediately implements a public information campaign to inform Residents, the campaign to include, as a minimum:
 - a. Media Release outlining the benefits of "kerb yellow lines" to be provided to the media and all Schools in the LGA for publication in the respective School Newsletters.
 - b. Weekly advertising in the Mainly Daily, Saturday Council's column(s) for a period of four weeks.
 - c. High visibility news feature on Council's website.
 - d. Council's digital media, as appropriate.

FUNDING SOURCE

The cost of this public information campaign can be supported by the operational budget of the Marketing & Communications group.

BACKGROUND FROM COUNCILLOR JOSE MENANO-PIRES

Council's Traffic Committee unanimously decided to implement "kerb yellow lines" as an alternative for "No Stopping" traffic signs, in the Warringah Local Government Area.

Although this option has been included in the Australian Road Rules for some time, and is used by a number of Councils in NSW, it has not been implemented in Warringah until now.

There are a number of advantages in its use, especially; minimise the profusion of traffic signs which can be an hinderance instead of help to motorists, reduce clutter and "visual pollution", significant lower installation and maintenance costs, limiting "graffiti space".

Although I accept that lack of knowledge of the traffic rules is no excuse for breaking them and attracting the correspondent Penalty Infringement Notice, I believe that Council has an obligation to inform Residents of this change, ensuring that motorists are not unduly fined.

I take this opportunity to thank Ms Georgia Wallis and Ms Alicia Nolan, from Year 5, St John the Apostle Primary School, Narrabeena, for their excellent suggestion of including a write-up on this issue in the School Newsletter.

BACKGROUND FROM TRAFFIC COMMITTEE MEETING HELD 2 APRIL 2013

Conclusion from Staff Report to Traffic Committee - Item 4.2 - Review Of The Guidelines - Pavement Markings For Kerbside Parking Restrictions (No Stopping Lines)

A review of the implications of using no stopping lines in Warringah shows that no stopping lines can and should be used subject to a merit based assessment by Council's Traffic and Road Safety Section. In the medium to long term public education campaigns will need to be undertaken by Council and the RMS to ensure driver awareness and compliance is addressed. In the future provided that there is wide community understanding and awareness of no stopping lines, their broader application in isolation should be further considered.

TRAFFIC COMMITTEE DECISION

- A. That the future application of no stopping restrictions in Warringah includes the possible provision of no stopping lines and/or no stopping signs having regard to the particular location and circumstances (merit based assessment).
- B. That the no stopping signs continue to be used to designate no stopping zones at formal pedestrian crossing facilities such as marked foot crossings, children crossings and pedestrian refuge islands, where considered appropriate no stopping lines may be used to supplement no stopping lines.
- C. That no action is taken to retrospectively apply no stopping lines in lieu of no stopping signs at this stage.
- D. That no stopping lines be subject to consideration of the Warringah Traffic Committee as per the normal operating procedures.
- E. That Council write to the Roads and Maritime Services (RMS) requesting that they investigate the possibility of developing a public education campaign, and that RMS considers including no stopping lines in the Learner Driver manuals and tests.

ITEM 10.4	NOTICE OF MOTION NO 24/2013 - WARRINGAH FESTIVAL
TRIM FILE REF	2013/269844
ATTACHMENTS	NIL

Submitted by: Councillor Wayne Gobert

MOTION

That:

- A. Council produces a Concept Report by March 2014 on staging a Warringah Festival in the financial year 2014/2015 to further enhance connection and community engagement.
- B. The report also considers the possibility of the Warringah Festival being a continuing event in later years.
- C. The Concept Paper consider the following principles:
 - a. Venues should incorporate both Council and privately owned venues in partnership.
 - b. Particular focus should be placed on all regional demographics including: Youth, Senior Citizens, and other relevant community groups.
 - c. Events should be curated and unjuried.
 - d. The Festival should showcase Warringah and our vibrant lifestyle and adopt a fringe programming philosophy.
 - e. Maximum effort should be devoted towards stimulation of our local economy.
 - f. Grants to support the Festival should be sought from the State and Federal Governments.

FUNDING SOURCE

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

BACKGROUND FROM COUNCILLOR WAYNE GOBERT

Festivals have emerged over the last 3 decades as alternative arts and culture festivals. Typically they encompass genres such as stand-up comedy, music, theatre, cabaret, visual arts, and burlesque. Additionally events that are not easily labelled are highly encouraged; as are emerging talents. Festivals generally occurs in a festival precinct encompassing a number of venues in the wider region, and is often a blend of council and private venues, and curated and open access unjuried events. For example in 2012 the Edinburgh Fringe Festival (Director Richard Hull) adopted the open access festival model, leaving only visual arts curated.

12.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 12.1	RESPONSE TO QUESTION ON NOTICE NO 15/2013 - MAYOR'S USE OF COUNCIL CREDIT CARD WHILE IN EUROPE
TRIM FILE REF	2013/253069
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What were the total charges, if any, incurred on the Mayor's Warringah Council credit card while in Europe between 7-26 November 2012?

RESPONSE

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ITEM 12.2	RESPONSE TO QUESTION ON NOTICE NO 16/2013 - MAYOR'S USE OF COUNCIL CREDIT CARD WHILE OVERSEAS JUNE/JULY 2013
TRIM FILE REF	2013/253079
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What were the total charges, if any, incurred on the Warringah Council credit card while the Mayor was overseas during late June and July 2013?

RESPONSE

The Mayor was overseas from 10 July to 4 August 2013. Total expenditure incurred for that period was \$480. Of that amount, only the sum of \$100 was related to the Mayor's overseas trip. This was a payment for the Mayor to have global roaming access.

The remaining expenditure during this period related to attendance by the Mayor and another Councillor at an official function for the BE Centre Foundation and for the RTA Toll Account.

ITEM 12.3	RESPONSE TO QUESTION ON NOTICE NO 17/2013 - WARRINGAH COUNCIL LOGO EXPENDITURE
TRIM FILE REF	2013/253102
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In view of no community consultation prior to Warringah Council staff expending funds and resources to change the Warringah Council logo and the comments of Mr Ralph Schubert at the last Council meeting, will the General Manager explain why he thought it appropriate to pursue the change of logo in the absence of community consultation?

RESPONSE

At the Ordinary Meeting of Council, Tuesday 28 May 2013, Council adopted the creative marks presented at the Councillor Briefings on 20 May, 23 May, 27 May and displayed to Councillors on 28 May 2013. Community consultation was undertaken as a part of the digital project and the mainstream Council research program.

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:

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| Item 13.1 | Code of Conduct - Report from Sole Conduct Reviewer - Complaint Against Councillor De Luca |
| Item 13.2 | RFT 2013/026 - Major Works for the Construction of the New Collaroy Stormwater Outlet |
| Item 13.3 | RFT 2013/050 - Services for Tree Pruning and Removal |
| Item 13.4 | RFT 2013/052 - Curl Curl Sports Centre Spectator Stand and Paving Upgrade |
| Item 13.5 | RFT 2013/068 - Brookvale Oval New Lift Structure for New Passenger Lift to Ken Arthurson Stand |

Matters to be Discussed During Closed Session - Section 10D

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| Item 13.1 | Code of Conduct - Report from Sole Conduct Reviewer - Complaint Against Councillor De Luca |
| Item 13.2 | RFT 2013/026 - Major Works for the Construction of the New Collaroy Stormwater Outlet |
| Item 13.3 | RFT 2013/050 - Services for Tree Pruning and Removal |
| Item 13.4 | RFT 2013/052 - Curl Curl Sports Centre Spectator Stand and Paving Upgrade |
| Item 13.5 | RFT 2013/068 - Brookvale Oval New Lift Structure for New Passenger Lift to Ken Arthurson Stand |

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

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|-----------|--|
| Item 13.1 | 10A(2)(a) personnel matters concerning particular individuals (other than councillors)

10A(2)(i) contains alleged contraventions of any code of conduct requirements applicable under section 440 |
| Item 13.2 | 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it |
| Item 13.3 | 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it |
| Item 13.4 | 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it |
| Item 13.5 | 10A(2)(d(i)) 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.
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- 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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