

AGENDA

WARRINGAH COUNCIL MEETING

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

TUESDAY 23 OCTOBER 2012

Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



Rik Hart
General Manager

(2012/12)

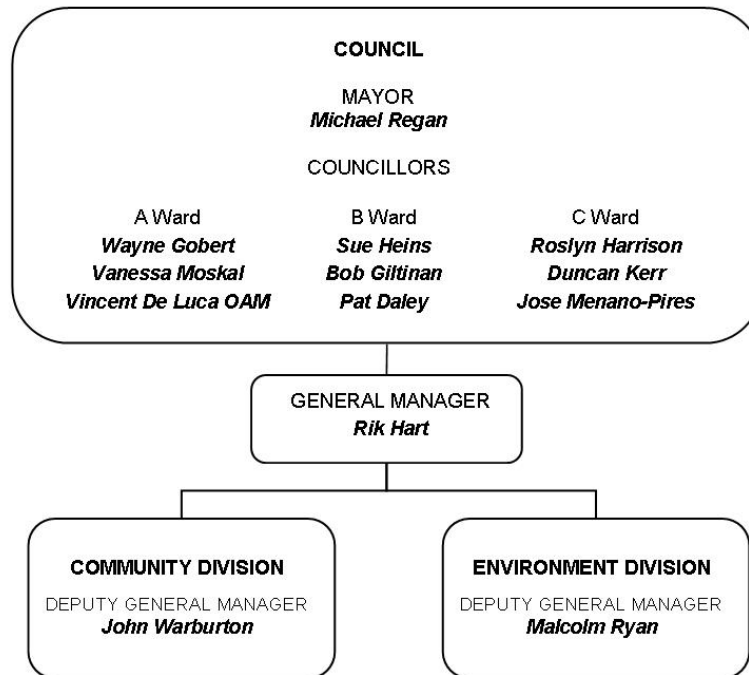




Warringah Council

Warringah Council Organisational Structure

warringah.nsw.gov.au



Warringah Council

Our Vision : Our Values

warringah.nsw.gov.au

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

**Agenda for an Ordinary Meeting of Warringah Council
to be held on Tuesday 23 October 2012
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 28 AUGUST 2012

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held 28 August 2012, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 MATTERS CARRIED OVER

ITEM 6.1	CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER - COMPLAINT REGARDING CONDUCT IN COUNCILLOR LOUNGE - CR LAUGESSEN
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/280496
ATTACHMENTS	1 Report of Sole Conduct Reviewer (Excluded from Agenda) 2 DLG Circular - Consideration of Code of Conduct Matters Prior to 2012 Election

NOTE: This item was carried over from the Council Meeting of 24 July 2012.

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the findings of the Sole Conduct Reviewer into a complaint made against Councillor Virginia Laugesen concerning an alleged breach of Council's Code of Conduct.

SUMMARY

This report was not submitted to the 28 August Council Meeting in accordance with the Division of Local Government Circular No 12-29 advice to defer the consideration of code of conduct matters until after the September 2012 Local Government elections (Attachment 2).

In June 2011, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor Laugesen. In particular, the complaint was made against Councillor Laugesen in relation to an alleged incident involving abusive and offensive behaviour toward a visiting member of the public, Ms Bronwen Thomas.

The General Manager determined to refer the complaint to a Sole Conduct Reviewer. A Conduct Reviewer, Mr Peter Givorshner, was duly appointed. Mr Givorshner commenced enquiries into the complaint, but then disqualified himself from the matter in October 2011. A new Conduct Reviewer, Mr Adam Halstead, was then appointed. Mr Halstead continued enquiries into the complaint and has now submitted his report into the matter. Attached for Council's consideration is a copy of the report (see Attachment 1 which is included in the separate attachment booklet).

The Conduct Reviewer found that Councillor Laugesen did breach the Code of Conduct.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That, as Ms Laugesen is no longer a councillor, Council note the contents of the report of the Sole Conduct Reviewer.

REPORT

BACKGROUND

Section 440(3) of the *Local Government Act* 1993 provides that a council must adopt a Code of Conduct that incorporates the provisions of the model Code of Conduct prescribed by the *Local Government (General) Regulation* 2005. The adopted code may include provisions that supplement the model code.

Council has adopted a Code of Conduct as required by section 440. Council has also adopted a Conduct Review Committee Charter.

In June 2011, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor Laugesen. In particular, the complaint was made against Councillor Laugesen in relation to an alleged incident involving abusive and offensive behaviour toward a visiting member of the public, Ms Bronwen Thomas. Complaints alleging a breach of Council's Code of Conduct are regulated by and are to be dealt with in accordance with the Code of Conduct and the Conduct Review Committee Charter.

Pursuant to Council's Code of Conduct and Conduct Review Committee Charter, Council has resolved to appoint a panel of appropriately qualified persons of high standing in the community who are independent of Council to comprise the members of a Conduct Review Committee and/or to act as Sole Conduct Reviewers.

In accordance with the Code of Conduct and Conduct Review Committee Charter, the General Manager determined to refer the complaint against Councillor Laugesen to a Sole Conduct Reviewer. A Conduct Reviewer, Mr Peter Givorshner, was duly appointed. Mr Givorshner commenced enquiries into the complaint, but then disqualified himself from the matter in October 2011.

A new Conduct Reviewer, Mr Adam Halstead, was then appointed. Mr Halstead continued enquiries into the complaint and has now submitted his report into the matter. Attached for Council's consideration is a copy of the report (see Attachment 1 which is included in the separate attachment booklet). The nature of the complaint, the evidence collected by the Reviewer and the Reviewer's findings are set out in the attached report in more detail.

Council's Code of Conduct relevantly provides at clauses 12.20 to 12.25:

- 12.20 *Where the Conduct Review Committee/reviewer conducts enquiries or causes enquiries to be conducted, the Conduct Review Committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.*
- 12.21 *Where the Conduct Review Committee/reviewer makes findings, the Conduct Review Committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.*
- 12.22 *Where the Conduct Review Committee/reviewer makes findings, the Conduct Review Committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.*
- 12.23 *The Conduct Review Committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.*

Sanctions

- 12.24 *Before a council can impose a sanction it must make a determination that a councillor or the General Manager has breached the code of conduct.*
- 12.25 *Where the council finds that a councillor or General Manager has breached the code, it may decide by resolution to:*
- ☐ *censure the councillor for misbehaviour in accordance with section 440G of the Act*
 - ☐ *require the councillor or General Manager to apologise to any person adversely affected by the breach*
 - ☐ *counsel the councillor or General Manager*
 - ☐ *make public findings of inappropriate conduct*
 - ☐ *prosecute for any breach of law.”*

The Conduct Reviewer concluded that Councillor Laugesen did breach the Code of Conduct.

As per clause 12.22 of the Code of Conduct, a copy of the report has been provided to Councillor Laugesen.



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 12-29
Date 16 August 2012
Doc ID. A293525

Contact Council Governance Team
02 4428 4100

THE CONSIDERATION OF CODE OF CONDUCT MATTERS PRIOR TO THE SEPTEMBER 2012 ELECTIONS

Purpose

To advise councils to defer the consideration of code of conduct matters until after the September 2012 local government elections.

Issue

- Code of conduct matters require careful and proper consideration. The often politically charged climate that prevails prior to local government elections does not always lend itself to such consideration.
- The Division intends to address this under the new procedures for the Model Code of Conduct. These will preclude conduct reviewers' reports being submitted to council for consideration in the 4 weeks preceding an election.

Action

Councils should defer the consideration of code of conduct matters until after the September 2012 Local Government elections.



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Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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ITEM 6.2	CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER - COMPLAINT REGARDING CONDUCT IN COUNCILLOR LOUNGE - CR DE LUCA
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/281774
ATTACHMENTS	1 Report of Sole Conduct Reviewer (Excluded from Agenda) 2 DLG Circular - Consideration of Code of Conduct Matters Prior to the 2012 Election

NOTE: This item was carried over from the Council Meeting of 24 July 2012.

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the findings of the Sole Conduct Reviewer into a complaint made against Councillor Vincent De Luca concerning an alleged breach of Council's Code of Conduct.

SUMMARY

This report was not submitted to the 28 August Council Meeting in accordance with the Division of Local Government Circular No 12-29 advice to defer the consideration of code of conduct matters until after the September 2012 Local Government elections (Attachment 2).

In June 2011, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor De Luca. In particular, the complaint was made against Councillor Laugesen in relation to an alleged incident involving abusive and offensive behaviour toward a visiting member of the public, Ms Bronwen Thomas.

The General Manager determined to refer the complaint to a Sole Conduct Reviewer. A Conduct Reviewer, Mr Peter Givorshner, was duly appointed. Mr Givorshner commenced enquiries into the complaint, but then disqualified himself from the matter in October 2011. A new Conduct Reviewer, Mr Adam Halstead, was then appointed. Mr Halstead continued enquiries into the complaint and has now submitted his report into the matter. Attached for Council's consideration is a copy of the report (see Attachment 1 which is included in the separate attachment booklet).

The Conduct Reviewer found that Councillor De Luca did not breach the Code of Conduct.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That the report of the Sole Conduct Reviewer be noted.

REPORT

BACKGROUND

Section 440(3) of the *Local Government Act* 1993 provides that a council must adopt a Code of Conduct that incorporates the provisions of the model Code of Conduct prescribed by the *Local Government (General) Regulation* 2005. The adopted code may include provisions that supplement the model code.

Council has adopted a Code of Conduct as required by section 440. Council has also adopted a Conduct Review Committee Charter.

In June 2011, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor De Luca. In particular, the complaint was made against Councillor De Luca in relation to an alleged incident involving abusive and offensive behaviour toward a visiting member of the public, Ms Bronwen Thomas. Complaints alleging a breach of Council's Code of Conduct are regulated by and are to be dealt with in accordance with the Code of Conduct and the Conduct Review Committee Charter.

Pursuant to Council's Code of Conduct and Conduct Review Committee Charter, Council has resolved to appoint a panel of appropriately qualified persons of high standing in the community who are independent of Council to comprise the members of a Conduct Review Committee and/or to act as Sole Conduct Reviewers.

In accordance with the Code of Conduct and Conduct Review Committee Charter, the General Manager determined to refer the complaint against Councillor De Luca to a Sole Conduct Reviewer. A Conduct Reviewer, Mr Peter Givorshner, was duly appointed. Mr Givorshner commenced enquiries into the complaint, but then disqualified himself from the matter in October 2011.

A new Conduct Reviewer, Mr Adam Halstead, was then appointed. Mr Halstead continued enquiries into the complaint and has now submitted his report into the matter. Attached for Council's consideration is a copy of the report (see Attachment 1 which is included in the separate attachment booklet). The nature of the complaint, the evidence collected by the Reviewer and the Reviewer's findings are set out in the attached report in more detail.

Council's Code of Conduct relevantly provides at clauses 12.20 to 12.25:

- 12.20 *Where the Conduct Review Committee/reviewer conducts enquiries or causes enquiries to be conducted, the Conduct Review Committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.*
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- 12.22 *Where the Conduct Review Committee/reviewer makes findings, the Conduct Review Committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.*
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- 12.25 *Where the council finds that a councillor or General Manager has breached the code, it may decide by resolution to:*
- ☐ *censure the councillor for misbehaviour in accordance with section 440G of the Act*
 - ☐ *require the councillor or General Manager to apologise to any person adversely affected by the breach*
 - ☐ *counsel the councillor or General Manager*
 - ☐ *make public findings of inappropriate conduct*
 - ☐ *prosecute for any breach of law.”*

The Conduct Reviewer concluded that Councillor De Luca did not breach the Code of Conduct.

As per clause 12.22 of the Code of Conduct, a copy of the report has been provided to Councillor De Luca.

**Premier & Cabinet**
Division of Local Government

Circular to Councils

Circular No. 12-29
Date 16 August 2012
Doc ID. A293525

Contact Council Governance Team
02 4428 4100

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Issue

- Code of conduct matters require careful and proper consideration. The often politically charged climate that prevails prior to local government elections does not always lend itself to such consideration.
- The Division intends to address this under the new procedures for the Model Code of Conduct. These will preclude conduct reviewers' reports being submitted to council for consideration in the 4 weeks preceding an election.

Action

Councils should defer the consideration of code of conduct matters until after the September 2012 Local Government elections.



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7.0 GENERAL MANAGER'S REPORTS

ITEM 7.1	CODE OF CONDUCT - SUPREME COURT PROCEEDINGS BY COUNCILLOR DE LUCA AGAINST THE REPORT OF CONDUCT REVIEWER ANNETTE SIMPSON
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/355811
ATTACHMENTS	1 Report by Conduct Reviewer (Excluded from Agenda) 2 Judgement of Justice Johnson 22 August 2012 (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the status of an outstanding Code of Conduct matter and the decision of his Honour Mr Justice Johnson in relation thereto.

SUMMARY

A conduct review was undertaken by an external conduct reviewer in relation to a complaint that Councillor De Luca had breached Council's Code of Conduct.

Councillor De Luca commenced proceedings in the Supreme Court of NSW to set aside the report of the conduct reviewer who found that he had breached the Code of Conduct. Justice Johnson dismissed the proceedings and ordered that Councillor De Luca pay Council's costs. The conduct review report is due to be considered at the next Council Meeting. However, Councillor De Luca has lodged a Notice of Intention to Appeal.

FINANCIAL IMPACT

Council's insurer is seeking to recover costs from Councillor de Luca in relation to the Supreme Court proceedings. If Councillor de Luca proceeds with the appeal there will be further costs incurred by Council.

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That Council note the decision of Justice Johnson and that Councillor de Luca has lodged a Notice of Intention to Appeal.

REPORT

BACKGROUND

A complaint was made against Councillor de Luca alleging that he had breached the Code of Conduct by failing to disclose a non-pecuniary interest at a Council meeting. The interest alleged was his working relationship with a member of the Legislative Council of the New South Wales Parliament.

An independent conduct reviewer, Ms Annette Simpson, was appointed to investigate the complaint. Ms Simpson conducted an investigation and prepared a report for consideration by Council. A copy of Ms Simpson's report is attached. Prior to the report being put to a council meeting, Councillor de Luca commenced proceedings in the Supreme Court seeking orders that the report be declared invalid and be set aside.

On 22 August, 2012 Justice Johnson found against Councillor de Luca on all grounds and ultimately ordered that he pay Council's costs. A copy of His Honour's judgement is attached.

This report would have been put to the last Council meeting, however, the Division of Local Government issued a circular advising that no Code of Conduct matters should be considered at the last meetings of the outgoing councils.

On 24 September, 2012 Council's insurer advised that it had received a Notice of Intention to Appeal from Councillor de Luca's solicitors. The Notice did not identify the grounds of appeal. The appeal must be filed by 21 November, 2012.

FINANCIAL IMPACT

Council's insurer is seeking to recover costs from Councillor de Luca in relation to the Supreme Court proceedings. If Councillor de Luca proceeds with the appeal there will be further costs incurred by Council.

ITEM 7.2	CONDUCT REVIEW COMMITTEE PANEL 2012
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/356616
ATTACHMENTS	NIL

REPORT

PURPOSE

To recommend to Council the appointment of persons to comprise members of a Conduct Review Committee and/or act as Sole Conduct Reviewers, as required.

SUMMARY

Council's Code of Conduct provides that Council must resolve to appoint persons independent of Council to comprise the members of a Conduct Review Committee and/or to act as Sole Conduct Reviewers (collectively, Conduct Reviewers).

In 2008 Council appointed a pool of independent people to comprise its Panel from which to draw Conduct Reviewers for the purpose of clause 12.12 of Council's Code of Conduct. This pool was supplemented by the addition of a second Panel of members in 2010, following Council approval.

The two previous Panels were recruited on the basis that the term of appointment would cease in September 2012, at the end of the given Council term. Accordingly, the Panels previously used have now expired.

The DLG have advised that the new model Code of Conduct will be enacted in the near future, probably within the next few months. The new model Code will establish requirements for Conduct Review Committee Panels and, at that time, this Council will need to establish a fresh Panel pursuant to the forthcoming requirements.

However, in the meantime, Council needs to have Conduct Reviewers available for any matters which arise and need to be referred to a Conduct Review Committee or a Sole Conduct Reviewer. DLG have advised that it is appropriate for Council to set up an interim Panel to fill the gap until the new model Code of Conduct is enacted.

FINANCIAL IMPACT

Nil to appoint Conduct Reviewers to the Panel but expenses will be incurred if a complaint alleging a breach of the Code of Conduct is referred to a Conduct Reviewer.

POLICY IMPACT

Council will be in a position to satisfy the requirements of its Code of Conduct.

RECOMMENDATION OF GENERAL MANAGER

That Council appoint Ms Chapman, Ms Cripps, Ms Fahy, Mr Halstead, Mr Givorshner, Mr Pinson, Ms Porter and Ms Simpson to Council's interim Panel of Conduct Reviewers.

BACKGROUND

Section 440(3) of the *Local Government Act 1993* provides that a council must adopt a Code of Conduct that incorporates the provisions of the model Code of Conduct prescribed by the *Local Government (General) Regulation 2005*. The adopted Code may include provisions that supplement the model Code. A council's adopted Code has no effect to the extent that it is inconsistent with the model Code as in force for the time being (section 440(4)).

Council has adopted a Code of Conduct as required by section 440.

Clauses 12.12, 12.13, 12.16 and 12.17 of Council's Code of Conduct, which are consistent with the model Code of Conduct, provide:

- 12.12 *Council must resolve to appoint persons independent of council to comprise the members of a Conduct Review Committee and/or to act as sole conduct reviewers.*
- 12.13 *The members of the Conduct Review Committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.*
- 12.16 *Where a matter is to be considered by the Conduct Review Committee/reviewer, then in each case, the General Manager, or Mayor in the case of complaints about the General Manager, acting in their capacity as advisor, will either convene a Conduct Review Committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.*
- 12.17 *The Conduct Review Committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.*

The role of Conduct Review Committees and Sole Conduct Reviewers is to deal with complaints against Councillors or the General Manager which are referred to them in accordance with the Code of Conduct. Clause 14.1 of the Code of Conduct relevantly provides:

14.1 Jurisdiction of the Conduct Review Committee/reviewer

The complaint handling function of the Conduct Review Committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the General Manager."

Clause 14.3 relevantly provides:

14.3 Composition of the Conduct Review Committee

Where council has a Conduct Review Committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In 2008 Council appointed a pool of independent people to comprise its Panel from which to draw Conduct Reviewers for the purpose of clause 12.12 of Council's Code of Conduct. This pool was supplemented by the addition of a second Panel of members in 2010, following Council approval.

The two previous Panels were recruited on the basis that the term of appointment would cease in September 2012, at the end of the given Council term. Accordingly, the Panels previously used have now expired.

The DLG have advised that the new model Code of Conduct will be enacted in the near future, probably within the next few months. The new model Code will establish requirements for Conduct

Review Committee Panels and, at that time, this Council will need to establish a fresh Panel pursuant to the forthcoming requirements.

However, in the meantime, Council needs to have Conduct Reviewers available for any matters which arise and need to be referred to a Conduct Review Committee or a Sole Conduct Reviewer. DLG have advised that it is appropriate for Council to set up an interim Panel to fill the gap until the new model Code of Conduct is enacted.

Current Status and Action

Given that it is proposed to establish an interim Panel as a temporary measure, in order that Council continues to meet its obligations pursuant to the Code of Conduct, the most efficient and cost-effective way of doing so is to utilise the membership of the two previous Panels where possible.

To this end, the 12 remaining members from the previous Panels (3 from the 2008 Panel, and 9 from the 2010 Panel) were asked to submit expressions of interest if they wished to be considered for the interim Panel. 8 of the 12 members responded in the affirmative.

The list of these 8 persons is as follows:

1. Kym Chapman (Solicitor)
2. Alison Cripps (Solicitor)
3. Margaret Fahy (Solicitor)
4. Adam Halstead (Solicitor)
5. Peter Givorshner (Barrister)
6. Richard Pinson (Solicitor)
7. Rachel Porter (Solicitor)
8. Annette Simpson (Solicitor)

All of the above persons were selected through the original Panel recruitment processes, either in 2008 or 2010. All of them are legally qualified, and are either admitted solicitors, or practicing solicitors or, in one case, a practicing barrister.

It is considered that these persons meet the criteria of Council's Code of Conduct and would be appropriate inclusions on Council's interim Panel.

It is therefore recommended that the previous Panel members as above are placed on the interim Panel.

POLICY IMPACT

Council will be in a position to satisfy the requirements of its Code of Conduct.

FINANCIAL IMPACT

Nil to appoint Conduct Reviewers to the Panel but expenses will be incurred if a complaint alleging a breach of the Code of Conduct is referred to a Conduct Reviewer.

ITEM 7.3	AUDITED GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012 AND AUDITOR'S REPORTS
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2012/337427
ATTACHMENTS	1 Financial Statements Year Ended 30 June 2012 (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To receive Council's audited 2011/2012 Financial Statements in accordance with Section 419 (1) of the Local Government Act 1993 ("the Act").

SUMMARY

At Council's meeting on 28 August 2012, Council referred its 2011/2012 General and Special Purpose Financial Statements for the year ended 30 June 2012 to Council's Auditor for audit. The auditor's reports were subsequently received by Council and have been attached to the General Purpose and Special Purpose Financial Statements in accordance with Section 417(1) of the Act.

The audited Financial Statements and a copy of the Auditor's Reports have been available for public inspection at Council's Civic Centre and libraries at Dee Why, Forestville, Belrose and Warringah Mall and by viewing on Council's website since 14 September 2012 and are now presented to Council for adoption in accordance with Section 419(1) of the Act.

The Council is required to submit the auditor's report to a public meeting during the public exhibition period. Submissions on the auditor's report or the audited Financial Statements close on 30 October 2012. The audited Financial Statements are attached as a separated booklet.

FINANCIAL IMPACT

The cost of the audit of Council's Financial Statements and the public advertising has been allocated in the current budget.

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That:

- A. In accordance with Section 419 (1) if the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2011/2012 are hereby received and noted.
 - B. A further report be presented to Council on 27 November 2012 detailing any submissions received in respect of Council's audited Financial Statements if applicable.
-

REPORT

BACKGROUND

At Council's meeting on 28 August 2012, Council resolved:

That the recommendations listed below and contained in the Minutes, be adopted:

- A. The Annual Financial Statements for the year ended 30 June 2012 be adopted by the Council.
- B. That the Mayor, Cr Falinski as the nominated Councillor, the General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
- C. That the Annual Financial Statements for the year ended 30 June 2012 be referred to the Council's Auditor for audit.
- D. That the Council hereby delegate to the General Manager authority, upon receipt of the Auditor's report by the Council, to:
 - i) Forward a copy to the Division of Local Government and the Australian Bureau of Statistics.
 - ii) Arrange for the public notice of the Council Meeting for presentation to the public, in the required format; to be placed in the Manly Daily.
 - iii) Arrange for the Council's audited financial statements and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at the Council's Civic Centre and Libraries at Belrose, Dee Why, Forestville and Warringah Mall.
 - iv) List the audited financial statements and Auditor's Reports on the Agenda for the next available Council meeting for presentation to the public, which allows for the 7 days public notice requirement.

The Auditor's reports were subsequently received by Council and have been attached to the General Purpose and Special Purpose Financial Statements in accordance with Section 417 (1) of the Act.

The draft operating result for the year ended 30 June 2012 of \$8.738 million was reported to the Council on 28 August 2012. This result has since been confirmed following the completion of the audit.

To assess the appropriateness or otherwise of Council's available working capital, it is necessary to review the level of restrictions placed against the use of Council's current assets. The notes to the financial statements indicate clearly where restrictions exist, and the effect of the restrictions is summarised as follows:

	\$'000
Working Capital as per Accounts	59,028
Add: Payables & Provision not expected to be realised in the next 12 months included above	9,218
	68,246
Add: Budget expected to be realised in the next 12 months	
- Borrowings	491
- Employees Leave Entitlements	5,221
- Self Insurance Claims	563
- Deposits Retentions and Bonds	1,694
	76,215
Adjusted Working Capital	76,215
Less: Externally Restricted Assets	(28,677)
Less: Internally Restricted Assets	(9,944)
Available Working Capital	\$37,594

From this analysis it can be seen that at 30 June 2012 Council has sufficient working capital after the restrictions placed on those assets. This level of liquidity is adequate to fund day to day operations and, after considering the application of funds to the 2011/12 year and the need to maintain a minimum level of liquidity, provide a buffer against unforeseen costs, such as unexpected retirements of long serving staff, urgent restoration works for flood damage or bushfires.

Attached, as a separate booklet, are the audited financial statements and includes:

- Auditor's report dated 29 August 2012 on the form and content of the General Purpose Financial Statements;
- Auditor's report dated 29 August 2012 on the conduct of the audit;
- Auditor's report dated 29 August 2012 on Council's declared business activities in terms of reporting required by National Competition Policy.

PUBLIC PRESENTATION

As required by Section 418 of the Act, Council must give seven (7) days public notice for the meeting at which it presents the Audited Financial Statements and Auditor's Report. The public notice appeared in the Manly Daily on Saturday, 15 September 2012. Section 420 of the Act requires that all submissions in respect of the Audited Financial Statements must be in writing and must be lodged with the Council within seven (7) days after this meeting. Copies of all submissions received must be referred to Council's Auditor.

TIMING

The timing of the public presentation is determined by the Act and should occur by 5 December each year.

FINANCIAL IMPACT

The cost of the audit of Council's Financial Statements and the public advertising has been allocated in the current budget.

POLICY IMPACT

Nil

ITEM 7.4	MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2012
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2012/328970
ATTACHMENTS	1 Application of Funds Invested 2 Councils Holdings as at 31 August 2012 3 Investment Portfolio at a Glance 4 Monthly Investment Income vs. Budget 5 Economic Notes

REPORT

PURPOSE

To report the balance of investments held as at 31 August 2012.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

REPORT

The following attachments are provided as part of the Report.

1. Application of Funds Invested (Attachment 1)
2. Council's Holdings as at 30 June 2012 (Attachment 2)
3. Investment Portfolio at a Glance (Attachment 3)
4. Monthly Investment Income vs. Budget (Attachment 4)
5. Economic Notes (Attachment 5)

FINANCIAL IMPACT

The actual investment income to 31 August 2012 is \$751,670 which compares favourably to the budgeted income of \$730,000 a variance of \$21,670.

POLICY IMPACT

The investment strategy was reviewed by our Investment advisors Oakvale Capital, in July 2012. They confirmed as of 30 June 2012, that Council's investment portfolio continues to be managed in a prudently conservative manner.

Performance over the 2012/13 financial year to date (August 2012) continues to be strong having exceeded the benchmark, 5.54%pa vs 3.50%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing its cash flows.

Bank issued fixed and floating bonds are beginning to represent good value again, thereby providing Council with further long-term investment options (beyond term deposits and the NSW Treasury Corporation Managed Fund Facilities) depending upon its cash flow requirements.

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The report indicating Council's Funds Management position be received and noted.
 - B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.
-

Application of Investment Funds		Description	Value (\$)
Restricted Funds:			
Externally Restricted	Section 94 Old Plan		26,272,392
	Section 94A Plan Contributions		6,173,711
	Domestic Waste & Unexpended Grants		1,384,525
Internally Restricted Reserves		Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Beach Parking.	21,143,522
Unrestricted Funds		Funds Allocated to meet Current Budgeted Expenditure	32,082,570
Total			87,056,720

There has been an increase in the investments held of \$13,281,192, which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description		Value (\$)
Council's Cash Book balance		5,194,929
Kimbriki Bank balance		1,886,741

Investments Funds Report - As at 31-Aug-12

Maturity date	Face Value	Current Yield	Borrower	Standard & Poor's Rating	Current Value
Floating Rate Note Investment Group					
15-Mar-13	2,000,000	5.8067	HSBC Bank Australia Subordinated Debt	A	1,999,442
23-Apr-14	1,000,000	4.5067	Deutsche Bank AG Lond on Sub Notes	BBB+	964,971
	3,000,000				2,964,413
Floating Rate Note Investment Group - Held to Maturity					
18-Jun-13	1,000,000	4.5933	Suncorp Metway	A-1	1,000,000
	1,000,000				1,000,000
Mortgage Backed Securities Investment Group					
Weighted Avg Life *	Face Value				
22-Aug-14	1,842,775	4.0600	Emerald Series 2006-1 Class A	AAA	1,350,346
	1,842,775				1,350,346
Term Investment Group					
7-Sep-12	2,000,000	6.0400	St. George Bank Limited	A-1	2,000,000
10-Sep-12	1,000,000	5.5500	Members Equity Bank Melbourne	A-2	1,000,000
10-Sep-12	2,000,000	5.3000	Bank of Western Australia	A-1	2,000,000
18-Sep-12	1,000,000	5.9000	Bank of Queensland	A-2	1,000,000
24-Sep-12	1,000,000	5.2000	Bank of Western Australia	A-1	1,000,000
26-Sep-12	1,000,000	5.7500	Members Equity Bank Melbourne	A-2	1,000,000
4-Oct-12	2,000,000	5.2000	National Australia Bank Ltd - Govt Business	A-1	2,000,000
9-Oct-12	2,000,000	5.5500	Members Equity Bank Melbourne	A-2	2,000,000
10-Oct-12	1,000,000	5.9000	Members Equity Bank Melbourne	A-2	1,000,000
10-Oct-12	1,000,000	5.5500	Members Equity Bank Melbourne	A-2	1,000,000
17-Oct-12	1,000,000	5.2500	Bank of Queensland	A-2	1,000,000
19-Oct-12	2,000,000	5.4500	Bank of Queensland	A-2	2,000,000
26-Oct-12	2,000,000	6.0000	ING Bank (Australia) Limited	A-1	2,000,000
8-Nov-12	2,000,000	5.6000	Bank of Queensland	A-2	2,000,000
12-Nov-12	2,000,000	5.9700	ING Bank (Australia) Limited	A-1	2,000,000
19-Nov-12	1,000,000	5.1000	Bank of Western Australia	A-1	1,000,000
19-Nov-12	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
23-Nov-12	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
26-Nov-12	1,000,000	5.9800	ING Bank (Australia) Limited	A-1	1,000,000
26-Nov-12	2,000,000	5.2600	National Australia Bank Ltd - Govt Business	A-1	2,000,000
29-Nov-12	2,000,000	5.2700	National Australia Bank Ltd - Govt Business	A-1	2,000,000
10-Dec-12	1,000,000	5.1300	National Australia Bank Limited	A-1	1,000,000
10-Dec-12	2,000,000	5.0600	National Australia Bank Limited	A-1	2,000,000
13-Dec-12	2,000,000	5.0700	National Australia Bank Limited	A-1	2,000,000
19-Dec-12	2,000,000	5.0400	National Australia Bank Limited	A-1	2,000,000
7-Jan-13	1,000,000	5.1500	National Australia Bank Ltd - Govt Business	A-1	1,000,000
21-Jan-13	1,000,000	5.1000	Members Equity Bank Melbourne	A-2	1,000,000
23-Jan-13	2,000,000	5.1000	Members Equity Bank Melbourne	A-2	2,000,000
25-Jan-13	2,000,000	5.1800	ING Bank (Australia) Limited	A-1	2,000,000
25-Jan-13	2,000,000	5.2000	Bank of Queensland	A-2	2,000,000
29-Jan-13	2,000,000	5.0300	National Australia Bank Limited	A-1	2,000,000
8-Feb-13	2,000,000	5.2000	Bank of Queensland	A-2	2,000,000
13-Feb-13	2,000,000	5.1000	Bank of Western Australia	A-1	2,000,000
18-Feb-13	2,000,000	5.0700	National Australia Bank Limited	A-1	2,000,000
26-Feb-13	2,000,000	5.0500	National Australia Bank Limited	A-1	2,000,000
26-Feb-13	1,000,000	6.0100	ING Bank (Australia) Limited	A-1	1,000,000
26-Feb-13	2,000,000	5.1500	Bank of Queensland	A-2	2,000,000
26-Feb-13	1,000,000	6.0300	ING Bank (Australia) Limited	A-1	1,000,000
26-Feb-13	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
21-May-13	2,000,000	5.1000	ING Bank (Australia) Limited	A-1	2,000,000
13-Aug-13	1,000,000	5.0000	Bendigo and Adelaide Bank Limited	A-2	1,000,000
25-Nov-14	2,000,000	5.7000	National Australia Bank Ltd - Govt Business	AA-	2,000,000
	66,000,000				66,000,000
Term Investment Group & Cash Deposit Account					
Rollover Date	Face Value	Current Rate	Borrower	Rating	
Cash Account	4,955,596	4.0000	CBA (Business Saver)	A-1	4,955,596
Cash Account	45,618	4.0000	CBA Business Saver Narabeen Lagoon	A-1	45,618
17-Dec-12	1,000,000	4.1500	CBA Term Deposit Kimbriki 358 10609 (1)	AA-	1,000,000
13-Dec-12	7,064,725	5.1500	WBC Term Deposit Kimbriki 11-1208	AA-	7,064,725
4-Sep-12	2,163,252	5.8000	WBC Term Deposit Kimbriki 11-4185	AA-	2,163,252
1-Sep-12	512,770	3.4800	CBA Money Market Kimbriki 10162612	AA-	512,770
	15,741,961				15,741,961
	87,584,736			Closing Balance:	87,056,720

* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market convention for securities such as these. Council's investment policy recognises Weighted Average life dates as appropriate maturity dates for these securities

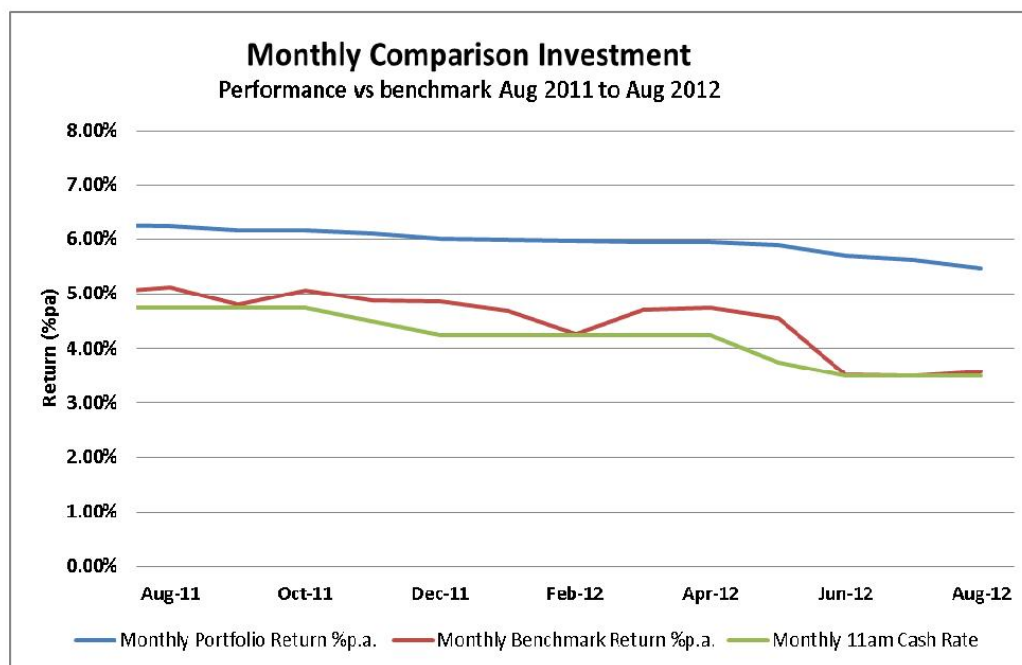
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: UBS 90d Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	5.46%	3.58%	3.50%
3 Months	5.60%	3.53%	3.50%
6 Months	5.76%	4.09%	3.79%
FYTD	5.54%	3.54%	3.50%
12 Months	5.93%	4.44%	4.13%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds, and Cash Fund)

** This benchmark relates to Cash Fund holdings

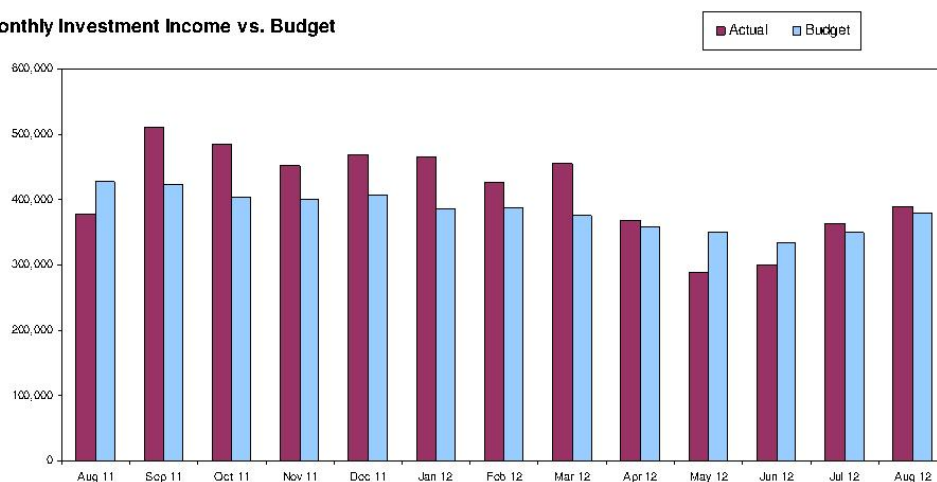


Monthly Investment Income* vs. Budget

	\$ August 12	\$ Year to Date
Investment Income	385,958	736,593
Adjustment for Fair Value	2,970	15,077
Total Investment Income	388,929	751,670
Budgeted Income	380,000	730,000

*Includes all cash and investment holdings

Monthly Investment Income vs. Budget



In August we have reflected a fair value increase of \$2,970 in accordance with AASB 139 Financial Instruments: Recognition and Measurement. It is Council's intention to hold these investments to maturity and as such no gain of principal will occur in these circumstances. These investments could have been classified as Held-to-maturity investments upon initial recognition under AASB 139 in which case no fair value adjustment would be required through profit or loss. When these investments reach maturity any fair value adjustment which has been taken up will be written back to the Profit and Loss Account.

Economic Notes

Global issues:

- The US Federal Reserve has made it clear it is ready to undertake another round of bond buying, known as qualitative easing, unless substantial and sustainable strengthening in the economic recovery is witnessed.
- European woes continue. Spanish and French governments took separate action to boost their banking sectors with Spain announcing plans to set up a “bad bank” to hold underperforming loans and France stepping in to bail out a troubled lender to low income households.
- In early September, the European Central Bank announced a new program to buy an unlimited amount of European sovereign debt. Despite certain strings attached, estimates are that hundreds of billions of euros will be printed to support struggling countries.

Domestic issues:

- Australian retail sales fell 0.8% in its latest release, led by a 10.2% fall in departmental store sales - the largest drop seen in seven years. Cafes, restaurants and takeaway food were the best longer term performer, with sales up 0.3%.
- Meanwhile, Gross Domestic Product recorded a gain for the June Qtr, up 0.6% for the quarter and 3.7% for the year ending June.
- The unemployment rate fell to 5.1% in August from 5.2% in July but this was associated with a 0.2 point decline in the participation rate to 65%, the lowest level since late 2006. Overall employment fell 8,800 for the month.

Interest rates:

- The RBA left the official cash rate unchanged at a 2½-year low of 3.50% at its meeting on 4th September, saying its recent reductions in borrowing costs will help the economy weather a more subdued global outlook.

Investment Portfolio Commentary

Council's investment portfolio posted a return in August of 5.46%pa, well above the bank bill index benchmark return of 3.58%pa.

Over the period, Council has outperformed the 90d bank bill benchmark due to investing in selected TDs which continue to pay high margins over the BBSW rate. This has resulted in good real returns as well as enhancing the mark to market performance of the portfolio.

Margins on term deposits eased during August. Coupled with the market still forecasting between 0.75%-1.00% worth of rate cuts by the RBA over the next 12 months, term deposit rates above 5%pa across all tenures are now becoming increasingly rare.

ITEM 7.5	MONTHLY FUNDS MANAGEMENT REPORT SEPTEMBER 2012
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2012/356335
ATTACHMENTS	1 Application of Funds Invested 2 Council's Holdings as at 30 September 2012 3 Investment Portfolio at a Glance 4 Monthly Investment Income vs. Budget 5 Economic Notes

REPORT

PURPOSE

To report the balance of investments held as at 30 September 2012.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

REPORT

The following attachments are provided as part of the Report.

1. Application of Funds Invested (Attachment 1)
2. Council's Holdings as at 30 September 2012 (Attachment 2)
3. Investment Portfolio at a Glance (Attachment 3)
4. Monthly Investment Income vs. Budget (Attachment 4)
5. Economic Notes (Attachment 5)

FINANCIAL IMPACT

The actual investment income to 30 September 2012 is \$1,171,579 which compares favourably to the budgeted income of \$1,130,000 a variance of \$41,579.

POLICY IMPACT

The investment strategy was reviewed by our Investment advisors Oakvale Capital, in July 2012. They confirmed as of 30 June 2012, that Council's investment portfolio continues to be managed in a prudently conservative manner.

Performance over the 2012/13 financial year to date (August 2012) continues to be strong having exceeded the benchmark, 5.46%pa vs 3.65%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing its cash flows.

Bank issued fixed and floating bonds are beginning to represent good value again, thereby providing Council with further long-term investment options (beyond term deposits and the NSW Treasury Corporation Managed Fund Facilities) depending upon its cash flow requirements.

RECOMMENDATION OF GENERAL MANAGER

That:

- A. The report indicating Council's Funds Management position be received and noted.
 - B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.
-

Application of Investment Funds		Description	Value (\$)
Restricted Funds:			
Externally Restricted	Section 94 Old Plan		26,272,392
	Section 94A Plan Contributions		6,261,843
	Domestic Waste & Unexpended Grants		1,384,525
Internally Restricted Reserves		Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Beach Parking.	21,143,522
Unrestricted Funds		Funds Allocated to meet Current Budgeted Expenditure	35,315,735
Total			90,458,018

There has been an increase in the investments held of \$3,401,298, which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description		Value (\$)
Council's Cash Book balance		326,176
Kimbriki Bank balance		1,823,424

Investments Funds Report - As at 30-Sep-12

Maturity date	Face Value	Current Yield	Borrower	Standard & Poor's Rating	Current Value
Floating Rate Note Investment Group					
15-Mar-13	2,000,000	5.7300	HSBC Bank Australia Subordinated Debt	A	2,000,004
23-Apr-14	1,000,000	4.5067	Deutsche Bank AG London Sub Notes	BBB+	966,757
	3,000,000				2,966,761
Floating Rate Note Investment Group - Held to Maturity					
18-Jun-13	1,000,000	4.6100	Suncorp Metway	A-1	1,000,000
	1,000,000				1,000,000
Mortgage Backed Securities Investment Group					
Weighted Avg Life *	Face Value				
22-Aug-14	1,842,775	4.0600	Emerald Series 2006-1 Class A	AAA	1,366,389
	1,842,775				1,366,389
Term Investment Group					
4-Oct-12	2,000,000	5.2000	National Australia Bank Limited	A-1+	2,000,000
9-Oct-12	2,000,000	5.5500	Members Equity Bank Melbourne	A-2	2,000,000
10-Oct-12	1,000,000	5.9000	Members Equity Bank Melbourne	A-2	1,000,000
10-Oct-12	1,000,000	5.5500	Members Equity Bank Melbourne	A-2	1,000,000
17-Oct-12	1,000,000	5.2500	Bank of Queensland	A-2	1,000,000
19-Oct-12	2,000,000	5.4500	Bank of Queensland	A-2	2,000,000
26-Oct-12	2,000,000	6.0000	ING Bank (Australia) Limited	A-1	2,000,000
8-Nov-12	2,000,000	5.6000	Bank of Queensland	A-2	2,000,000
12-Nov-12	2,000,000	5.9700	ING Bank (Australia) Limited	A-1	2,000,000
19-Nov-12	1,000,000	5.1000	Bank of Western Australia	A-1+	1,000,000
19-Nov-12	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
23-Nov-12	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
26-Nov-12	1,000,000	5.9800	ING Bank (Australia) Limited	A-1	1,000,000
26-Nov-12	2,000,000	5.2600	National Australia Bank Ltd - Govt Business	A-1+	2,000,000
29-Nov-12	2,000,000	5.2700	National Australia Bank Ltd - Govt Business	A-1+	2,000,000
5-Dec-12	2,000,000	5.0500	Members Equity Bank Melbourne	A-2	2,000,000
10-Dec-12	1,000,000	5.1300	National Australia Bank Limited	A-1+	1,000,000
10-Dec-12	2,000,000	5.0600	National Australia Bank Limited	A-1+	2,000,000
13-Dec-12	2,000,000	5.0700	National Australia Bank Limited	A-1+	2,000,000
19-Dec-12	2,000,000	5.0400	National Australia Bank Limited	A-1+	2,000,000
7-Jan-13	1,000,000	5.1500	National Australia Bank Ltd - Govt Business	A-1+	1,000,000
21-Jan-13	1,000,000	5.1000	Members Equity Bank Melbourne	A-2	1,000,000
23-Jan-13	2,000,000	5.1000	Members Equity Bank Melbourne	A-2	2,000,000
25-Jan-13	2,000,000	5.1800	ING Bank (Australia) Limited	A-1	2,000,000
25-Jan-13	2,000,000	5.2000	Bank of Queensland	A-2	2,000,000
29-Jan-13	2,000,000	5.0300	National Australia Bank Limited	A-1+	2,000,000
8-Feb-13	2,000,000	5.2000	Bank of Queensland	A-2	2,000,000
13-Feb-13	2,000,000	5.1000	Bank of Western Australia	A-1+	2,000,000
18-Feb-13	2,000,000	5.0700	National Australia Bank Limited	A-1+	2,000,000
25-Feb-13	1,000,000	5.0000	Bank of Queensland	A-2	1,000,000
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26-Feb-13	1,000,000	6.0300	ING Bank (Australia) Limited	A-1	1,000,000
26-Feb-13	1,000,000	6.0000	ING Bank (Australia) Limited	A-1	1,000,000
6-Mar-13	3,000,000	5.0500	Members Equity Bank Melbourne	A-2	3,000,000
6-Mar-13	3,000,000	5.0300	National Australia Bank Limited	A-1+	3,000,000
6-Mar-13	1,000,000	5.0100	National Australia Bank Limited	A-1+	1,000,000
6-Mar-13	1,000,000	5.0000	Bendigo and Adelaide Bank Limited	A-2	1,000,000
20-Mar-13	1,000,000	5.0500	Members Equity Bank Melbourne	A-2	1,000,000
21-May-13	2,000,000	5.1000	ING Bank (Australia) Limited	A-1	2,000,000
7-Jun-13	1,000,000	5.0000	Bank of Queensland	A-2	1,000,000
13-Aug-13	1,000,000	5.0000	Bendigo and Adelaide Bank Limited	A-2	1,000,000
25-Nov-14	2,000,000	5.7000	National Australia Bank Ltd - Govt Business	AA-	2,000,000
	71,000,000				71,000,000
Term Investment Group & Cash Deposit Account					
Rollover Date	Face Value	Current Rate	Borrower	Rating	
Cash Account	3,269,974	4.0000	CBA (Business Saver)	A-1+	3,269,974
Cash Account	45,773	4.0000	CBA Business Saver Narabeen Lagoon	A-1+	45,773
17-Dec-12	1,000,000	4.1500	CBA Term Deposit Kimbriki 35810609 (1)	AA-	1,000,000
13-Dec-12	7,064,725	5.1500	WBC Term Deposit Kimbriki 11-1208	AA-	7,064,725
4-Feb-13	2,226,502	4.9000	WBC Term Deposit Kimbriki 11-4185	AA-	2,226,502
1-Oct-12	517,894	3.3964	CBA Money Market Kimbriki 10162612	AA-	517,894
	14,124,868				14,124,868
	90,967,643			Closing Balance:	90,458,018

* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market

convention for securities such as these. Council's investment policy recognises Weighted Average life dates as appropriate maturity dates for these securities

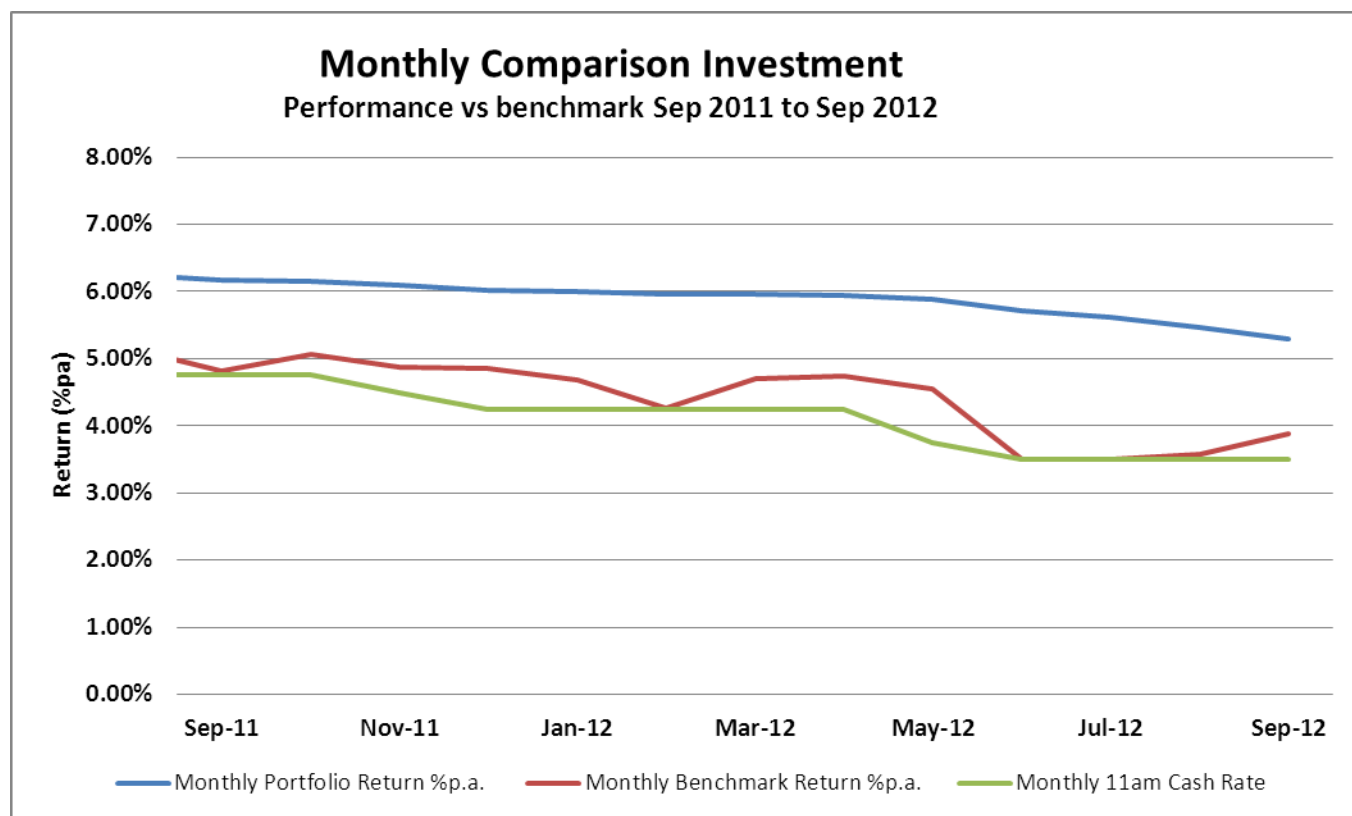
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: UBS 90d Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	5.29%	3.88%	3.50%
3 Months	5.46%	3.65%	3.50%
6 Months	5.65%	3.96%	3.67%
FYTD	5.46%	3.65%	3.50%
12 Months	5.86%	4.36%	4.02%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds, and Cash Fund)

** This benchmark relates to Cash Fund holdings

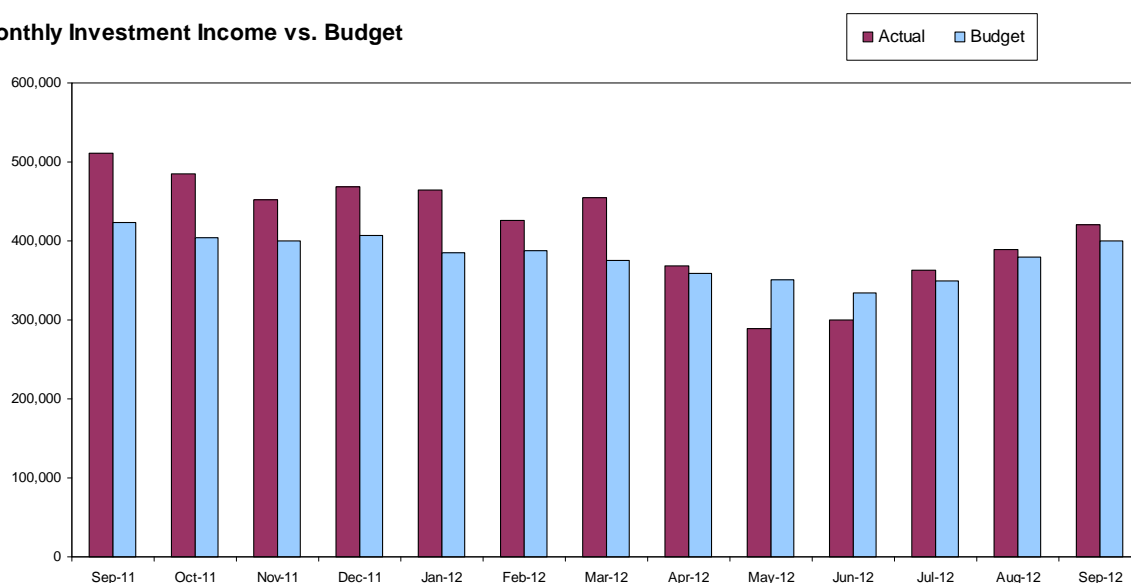


Monthly Investment Income* vs. Budget

	\$ September 12	\$ Year to Date
Investment Income	401,518	1,138,110
Adjustment for Fair Value	18,391	33,469
Total Investment Income	419,909	1,171,579
Budgeted Income	400,000	1,130,000

*Includes all cash and investment holdings

Monthly Investment Income vs. Budget



In September we have reflected a fair value increase of \$18,391 in accordance with AASB 139 Financial Instruments: Recognition and Measurement. It is Council's intention to hold these investments to maturity and as such no gain of principal will occur in these circumstances. These investments could have been classified as Held-to-maturity investments upon initial recognition under AASB 139 in which case no fair value adjustment would be required through profit or loss. When these investments reach maturity any fair value adjustment which has been taken up will be written back to the Profit and Loss Account.

Economic Notes

Global issues:

- Global manufacturing continues to remain sluggish. European data reflect over a year of contraction among member countries and China's slow down continues.
- Meanwhile, the US is showing improving signs of growth, with car sales up sharply and expansion reported in the country's latest manufacturing data.
- The US announced its latest effort in kick starting the nation's housing sector with plans to purchase US\$40 billion of mortgage backed securities each month, indefinitely.

Domestic issues:

- As part of the rationale for the latest cut in official interest rates (refer below) the RBA has downwardly revised its expectation for the peak in resources investment.
- The central bank is now thought to be more keenly focussed on the path for the economy after the mining investment boom begins to subside and will act to ensure that other parts of the economy – particularly dwelling and non-resources-related business investment – will recover to offset the associated drag on growth.

The RBA noted that the Australian labour market data has shown moderate employment growth and the rate of unemployment has thus far remained low. The Bank's assessment, though, is that the labour market has generally softened somewhat in recent months.

Interest rates:

- The RBA cut the official cash rate by 25 basis points to 3.25% at its October meeting. Main reasons for the cut included: Chinese growth slowing; ongoing uncertainty in Europe; and expectations of a peak in resource investment as soon as next year.
- The markets are already pricing in a high probability of a further rate cut this year and another in early 2013.

Investment Portfolio Commentary

Council's investment portfolio posted a return in August of 5.29%pa versus the bank bill index benchmark return of 3.88%pa.

Market conditions continue to result in solid returns for portfolios, such as Council's, holding predominately term deposits with historically high margins over swap rates.

Margins on term deposits continued to ease during September. Coupled with the market still forecasting up to 75bps worth of rate cuts by the RBA over the next 12 months, term deposit rates above 5%pa across all tenures are now becoming increasingly rare. Therefore, as Council's existing term deposits mature reinvestment is by necessity into lower yielding options. Consequently, Council's month to month returns are trending lower, but still well above bank bill index levels.

ITEM 7.6	APPOINTMENT OF THE GENERAL MANAGER'S PERFORMANCE REVIEW PANEL 2012-2013
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/333998
ATTACHMENTS	1 Guidelines for the Appointment and Oversight of General Managers July 2011 (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To adopt the July 2011 Director General's Guidelines for the Appointment and Oversight of General Managers to appoint a performance review panel and delegate the function of reviewing the General Manager's performance to the Performance Review Panel in accordance with the Division of Local Government Guidelines.

SUMMARY

In July 2011 the Director General of the Division of Local Government issued "Guidelines for the Appointment and Oversight of General Managers". It is appropriate for Council to adopt the Guidelines consistent with previous practice, to appoint a new panel and to delegate the whole process of performance management to the panel in accordance with the Guidelines.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That:

- A. Council adopts the Division of Local Government Guidelines for the Appointment & Oversight of General Managers dated July 2011 – see Attachment 1;
 - B. Council resolves the composition of the panel for the 2012 - 2013 period to consist of the Mayor, Deputy Mayor, one councillor nominated by Council and one nominated by the General Manager;
 - C. Council elects one councillor to be on the General Manager's performance review panel for 2012-2013;
 - D. Council delegates to the performance review panel the whole process of performance management, including discussions about performance and performance reviews, the reporting to Council of findings and recommendations of reviews and any actions that should be taken, the determination of any new performance agreement and together with the General Manager the appointment of an external facilitator to assist with the process;
 - E. There be one formal performance review per annum and there be an informal performance discussion between the panel and the General Manager mid-term.
-

REPORT

BACKGROUND

Since 2008 Council has adopted the Guidelines of the Director General of the Division of Local Government in relation to the management of the General Manager's performance and has delegated this function in accordance with the Guidelines to a performance review panel.

Therefore it is appropriate for Council, in accordance with usual practice, to adopt the Division of Local Government Guidelines July 2011 and to appoint a fresh panel for the new year of 2012-2013.

The Guidelines recommend that the panel should comprise the Mayor, the Deputy Mayor, another councillor nominated by Council and a councillor nominated by the General Manager.

The Guidelines further provide that the whole process of performance management be delegated to the panel including the conduct of performance reviews, reporting the findings and recommendations of those reviews to council and the development of the performance agreement.

There is also provision for the Council and the General Manager to agree on the involvement of an external facilitator to assist with the process of the performance review.

A facilitator for the period 2011-2012 was appointed. The previous Council has not resolved the annual performance review of 2011-2012. The new panel is required to complete this process with the current facilitator as part of its delegation.

At all times those councillors not on the panel can contribute to the process by providing feedback to the Mayor on the General Manager's performance.

ITEM 7.7	MINUTES OF THE SHOROC INC BOARD MEETING HELD 1 AUGUST 2012
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/336710
ATTACHMENTS	1 Minutes of the SHOROC Inc Board Meeting - 1 August 2012 (Excluded from Agenda)

REPORT

PURPOSE

To report the decisions of the SHOROC Incorporated Board Meeting held 1 August 2012 for the Council's information.

REPORT

The Board of SHOROC Incorporated met at Brookvale on Wednesday, 1 August 2012. Submitted herewith are the minutes from the SHOROC Incorporated Board Meeting for the Council's consideration (Attachment 1).

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That the Minutes of the SHOROC Incorporated Board Meeting of 1 August 2012 be noted and the recommendations contained therein be adopted.

8.0 COMMUNITY DIVISION REPORTS

ITEM 8.1	CODE OF CONDUCT - REPORT FROM SOLE CONDUCT REVIEWER - COMPLAINT AGAINST GENERAL MANAGER
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/361143
ATTACHMENTS	1 Report of Sole Conduct Reviewer (Excluded from Agenda)

REPORT

PURPOSE

To advise Council of the findings of the Sole Conduct Reviewer into a complaint made against General Manager Rik Hart concerning alleged breaches of the Code of Conduct.

REPORT

In March 2011, a complaint was made to the Internal Ombudsman as a Public Interest Disclosure. The complaint contained various allegations that the General Manager had adversely treated Councillor De Luca, and thereby breached Council's Code of Conduct.

The Mayor determined to refer the matter to a Sole Conduct Reviewer. A Conduct Reviewer, Ms Alison Cripps, was duly appointed. Ms Cripps made enquiries into the complaint and has submitted her report into the matter. Attached for Council's consideration is a copy of the report.

The Conduct Reviewer found that the General Manager did not breach the Code of Conduct.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council note the contents of the report of the Sole Conduct Reviewer.

ITEM 8.2	APPOINTMENT OF COUNCILLORS TO THE AUDIT AND RISK COMMITTEE
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2012/361598
ATTACHMENTS	1 Audit and Risk Committee Charter

REPORT

PURPOSE

To nominate two councillors to become members of the Audit and Risk Committee.

REPORT

The Audit and Risk Committee ('the Committee') is an existing committee of Council.

The main purpose and function of the Committee is to ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal Audit, Enterprise Risk and Business Continuity Plans.

The Committee's governance is set out by the Audit and Risk Committee Charter ('the Charter'), which was last adopted by Council on 27 March 2012 (see Attachment 1).

Section 5 of the Charter (Membership and Tenure) states that membership of the Committee shall comprise (among others) two voting councillors.

In accordance with the Audit and Risk Committee Charter, the return of a new Council necessitates the appointment of two councillors to fill these allocated positions on the Committee.

FINANCIAL IMPACT

The costs associated with managing and facilitating the Audit and Risk Committee (e.g. meetings) is incorporated in the current Corporate Support operational budget.

POLICY IMPACT

Nil. The Audit and Risk Committee Charter was adopted by Council on 27 March 2012, and this report is compliant with Section 7 (Membership) of the Charter.

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council nominate two councillors to be members of the Audit and Risk Committee.

1 Name

The Committee will be called the Audit & Risk Committee

2 Status

Established by authority of the General Manager on 25 January 2006

Amended by the Internal Audit Review Committee: 18 October 2006

Amended by the Internal Audit Review Committee: 21 May 2008

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

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

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

3 Purpose

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

4 Objective

- 4.1 The main purpose and function of this Committee is to provide independent assurance and assistance to Warringah Council on risk management, control, governance and external accountability responsibilities
- 4.2 In addition, the purpose and function of this Committee is to ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal and External Audit Plans

5 Authority

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

- i) Obtain any information it needs from any employee or external party (subject to their legal obligation to protect information)
- ii) Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)
- iii) Request the attendance of any employee or councillor at Committee meetings
- iv) Obtain external legal or other professional advice, as considered necessary to meet its responsibilities
- v) Appoint the representatives to the Committee, as per the parameters and procedures outlined in section 7 of this Charter

6 Role and Responsibilities

- i) The role of the Committee is to oversight risk, compliance, external accountability and the internal control environment on behalf of Council
- ii) The Committee has no executive powers, except those expressly provided by the Council
- iii) In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act 1993
- iv) The responsibilities of the Committee may be revised or expanded by Council from time to time

Specifically, the Committee's responsibilities are:

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

- i) Council complies with relevant risk management standards
- ii) Management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud
- iii) A sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings
- iv) A sound and effective approach has been followed in establishing business continuity planning arrangements, including if plans have been tested periodically

6.2 Control Framework - review whether or not:

- i) Management has adequate and effective internal controls in place, including over external parties such as contractors and advisors
- ii) Management has in place relevant policies and procedures, and if these are periodically reviewed and updated
- iii) Appropriate processes are in place to assess if Council complies with policies and procedures
- iv) Appropriate policies and procedures are in place for the management and exercise of delegations
- v) Management has taken steps to embed a culture which is committed to ethical and lawful behaviour

6.3 External Accountability:

- i) Being satisfied that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls
- ii) Reviewing the External Audit opinion, including whether or not appropriate action has been taken in response to audit recommendations and adjustments
- iii) Considering contentious financial reporting matters in conjunction with Council's management and External Auditors
- iv) Reviewing the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements

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

6.4 Legislative Compliance

- i) Determine if management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements
- ii) Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies

6.5 Internal Audit

- i) Act as a forum for communication between the Council, General Manager, senior management, Internal Audit and External Audit
- ii) Review and authorise the annual and long-term Internal Audit Plan as developed by the Internal Auditor including consideration of the Risk Management Plan
- iii) Monitor the resources of the Internal Audit function and make recommendations to the General Manager to ensure that the Internal Audit function is sufficient and appropriate
- iv) Ensure and support the independence of the Internal Audit function
- v) Make recommendations for inclusion and/ or prioritising projects in the Internal Audit Plan/s
- vi) Make recommendations to commission audits of any kind, whether to be conducted by the Internal Auditor or otherwise
- vii) Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices
- viii) Review and discuss the Internal Auditor's quarterly reports including:
 - YTD progress as per the Internal Audit Plan
 - Significant variations that have occurred from the Internal Audit Plan
 - Any specific concerns the Internal Auditor may have to discuss
- ix) Monitor the acceptance and implementation of Internal Audit recommendations by management
- x) Approve and periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place
- xi) Periodically review the performance of Internal Audit

6.6 External Audit

- i) Review the proposed audit scope and approach, with particular respect to coordination of audit effort with internal audit
- ii) Act as a forum for communication between the Council, General Manager, senior management, Internal and External Audit
- iii) Provide input and feedback on the financial statement and performance audit coverage proposed by External Audit, and provide feedback on the External Audit services provided

- iv) Review all external plans and reports in respect of planned or completed external audits, and monitor management's implementation of audit recommendations
- v) Consider significant issues raised in relevant External Audit reports and better practice guides, and ensure appropriate action is taken

6.7 Responsibilities of Members

Members of the Committee are expected to:

- i) Understand the relevant legislative and regulatory requirements appropriate to Warringah Council
- ii) Contribute the time needed to study and understand the papers provided
- iii) Apply good analytical skills, objectivity and good judgment
- iv) Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry

7 Membership and Tenure of the Audit & Risk Committee

7.1 Skills and Experience

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

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

7.3 The Committee shall consist of:

- i) Members (voting)
 - 2 Councillors
 - Independent external member (Chair)*
 - Independent external member*

*not a member of the current or previous Council/ staff
- ii) Attendees (non-voting)
 - General Manager
 - Internal Auditor
 - Chief Financial Officer
 - Deputy General Manager
 - Representative of the External Auditor
- iii) Invitees (non-voting) for specific Agenda items
 - Other officers may attend by invitation as requested by the Committee

7.4 Selection of Members

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

- i) The Committee shall seek nominations from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this charter shall be eligible for appointment
- ii) The eligible persons will be interviewed by the Office of the Internal Ombudsman, who shall make recommendations to the Committee
- iii) Following receipt of recommendations from the Office of the Internal Ombudsman, the Committee may appoint the independent external member by:
 - Making a direct appointment based on merit; or
 - Determining the representative by the drawing of lots where there are suitable and complying nominations with equal merit
- iv) In the event of equal votes the Chair shall have the casting vote

7.5 Term of Office

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

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

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

- ii) The maximum number of terms an independent external member can sit on the Committee without the need for further nominations is 2 terms

7.6 Vacancy

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

8 Code of Conduct

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

9 Chairperson

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

10 Quorum

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

11 Proceedings**11.1 Meetings**

- i) The Committee shall meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion as well as review and endorsement of the annual Internal Audit Plan
- ii) The need for any additional meetings will be decided by the Chair, although the other Committee members may make requests to the Chair for additional meetings
- iii) Meetings can be held in person, by telephone or by video conference
- iv) A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit & Risk Committee Charter

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

11.2 Attendance of Non-Members:

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

11.3 Venue

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

11.4 Conflicts of Interest

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

11.5 Minutes

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

11.6 Induction

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

12 Reporting

- 12.1 The Committee shall report at least annually to Council
- 12.2 At the first Committee meeting after 30 June each year, the Internal Auditor will provide a performance report of:
- i) The performance of Internal Audit for the financial year as measured against agreed key performance indicators
 - ii) The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit
- 12.3 The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee

13 Decision Making/Deliverables:**13.1 Decision Making/ Deliverables**

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

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

13.2 Assessment of Committee Performance

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

14 Review of the Audit & Risk Committee Charter

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

Approved:

Bryce McNair
Chair
Audit & Risk
Committee

Audit & Risk Committee
Meeting:

29 February 2012

Date:

29 February 2012

9.0 ENVIRONMENT DIVISION REPORTS

ITEM 9.1	RETURNS DISCLOSING PECUNIARY INTERESTS OF DESIGNATED PERSONS FOR THE PERIOD 1 JULY 2011 TO 30 JUNE 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/297655
ATTACHMENTS	NIL

REPORT

PURPOSE

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

REPORT

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

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

All except one of the required returns for the period ending 30 June 2012 have been completed and lodged with the General Manager. The exception has resulted from a staff member being on maternity leave. This Section 449 Return is expected to be completed upon their return.

Section 450A of the Local Government Act requires the General Manager to keep a register of returns, and to table the returns at the first Council Meeting held after the last day of required lodgement (i.e. 30 September 2012.) Accordingly, the returns for the period ending 30 June 2012 will be tabled at the Ordinary Council Meeting of 23 October 2012.

It should be noted that as it is an election year, new Councillors will need to submit a return within three months of holding office (these do not need to be reported to Council). After this, they will then need to complete an annual return as at 30 June each year.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Disclosure of Pecuniary Interest Returns for designated persons for the period 1 July 2011 to 30 June 2012 be received and noted.

ITEM 9.2	ELECTION OF DEPUTY MAYOR
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/297622
ATTACHMENTS	1 Office of Deputy Mayor - Nomination Form

EXECUTIVE SUMMARY

PURPOSE

To elect the 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

- A. That Council determines whether it shall elect a Deputy Mayor.
 - B. That should Council determine 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 27 September 2011 Warringah Council resolved to elect a Deputy Mayor; that the term of the Deputy Mayor be for the remaining term of Council (up until the Local Government Elections in September 2012); that there be no fee payable to the Deputy Mayor; and that the election be carried out by open voting.

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 24 May 2011, that the Mayor's fee (which is separate to the fee paid to the Mayor as a Councillor) for 2011 – 2012 would be \$56,250.

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:

“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 Mayoral term or 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."*

ITEM 9.3	CONFIRMATION OF PREVIOUS COUNCIL DECISION REGARDING THE EXTENSION OF THE TERM OF STRATEGIC REFERENCE GROUPS AND COMMUNITY COMMITTEES TO AUGUST 2013.
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/297701
ATTACHMENTS	1 Original Report to Council August 2012

REPORT

PURPOSE

This report seeks the incoming Council's confirmation of the previous Council's decision in August 2012, regarding the extension of the term of Strategic Reference Groups and Community Committees to August 2013.

REPORT

At its meeting on 28 August 2012, Council adopted a number of recommendations as part of the broader Strategic Engagement Framework review. The main recommendations dealt with were:

- the extension of the term of Strategic Reference Groups and Community Committees to August 2013, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee;
- staff work on a model for the Community and Culture Strategic Reference Group with the current members, reporting back to Council in mid 2013 and;
- a number of guideline changes.

The incoming Council has received a briefing as part of their induction program in relation to the original report and its findings. This report seeks the incoming Council's confirmation of the decision made by the previous Council on 28 August 2012.

FINANCIAL IMPACT

Nil

POLICY IMPACT

It was recognised in the report to Council in August 2012 that extending the terms of both the Strategic Reference Groups and Community Committees is against the guidelines of both; however the reasons for this were discussed and noted in the original report.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the incoming Council confirms the previous Council's decision of 28 August 2012 as follows:

That:

- A. The term of all Strategic Reference Groups and Community Committees, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee be extended until August 2013 (with the exception of Councillor changes as a
-

direct result of the results of the 8 September 2012 Local Government Elections).

- B. Staff work with the current members of the Community and Culture Strategic Reference Group on a model for this Group going forward and that a report be brought back to Council in mid 2013 with a recommendation for the future of this group.

- C. That the following amendments to the Strategic Reference Group Guidelines be endorsed:

- a. The Tenure Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Community representatives shall be appointed to Strategic Reference Groups for a period of up to four (4) years. Where a community representative is replaced in accordance with Council's policy, equal representation from the three (3) Wards of Warringah shall be maintained where possible.

- b. The Membership, Roles and Responsibilities Clause within the Strategic Reference Group Guidelines be amended to read as follows under Community:

Community - Nine (9) community members shall be appointed to each Strategic Reference Group in accordance with Council policy. Community representation is to be spread equally across the three (3) wards of Warringah with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

- c. The Frequency, Timing and Duration of Meetings Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Strategic Reference Groups will meet bi-monthly.

There will be flexibility in the start time of the Strategic Reference Group Meetings, whereby a meeting may start between 6pm and 7pm as determined by a majority of members. Meetings are to be no longer than two (2) hours in length, unless the closing time is extended by a majority decision by up to thirty (30) minutes. Any business not dealt with at the close of a meeting is to be carried forward to the next meeting of the Strategic Reference Group.

- d. An additional line be added to paragraph two of the Quorum and voting clause as follows:

If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

- e. The Notice of Meetings and Agenda Distribution Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Notice of meetings of Strategic Reference Groups, including the Agenda, is to be provided to members by Council officers not less than seven (7) days prior to the meeting. Wherever possible, the meeting notice and Agenda should be distributed electronically.

- D. The following amendment to the Strategic Reference Group Charters be endorsed:

That Clause 3, Membership within all Strategic Reference Group Charters, be amended to read as follows under Community:

Community - Nine (9) community members, with representation spread equally across the three (3) wards of Warringah, with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

E. The following amendment to the Community Committee Guidelines be endorsed:

That an additional paragraph be added to the Quorum and Voting Clause as follows:

No member should be absent for more than two (2) consecutive meetings of a Community Committee without first seeking, and being granted, leave by the relevant Committee. If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

ITEM 8.15	REVIEW OF THE STRATEGIC ENGAGEMENT FRAMEWORK COMPRISING OF THE STRATEGIC REFERENCE GROUPS AND COMMUNITY COMMITTEES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/229929
ATTACHMENTS	<ol style="list-style-type: none">1 Strategic Reference Groups - Initial Discussion Feedback - November 2011 (Excluded from Agenda)2 Strategic Reference Groups Survey Results (Excluded from Agenda)3 Community Committees Survey Results (Excluded from Agenda)4 Strategic Reference Groups Workshop Notes (Excluded from Agenda)5 Community Committees Workshop Notes (Excluded from Agenda)6 Paper - Community Engagement Structures - Alternative Arrangements (Excluded from Agenda)7 Paper - Precinct Review Report - Kempsey Council 2006 (Excluded from Agenda)8 Updated Strategic Reference Groups Guidelines (Excluded from Agenda)9 Updated Community Committees Guidelines (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To report to Council the findings of the review of the Strategic Engagement Framework, comprising the Strategic Reference Groups and Community Committees.

SUMMARY

The Strategic Engagement Framework, encompassing the Strategic Reference Groups and Community Committees as per their current structure was adopted by Council on 23 March 2010.

Further to this the following was adopted regarding a review of the implementation of the framework and investigations into other committee structures as follows:

- *"That implementation of the Strategic Committee Framework be subject to a review twelve (12) months following the first meetings of the Strategic Reference Groups.*
- *That other committee structures including the Precinct Committee System also be further investigated at that time."*

This report provides a review of the Strategic Reference Groups and Community Committees, including recommendations for improvement going forward, whilst also looking at precinct committees and other alternatives that are available to the current framework in place at Warringah.

This report has a number of recommendations for improvement to both the Strategic Reference Groups and Community Committees, the most pertinent, that both the Strategic Reference Groups and Community Committees (with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee) continue with their current members until August 2013 (with the exception of any Councillor changes due to the 8 September 2012 Local Government Elections; that new Councillor appointments are made at the first Ordinary Meeting of Council after the Local Government Elections and; minor guideline and charter amendments which will aid in the improved running of these groups.

FINANCIAL IMPACT

There will be a number of financial impacts as a direct result of some of the recommendations of the review including:

- A. Increased salary costs due to the increase in Strategic Reference Group meetings and the required attendance of Warringah Council staff at these meetings to give presentations and briefings; take minutes and; prepare the agendas as well as attendance by staff at the relevant Community Committee meetings as required;
- B. The meal budget will increase due to an increase in the number of Strategic Reference Group meetings per annum, where members, Councillor and staff are provided with a meal prior to the commencement of the meeting.

POLICY IMPACT

The Strategic Reference Group and Community Committee guidelines and charters will have minor amendments made to them as outlined in this report. Strategic Reference Group members and Community Committee members, as well as Councillors and staff have been consulted regarding the proposed amendments and all documentation will subsequently be updated as per the recommendations when adopted by Council.

It is also noted that one of the major recommendations with regard to extending the current term of the Strategic Reference Groups and Community Committees, is in contravention of the guidelines, however this is necessary to achieve the desired outcome.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. The term of all Strategic Reference Groups and Community Committees, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee be extended until August 2013 (with the exception of Councillor changes as a direct result of the results of the 8 September 2012 Local Government Elections).
- B. Staff work with the current members of the Community and Culture Strategic Reference Group on a model for this Group going forward and that a report be brought back to Council in mid 2013 with a recommendation for the future of this group.
- C. That the following amendments to the Strategic Reference Group Guidelines be endorsed:
 - a. The Tenure Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Community representatives shall be appointed to Strategic Reference Groups for a period of up to four (4) years. Where a community representative is replaced in accordance with

Council's policy, equal representation from the three (3) Wards of Warringah shall be maintained where possible.

- b. The Membership, Roles and Responsibilities Clause within the Strategic Reference Group Guidelines be amended to read as follows under Community:

Community - Nine (9) community members shall be appointed to each Strategic Reference Group in accordance with Council policy. Community representation is to be spread equally across the three (3) wards of Warringah with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

- c. The Frequency, Timing and Duration of Meetings Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Strategic Reference Groups will meet bi-monthly.

There will be flexibility in the start time of the Strategic Reference Group Meetings, whereby a meeting may start between 6pm and 7pm as determined by a majority of members. Meetings are to be no longer than two (2) hours in length, unless the closing time is extended by a majority decision by up to thirty (30) minutes. Any business not dealt with at the close of a meeting is to be carried forward to the next meeting of the Strategic Reference Group.

- d. An additional line be added to paragraph two of the Quorum and voting clause as follows:

If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

- e. The Notice of Meetings and Agenda Distribution Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Notice of meetings of Strategic Reference Groups, including the Agenda, is to be provided to members by Council officers not less than seven (7) days prior to the meeting. Wherever possible, the meeting notice and Agenda should be distributed electronically.

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- E. The following amendment to the Community Committee Guidelines be endorsed:

That an additional paragraph be added to the Quorum and Voting Clause as follows:

No member should be absent for more than two (2) consecutive meetings of a Community Committee without first seeking, and being granted, leave by the relevant Committee. If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

REPORT

BACKGROUND

The Strategic Engagement Framework, encompassing the Strategic Reference Groups and Community Committees as per their current structure was adopted by Council on 23 March 2010.

Further to this, the following was adopted regarding a review of the implementation of the framework and investigations into other committee structures as follows:

- *"That implementation of the Strategic Committee Framework be subject to a review twelve (12) months following the first meetings of the Strategic Reference Groups.*
- *That other committee structures including the Precinct Committee System also be further investigated at that time."*

This report provides a review of the Strategic Reference Groups and Community Committees, including recommendations for improvement going forward, whilst also looking at precinct committees and other alternatives that are available to the current framework in place at Warringah.

This report has a number of recommendations for improvement to both the Strategic Reference Groups and Community Committees, the most pertinent, that both the Strategic Reference Groups and Community Committees continue with their current members until August 2013 ((with the exception of the Community and Culture Strategic Reference Group; Sister Cities Community and with the exception of any Councillor changes due to the 8 September 2012 Local Government Elections; that new Councillor appointments are made at the first Ordinary Meeting of Council after the Local Government Elections and; minor guideline and charter amendments which will aid in the improved running of these groups.

Why Review?

Notwithstanding the resolution of Council in March 2010, it was clear after the first twelve months of operation of the Strategic Reference Groups and Community Committees that there were some key observations by Council staff, Councillors and committee members. At the outset, a number of staff changes within the organisation in mid 2010 meant that a new team took over the management of the Strategic Reference Groups and Community Committees. These staff members were not involved in the working party that had made and recommended the changes that were adopted in March 2010, and as such, it was a new process for all involved regarding just how these groups would work in practice.

Now that the Strategic Reference Groups and Community Committees have been running for a period of time, staff have the ability to make informed recommendations to Council regarding changes to the structure and workings of the Strategic Reference Groups and Community Committees, to enhance their value to both Warringah Council as an organisation, and the community representatives that are members of these groups.

It was apparent from the outset that not all Strategic Reference Groups and Community Committees were working effectively for a number of reasons including (but not limited to) the following:

- Lack of quorum at scheduled meetings;
- Lack of appropriate items listed on the Strategic Reference Group agendas;
- Too many items listed on the Strategic Reference Group 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;
- Interaction between Strategic Reference Groups and Community Committees;
- Community Committees not having adequate Strategic Reference Group staff or administration support.

CONSULTATION

Consultation has taken place with key stakeholders, including staff within Warringah Council which has included the General Manager; Deputy General Manager's; Group Managers; Strategic Reference Group liaison officers and the Governance team. Councillors, Strategic Reference Group and Community Committees members have also been consulted through the review process. This has been at Strategic Reference Group meetings, through surveys with all members of the Strategic Reference Groups and Community Committees (including Councillors), and workshops for both of these groups.

A timeline of events through the review process follows:

- *November 2011*
Consultation occurred with Strategic Reference Group Members at the November 2011 round of meetings, where these groups were initially asked what they thought was working well and what could be improved.
- *January 2012*
From the initial consultation surveys were developed for Strategic Reference Groups and Community Committees was compiled, based in part on issues raised at the November round of meetings and feedback the Governance team had received from Strategic Reference Group and Community Committee members to date.
- *24 January to 12 February 2012*
The surveys were sent to all Strategic Reference Group and Community Committee members (including Councillors) on 24 January 2012, with the survey closing on 12 February 2012.
- *January and February 2012*
Research occurred into Precinct Committees and other models.
- *May 2012*
Results of the surveys were taken to Strategic Reference Groups and sent to Community Committee members for information and further feedback.
- *26 May 2012*
A Strategic Reference Group Workshop was held. 22 members were in attendance, including five Councillors.

- *6 June 2012*
A Community Committee workshop was held. 14 members were in attendance, including two Councillors.
- *June 2012*
Workshop results sent to all Strategic Reference Group and Community Committee members.
- *August 2012*
 - Workshop results and final recommendations were presented to the Strategic Reference Groups;
 - August 2012 - Final report to be presented to Council.

The Timeline*November 2011 – Consultation at Strategic Reference Group Meetings*

At the November 2011 round of Strategic Reference Group meetings, members of these groups were asked what they thought was working well and what they thought could be improved. All of the comments made at the initial consultation with the Strategic Reference Groups can be viewed at Attachment 1 (see separate attachment booklet).

In brief there were a number of common themes that came through the verbatim comments that included:

- **Frequency of meetings**
This related to meetings being held too infrequently. The Strategic Reference Group guidelines stipulate that meetings are to be held quarterly, however it was recognised at this early stage that this is too big a gap between meetings, which hampered productivity of the groups. At this early stage, the idea of bi-monthly meetings was canvassed.
- **Agenda issues**
This related to the agendas being too crowded in some instances, with not enough time being allocated to discuss some of agenda items. The order of the agenda was also raised as a concern at this time.
- **More informal/ relaxed meetings**
This relates to the idea of holding workshops versus formal meetings from time to time. This would largely depend on the items brought to the groups, and the request for input of members in relation to specific council projects. It may also provide a more relaxed environment for members.
- **Too much information/ detail**
Whilst for the most part, it was recognised that overall, there is a good amount of information available to members, at times this can become feel like information overload and be overwhelming to read prior to meetings (especially when there are large agendas), however the flip side of this is where a vast amount of information is provided at the meetings themselves, members feel overwhelmed with the information that they are required to take in.

- Chairing of meetings

This relates to the flow of meetings and tighter control of discussion at Strategic Reference Group Meetings, including strategic versus operational discussion and the appropriate wording of actions and recommendations to come out of meetings.

- Minutes feedback/ improvements

The issues raised here include that the Strategic Reference Group members do not have enough time to provide amendments to the minutes to Council staff and that the minutes are not detailed enough. There were also a number of requests for the minutes of Strategic Reference Group meetings to be more detailed. It should be noted that minutes of a meeting are not a verbatim account of what occurred at the meeting, however a record of actions and decisions. The issue of Community Committee minutes not getting to the Strategic Reference Groups was also raised at this early stage of the review.

- SRGs common topics exchange

This related to the potential for Strategic Reference Groups combining where the same presentations are given to all Groups, and engagement of Community Committee members associated with these Strategic Reference Groups.

- Recommendations and action improvements

This related to the recommendations and actions coming out of Strategic Reference Groups. It was suggested that Council staff need to be clear in what they required from the Strategic Reference Groups (for example an action or recommendation). This also related to the length of time that it takes for recommendations of the Strategic Reference Groups to go to Council and that in some instances the actions and recommendations that come out of these groups were not clear and were poorly worded.

- Clarification of role of members/ induction

This related to the brief of the Strategic Reference Group being too broad and that the role of members should be reinforced every once in a while and that the charters/ guidelines should be defined and explained to all members on a regular basis.

January/ February 2012 – Survey to all Strategic Reference Group and Community Committee members

24 January to 12 February 2012 – A survey was sent to all Strategic Reference Group and Community Committee members (including Councillors) on 24 January 2012. A reminder was sent to both groups a week prior to the closing date, with the survey closing on 12 February 2012.

All results of the survey were anonymous. The only information gathered in relation to identifying respondents to the survey was Strategic Reference Group/ Community Committee membership details in order for the data to be analysed by group.

Of the 45 Strategic Reference Group members distributed the survey, 25 responses were received. This equated to a response rate of 56%.

Of the 126 Community Committee members distributed the survey, 51 responses were received. This equated to a response rate of 40%.

Survey Results – Strategic Reference Groups

There was a preference to maintain meeting start times of 6.00pm (over 50% of all respondents), however there was a very strong preference of respondents of the Recreation and Open Space Strategic Reference Group (over 80%) to move to a later start time of 6.30pm.

There also appeared to be some preference for the Recreation and Open Space Strategic Reference Group to move to Monday nights and the Environmental Sustainability Strategic Reference Group to move to Wednesday (currently this is the reverse). The other Groups preferences of meeting day remained the same.

From the survey results, the Community and Culture and Recreation and Open Space Strategic Reference Groups had a preference to move to two (2) hour meetings with the option of extending by a half hour, whilst the Environmental Sustainability and the Infrastructure and Development Strategic Reference Groups preferred maintaining the current length, with a three (3) hour meeting with option of extending by a half hour.

43% of respondents suggested that they would like to move to bi-monthly meetings. 32% of respondents preferred the current schedule of quarterly meetings; however a further 18% preferred the current frequency with two additional workshops per year. There was also some commentary relating to an increase in the frequency of meetings and a reduction in length working hand in hand.

Overall, there was positive feedback in relation to the venue of meetings, meals provided prior to meetings, room set up and screens, with some feedback in relation to the setup of screens in the meeting rooms. As this helps with minute taking and accuracy, it is not proposed to amend the current set up of the meeting rooms including the screens

Overall, the servicing of committees, advice, timeliness of response and ease of communication with/ from Governance staff and council staff rated well. For the most part respondents across all Strategic Reference Groups were satisfied to very satisfied with the level of service provided.

Strategic Reference Group members were satisfied that their requests were completed in a timely manner and that the quality of the responses to their requests were of a satisfactory nature.

Respondents were neutral to satisfied in relation to the advertisement of positions vacant, forms, the selection process and overall application process for becoming a member of the Strategic Reference Groups. It is noted that this process should be more concise in future recruitment campaigns.

There was some concern raised in relation to the level of interaction with the Community Committees. Overall 23% of respondents were unsatisfied; with over 38% being neutral. Only 19% were satisfied with the current level of interaction. This issue is also raised within the workshops of both the Strategic Reference Groups and Community Committees, and there are a number of recommendations further in this report that look to address this issue.

Most of the respondents to the survey felt that the Community Committee minutes were considered appropriately, most groups falling into the neutral or satisfied area, however the, Infrastructure and Development Strategic Reference Group were particularly unsatisfied with 50% of respondents unsatisfied that the Community Committee minutes were considered appropriately by the group.

For the most part respondents were neutral to satisfied that actions considered (from Community Committees) at Strategic Reference Groups.

Respondents were generally satisfied regarding the chairing of meetings except for the Community and Culture Strategic Reference Group, where 33% were unsatisfied with the current chairing of their meetings.

It was positive to note that overall over 80% of respondents to the survey either agree or strongly agree that their opinions are heard and 73% agreed or strongly agrees that they were contributing to their Strategic Reference Groups.

It should also be noted that 24% of respondents to the survey considered that they were making a valuable contribution to their SRG, however 62% of respondents to the survey were undecided if their contribution to their SRG was making a difference, with another 15% not in agreement with this statement.

Whilst most respondents were happy with the charters and guidelines in their current form, at this stage of the review, there were some minor amendments to the charters and guidelines of the Strategic Reference Groups being considered that included; alignment to the new Community Strategic Plan for 2013-14; ward representation being considered and; an attendance clause.

There was also some commentary about agenda items not being appropriate and/ or enough consideration being given to agenda items as they are too cluttered. This prompted the Governance team to revisit how they were working with the chairs and the liaison officers in relation to agenda setting.

Survey Results – Community Committees

There was quite a bit of commentary from the Community Committees that they were unsure what happens with the minutes from their meetings, and if they are considered by the relevant Strategic Reference Groups. Further in this report, it is recommended that Governance close the loop in relation to this and provide feedback to Community Committees in relation to their minutes and their consideration by the Strategic Reference Groups.

It was noted that quite a few of the respondents did not have a copy of the guidelines or charters for their CC. As such, the Governance team will provide a link to Community Committee members to the relevant pages of Warringah Council's website where these documents are available.

There appears to be some concern with the linkages between the Community Committees and the Strategic Reference Groups, this will be considered as part of the long term amendments to the Strategic Reference Groups, which may look at alignment of the Strategic Reference Groups and Community Committees with the Community Strategic Plan.

It appears that some Community Committees are meeting regularly and are happy with the way things are progressing, their relationship with the Strategic Reference Groups and Council, whilst others are not. There is also reference in some of the commentary regarding the provision of administration support and staff attendance to Community Committees.

Attendance was recognised as a significant issue through the survey completed by Community Committee members. This issue is addressed further in the report with a recommendation to add an attendance clause to the Community Committee guidelines.

The full results of these two surveys can be viewed at Attachments 2 and 3 respectively (see separate attachment booklet).

May 2012 - Results of survey taken to Strategic Reference Groups and circulated to Community Committee members

At the May round of Strategic Reference Groups, the survey results were taken to the Strategic Reference Groups and circulated to all Community Committee members for comment. Three of the four Strategic Reference Groups made recommendations following discussion of the survey results that have been considered and addressed as part of the overall review. The recommendations from these groups were as follows:

The Infrastructure and Development Strategic Reference Group made the following recommendations:

That:

- A. Meetings move to bi-monthly with flexibility in the format of the meetings*
- B. Meetings remain 3hrs with a ½ hr extension*
- C. The preference for Wards within the SRG guidelines remain, however when a vacancy exists and it is unable to be filled, that this not part of the considerations.*
- D. Membership be increased by 1 member per Ward (to a total of 15 members including Councillors) be taken to the 29 May workshop*
- E. Community Committee minutes be moved in the order of business to after adoption of the minutes of the previous meeting*
- F. The Infrastructure and Development SRG note that some of the Community Committees should not exist*
- G. Community Committees be invited to attend the relevant SRG to present their actions*
- H. Consideration be given to deleting the definition of 'Community Members' from the SRG guidelines*
- I. Consideration be given to staff members of council attending selected Community Committees (particularly the ones dealing with legislation)*

The Recreation and Open Space Strategic Reference Group made the following recommendations:

That the SRG members support that:

- The meetings move to being held bimonthly;
- The meetings are reduced to 2 hours plus ½ hour extension;
- The Recreation and Open Space meetings start at 6:30pm; and that
- The wards pre-requisite in the SRG guidelines be deleted.

The Environmental Sustainability Strategic Reference Group made the following recommendations:

That the ES-SRG meetings:

- Move to Bimonthly (6 per year)
- Change to 2 hours with potential of ½ hour extension per meeting
- Run from 6.30-8.30pm
- Have the flexibility to have a workshop or a formal meeting

The Community and Culture Strategic Reference Group did not make a formal recommendation to Council after being presented with the survey results.

As a result of the recommendations from the Strategic Reference Groups, almost all of the Strategic Group recommendations are recommended including; increasing Strategic Reference Group meetings to bi-monthly; reducing the duration of meetings to two (2) hours, with the option of a half hour extension; providing flexibility in the start time of meetings; providing flexibility in ward representation when replacing members; clarification within the attendance clause (here and in the

Community Committee guidelines) flexibility in meeting type; amendments to the order of business and; staff attendance at Community Committees. These are discussed in detail later in this report.

The issue of increasing membership by 1 member per ward was raised at the Strategic Reference Group workshop, however it was not highlighted as one of the issues of major concern on the night.

May 29 and June 6 2012 - Workshops with Strategic Reference Groups and Community Committees

Strategic Reference Groups

Both workshops were facilitated by Council's Community Engagement Coordinator, and the Governance Manager, with table facilitators taking a lead role during the workshops. The workshops were held to ascertain the members views on how the operations of the Strategic Reference Groups and Community Committees were going and how their output could be improved. The priority areas from the survey results were prioritised on the night for further discussion. The following four topics were highlighted as the main discussion points at the Strategic Reference Group workshop:

- Agenda, appropriateness of items and time etc
- Strategic versus operational discussion
- Interaction and relationship with community committees
- SRG members not working well together.

Agenda, Appropriateness of Items and Time etc

The discussion surrounding issues related mainly to the role of the chair and the structure of Strategic Reference Group meetings.

It was noted that a strong chair was required to manage the agenda and administer the formal structure of the meeting, whilst also having a good handle on the agenda items, whilst ensuring that all members are given the opportunity to have their say at meetings. It was recognised that this could be difficult as a result of individual views and the strong personalities of group members.

Tightness of the agenda, including appropriate agenda items and scheduled timing of items was raised in this forum, indicating that keeping to time and appropriateness of items needs to be addressed. This is discussed in the administrative changes recommended later in this paper.

Strategic versus Operational Discussion

It was noted that both staff and community members needed to be well prepared when attending meetings. Staff in order for them to be clear about what they are asking of the Strategic Reference Group, and members in order for them to be well informed prior to attending meetings, and that appropriate questions were raised.

The issue of the agenda was raised again here, with the main issues being that items that are listed should be relevant, listed in the appropriate order on the agenda and that appropriate timeframes be set aside for presentations and discussions topics.

The issue of the chair was also raised here, where it was noted that the chair should be able to refocus the discussion when the discussion goes off track. A parking lot has been suggested later in this paper as one of the administrative changes, and it is hoped that this may alleviate some of these issues.

Interaction and Relationship with Community Committees

Notably, this issue has been raised from the outset in the initial feedback through the survey and again through the workshops by members of both the Strategic Reference Group and Community Committees. It is also noted that the commentary suggests that a lot of the problem lies with the consideration of the minutes of the Community Committees. To alleviate this issue, a number of administrative changes are recommended later in this report, with respect to Governance closing the loop between Strategic Reference Groups and Community Committees, by communicating the Strategic Reference Group meeting dates to the Community Committees, ensuring they are aware of when their minutes will be considered, and further, Governance will advise of any outcomes from the Strategic Reference Groups with respect to the Community Committee minutes. This is discussed in detail later in this paper.

It is also recommended that members of Community Committees be invited to present their minutes to the relevant Strategic Reference Group where they wish for the group to be further informed about an issue, or wish to request action to be taken.

Strategic Reference Groups not Working Well Together

Interestingly, chairing and meeting structure were again raised as issues affecting this.

In particular, it was noted that the Community and Culture Strategic Reference Group appeared to have significant concern in this regard, with the suggestion that the brief for this group being too wide; that the name and charter of the group does not reflect what it should be looking after and the suggestion that the Group should be split into two separate group focussing on different issues (related to widening the scope of the group). This is just the beginning of what leads to the recommendation that this Group not be extended to August 2013, as the other Strategic Reference Groups further in this report.

All of the issues raised and the full Strategic Reference Group Workshop notes can be viewed at Attachment 4 (see separate attachment booklet).

Community Committees

The priority areas from the survey results were prioritised on the night for further discussion.

The following three topics were highlighted as the main discussion points at the Community Committee workshop:

- Staff support
- The role of Community Committees
- The relationship with Strategic Reference Groups

Staff Support

It was clear from the workshop that the Community Committees fell into two categories: those that want or need staff support and those that don't. It should be noted that staff support also fell into two categories: administrative and specialist. Whilst it is recognised that some committees need the support of staff either administratively or of a specialist nature, this report does not recommend that this be provide to all Community Committees, however it is recommended that both are provided to those Community Committees who request it on an ad-hoc basis.

Role of Community Committees

A number of issues were raised here, including that the Community Committees felt that there was no feedback from the Strategic Reference Groups, and that they did not understand their main goal

or objectives. Members also raised that they wanted to feel valued by Council and the Strategic Reference Groups.

Relationship with Strategic Reference Groups

With regard to the relationship between Community Committees and Strategic Reference Groups, it was clear that the members present at the workshop felt that the Strategic Reference Groups either did not consider their minutes, or consider them appropriately, noting that they should be in a better place within the Strategic Reference Group minutes for consideration.

They also noted that they did not receive feedback from the Strategic Reference Groups in relation to their minutes so were not sure if and when they were considered by the group or when.

As such as mentioned earlier in this report, one of the administrative changes recommended is that the Governance team advise the Community Committees when their minutes are to be considered at a Strategic Reference Group meeting, and feedback the recommendation of the group to the Community Committees in order to close the loop.

Further to this it is also recommended that where the Community Committees are recommending something that needs action, that a member of that committee present their minutes/ that item to the Strategic Reference Group.

It is also recommended that if there is an item to be considered at a Strategic Reference Group that concerns a Community Committee (such as works at John Fisher Park for example), that the Community Committee be invited to attend that item being presented at the Strategic Reference Group meeting.

All of the issues raised and the full Community Committee Workshop notes can be viewed at Attachment 5 (see separate attachment booklet).

August 2012 – Presentation of workshop results and final recommendations to be incorporated into a report to Council

At the August Strategic Reference Group meetings, a presentation was given regarding the final stages of the review including the recommendations to Council and the administrative changes that would take place as a result of the review. The presentation was well received by all groups, and promoted further discussion with the Community and Culture Strategic Reference Group, leading to the recommendation not to continue this groups tenure as a result.

Community and Culture Strategic Reference Group

Throughout the review process it has become apparent, that not all Strategic Reference Groups are working as cohesively as others; in particular the Community and Culture Strategic Reference Group is testament to this.

The immediate issue at hand has been meeting attendance and quorum. On 4 occasions a quorum to hold meetings of this group has not been reached, with only 56% of scheduled meetings achieving quorum. It is noted that the lack of representation by the community representatives and a number of resignations have made achieving quorum more difficult.

It is also noted that the attempts to fill vacant positions on this Strategic Reference Group were unsuccessful due to the requirement of the charter to separate potential members by Ward. It has been recognised in the Chair's report to Council that cultural and community issues do not fit neatly into the Ward structure of Council and as such any review of the Strategic Reference Group should consider the need for this Strategic Reference Group to follow established criteria or whether alternative arrangements are appropriate.

From the outset when consultation first began in November 2011, the group felt that the:

"...brief of the committee is too broad and as a consequence they never reached an agreement"

The group also identified at this time that they:

"...need one or two projects that the committee can own and take charge of"

Through the survey held in January/ February 2012, the Community and Culture Strategic Reference Group showed concern regarding a variety of items including the chairing of their meetings; their meetings keeping to time; items listed on their agendas are appropriate and; that items listed were given due consideration; that actions from their meetings were dealt with appropriately with 50% of respondents in this Strategic Reference Group disagreeing with the statement 'My contributions to the SRG are making a difference?' and 66.66% of respondents disagreeing with the statement 'Members of the SRG that I am a part work well together?' To compound this, 66.67% of respondents to the survey from the Community and Culture Strategic Reference Group are unsure if they would nominate to be on this group again.

Whilst comments from the survey cannot be pinpointed to a particular person, there were a couple of verbatim comments that made specific mention of the Community and Culture Strategic Reference Group as follows:

"The C & C SRG needs to grapple with specific projects. It has been drowning in discussion of process, and council presentations. It has also been derailed by one member with a very narrow focus."

"I think the Community and Culture committee is really important, and I would still like to be part of it. I think the scope of the committee is really broad, and that the committee has struggled to identify areas of focus to work effectively. I would prefer to be 'fed' issues from Council for us to work on rather than individuals tediously advocating their issues. Signing up, it was my understanding that we would be bringing individual strengths and positions to shared issues that are in the interest of Council- providing strategic community feedback. This hasn't been the experience so far. I think the committee has great potential- it would be a shame to see it go."

It was early on in the review, that this group recognised that whilst many members see the importance of the group that they represent, that the workings of this group did not necessarily have the best outcomes with regard to the issues that the group was set up to consider. Further to this, during the Strategic Reference Group workshop, there was further commentary provided specifically relating to the Community and Culture Strategic Reference Group as follows:

"The Community and Culture Strategic Reference Group needs to be broken into two committees; Community and Events and; Arts and Heritage."

"The name of the Community and Culture Strategic Reference Group should be changed to the Art and Culture Strategic Reference Group."

"The brief on the Community and Culture Strategic Reference Group is too wide, it should be narrowed, more focused."

During the workshops held to ascertain the members view on how the operations of the Strategic Reference Groups were working and how their output could be improved a number of issues were raised that highlighted the different expectations of the members particularly in respect of minute taking, agenda setting and the broad ranging topics that the group could discuss. In order to function effectively and deliver quality strategic advice to the Council these issues will need to be resolved.

There are a number of possible options to consider from a do-nothing approach to disbanding the Strategic Reference Group and re-constituting a group that has a more defined focus, investigating a number of the issues raised throughout the review.

As a result it is recommended that the term of the Community and Culture Strategic Reference Group not be extended along with the other Strategic Reference Groups and Community Committees, and that the time between now and August 2013, be utilised to consider the options available to this group.

It is anticipated that current members of this Strategic Reference Group will be involved in this process; however no formal meetings of this group will take place. It is recommended that a recommendation regarding the future of the Community and Culture Strategic Reference Group and how Council will deal with Strategic matters in a community and cultural space be presented back to Council by mid 2013.

As such the following is recommended:

Recommendation to Council

That staff work with the current members of the Community and Culture Strategic Reference Group on a model for this Group going forward and that a report be brought back to Council in mid 2013 with a recommendation for the future of this group.

Sister Cities Community Committee

It was noted as part of this review that the Sister Cities Community Committee has not met since its inception in 2010. As a result it is recommended that this Community Committees term not be extended, and that when all Strategic Reference Groups and Community Committees are formally reconstituted after August 2013, that this groups reformation is reconsidered at this time if there is sufficient membership.

Research into Precinct Committees and Other Models

The research into Precinct Committees and other models suggests that there are three essential elements to community engagement, of which Warringah displays. These include democratic governance; civic engagement and organisation management.

The research suggests that many councils will have key reference committees in place based on function or area, such as SRG or precinct committees, not both. It is noted in the report that many believe that Ward representation is the job of Councillors, not a committee based on precincts or Wards. This can be considered more place based planning, and the report further notes that Warringah does this in other ways including through open days, working parties and community summits such as Talk of the Town.

Precinct committees and other Ward based structures in the main appear to address a range of council's functions but it is noted that all have a major role in advising on major planning and development matters. As Warringah has an existing structure with independent panels in place (WDAP and WDRP), the report suggests that it is questionable whether a precinct system would be viable or needed. It also suggests that much of a precinct committees role and elements are catered for at Warringah through these independent panels and that if anything, current engagement arrangements could be strengthened by utilising some locality-based approaches that do not involve establishing another permanent committee structure.

It is noted that there are advantages and disadvantages to a precinct system (like any system that is in place). It is also interesting to note that some of the issues that our closest neighbour (Manly) with a precinct system in place, is facing similar issues to that of the Strategic Reference Group system that Warringah has in place, which would indicate that any change in the framework could potentially bring about the same issues many of which the current review is looking to address.

These include:

- community view of relevance/ value
- resourcing and operational support
- council response to precinct requests
- representation: not all precincts have a committee, so still need to use a range of strategic approaches to community consultation
- separation between elected Council and precinct committees

The report suggests that a combination of engagement with the community is required for success, and that no one model will be a perfect fit. Further to this one of the recommendations in the review of other structures suggests aligning the Strategic Reference Groups to the Community Strategic Plan, which may be reviewed during the process soon to be embarked upon to create Warringah's Community Strategic Plan. It also suggests a broader use of the community engagement register and more regular locality based engagement and the early preparation of community engagement plans for projects that Council is embarking on.

As the report highlights, there are a variety of engagement methods available and, as a result of the recommendations that come out of this report, which look to alleviate some of the current issues raised with the current system Warringah has in place, it is not recommended that any further investigation into precinct committees or other structures be undertaken.

The full report into Precinct Committees and other models can be viewed at Attachments 6, with the Review of Kempsey Council (referred to as Appendix 2 in the full report can be viewed at Attachment 7 (see separate attachment booklet).

Recommendations as a Result of the Review

As a result of the consultation, the following are the recommendations regarding the Strategic Engagement Framework going forward:

- Extension of the terms of the Strategic Reference Groups and Community Committees to August 2013

Due to a number of factors including: the involvement Council wishes Strategic Reference Group members to have in the new Community Strategic Plan, which will help shape Warringah over the next ten years; as well as to ensure continuity of these groups whilst new Councillors are familiarising themselves with them and their functions during the early stages of their term of office, it is recommended that the term of all Strategic Reference Groups and Community Committees, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee be extended until August 2013, (with the exception of Councillor changes as a direct result of the results of the 8 September 2012 Local Government Elections).

Recommendation to Council

The term of all Strategic Reference Groups and Community Committees, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee be extended until August 2013 (with the exception of Councillor changes as a direct result of the results of the 8 September 2012 Local Government Elections).

It is noted that this recommendation is in contravention of the Strategic Reference Group Guidelines which stipulates:

"Term

Strategic Reference Groups are formally reconstituted after each general election of Councillors. Following the appointment of members, each Group will continue to operate until the next general election of Councillors (when the tenure of all members will cease), or until the Group is otherwise dissolved by Council."

However it is anticipated that the benefit of extending the term of these groups in contravention of the guidelines is greater.

Following on from this, it is also recommended that the new Council reconfirms this recommendation at its first meeting, to ensure that they agree with the decision of the outgoing Council.

- Confirmation of the new Council of the current Council's decision regarding extension of the terms of the Strategic Reference Groups and Community Committees and appointments of Councillor representatives to both

As a result of the Local Government Elections on 8 September 2012, all Councillor representatives will need to be appointed to the Strategic Reference Groups and Community Committees. It is appropriate that this occurs at the first meeting of the new Council (currently scheduled for 23 October 2012). Reconfirmation of the decision to extend the Strategic Reference Groups and Community Committees as per the recommendation above should occur in conjunction with this. This will enable both the Strategic Reference Groups and Community Committees to begin meeting as promptly as possible after the Elections (the Strategic Reference Groups are scheduled to meet again in November 2012).

The issues that the Community and Culture Strategic Reference Group have faced have been clearly recognised, and it is noted that with regard to the Strategic Reference Groups and their set up, one size does not fit all. We would like to work with current members to create a more representative and cohesive group which is able to provide strategic decision making to Council.

As such, whilst this report recommends that this Strategic Reference Group is disbanded as a result of its current functionality, Council would like to investigate options for change to this group. As a result the following is recommended:

Recommendation to Council

That staff work with the current members of the Community and Culture Strategic Reference Group on a model for this Group going forward and that a report be brought back to Council in mid 2013 with a recommendation for the future of this group.

- Changes to the Guidelines of the Strategic Reference Groups and Community Committees

As a direct result of the recommendations that came from the Strategic Reference Groups in May 2012, of which a number of items were identified through the survey and further investigated through the workshops held in May and June 2012, a variety of amendments to the Guidelines and Charters of both the Strategic Reference Groups and Community Committees follow. These include:

- Increasing the meeting frequency of Strategic Reference Groups to bi monthly

This issue was raised initially in November 2011, and again in the survey. Following, is just one of the free text comments noting the difficulty with quarterly meetings. It also points out that these meetings need to be meaningful, which leads into another issue regarding appropriateness of the agenda (discussed elsewhere in this report).

"Re frequency and length of meetings - I don't mind if they are long and or frequent if there is progress made and outcomes achieved. I believe it has been difficult to 'gain momentum' with quarterly meetings, however more frequent meetings that aren't any more productive would not be preferable."

- Reducing the duration of meetings to two (2) hours with the option of a ½ hour extension

This was raised in both the initial consultation and again in the survey. Many members of the Strategic Reference Groups felt that they would prefer to meet more frequently, for shorter periods of time, enabling them to have more frequent and appropriate input into current projects.

- Providing flexibility in start times (between 6.00pm and 7.00pm)

Whilst only one Strategic Reference Group (Recreation and Open Space) felt strongly about a change in the start time of their meetings, with 50% of its members preferring a later start time of 6.30pm, it is recommended that there be some flexibility in the arrangements of the Strategic Reference Groups and that the start time of these meetings be determined by a majority of members, dependent on the individual group, as long as this start time was reasonable, being between 6.00pm and 7.00pm on the allocated meeting night of this group. This allows people to contend with work and family commitments, whilst being able to attend their relevant meetings.

The following recommendation encompasses the above three points raised: increasing meeting frequency; duration of meetings and flexibility in start times.

Recommendation to Council

That the Frequency, Timing and Duration of Meetings Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Strategic Reference Groups will meet bi-monthly.

There will be flexibility in the start time of the Strategic Reference Group Meetings, whereby a meeting may start between 6pm and 7pm as determined by a majority of members. Meetings are to be no longer than two (2) hours in length, unless the closing time is extended by a majority decision by up to thirty (30) minutes. Any business not dealt with at the close of a meeting is to be carried forward to the next meeting of the Strategic Reference Group.

- Providing flexibility in meeting type (workshop vs informal meeting)

Once again through both the surveys and the workshops, it was clear that members felt that there needed to be flexibility in the meeting type, and where a formal meeting was not required or where a large issue was on the agenda, that a workshop be held to investigate the issues at hand.

- Provide flexibility in Ward representation

Currently the guidelines stipulate that there must be equal Ward representation on the Strategic Reference Groups (three members from each Ward). Whilst this works in theory, in practice this is harder to achieve, especially when replacing members who have resigned. This was noted in various responses to the survey.

As such it is recommended that this clause be relaxed in both the Strategic Reference Group guidelines and charters, when dealing with replacement members on any Strategic Reference Group, where this clause is unable to be met. The importance of Ward representation was noted in the main however, so this clause will remain unchanged when recruiting for community members at the beginning of each Council term.

Recommendation to Council

A. *That the following amendments to the Strategic Reference Group Guidelines be endorsed:*

a. *That the Tenure Clause within the Strategic Reference Group Guidelines be amended to read as follows:*

Community representatives shall be appointed to Strategic Reference Groups for a period of up to four (4) years. Where a community representative is replaced in accordance with Council's policy, equal representation from the three (3) Wards of Warringah shall be maintained where possible.

- b. *That the Membership, Roles and Responsibilities Clause within the Strategic Reference Group Guidelines be amended to read as follows under Community:*

Community - Nine (9) community members shall be appointed to each Strategic Reference Group in accordance with Council policy. Community representation is to be spread equally across the three (3) wards of Warringah with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

- B. *The following amendment to the Strategic Reference Group Charters be endorsed:*

That Clause 3, Membership within all Strategic Reference Group Charters, be amended to read as follows under Community:

Community - Nine (9) community members, with representation spread equally across the three (3) wards of Warringah, with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

- Clarification of attendance clause (and inclusion of such a clause in the Community Committee guidelines)

It was noted, particularly through the survey and workshop held, that attendance of members at Community Committee meetings was very much an issue, with various instances of continued non-attendance. It was highlighted that in some cases, this made it difficult for both Strategic Reference Groups and Community Committees to achieve quorum and therefore make any decisions.

It is noted that the Strategic Reference Groups guidelines make reference to members having to seek and be granted leave if absent for two (2) or more meetings, however no penalty is currently in place if this does not occur. As such, it is recommended that this clause be strengthened in the guidelines, making reference to re-evaluation of a person's membership should they fail to attend two (2) or more meetings without submitting apologies. It is also recommended that the clause in the Strategic Reference Group Guidelines, including the suggested addition to strengthen the clause should be added to the Guidelines of the Community Committees to strengthen the attendance at these meetings.

Recommendations to Council

- A. The following amendments to the Strategic Reference Group Guidelines:

That an additional line be added to paragraph two of the Quorum and voting clause as follows:

If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

- B. The following amendments to the Community Committee Guidelines:

That an additional paragraph be added to the Quorum and Voting Clause as follows:

No member should be absent for more than two (2) consecutive meetings of a Community Committee without first seeking, and being granted, leave by the relevant Committee. If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

- That the agenda for Strategic Reference Groups be distributed seven (7) days prior to the meeting

Currently the Guidelines for the Strategic Reference Groups stipulate that the agenda for these meetings should be distributed ten (10) days prior to the meetings. It is recommended that this be amended to seven (7) days in order for agenda's to go out in a more appropriate manner, with the inclusion of all reports and presentations. Currently, as a result of the agenda's needing to be sent out so far in advance, not all the material is available for distribution at this time. It is anticipated that reducing this to seven (7) days will alleviate this issue, and members will receive their agendas still within an appropriate timeframe. It should be noted that this timeframe is standard across the organisation with regard to internal committees of Council and Council Meetings.

Recommendation to Council

That the Notice of Meetings and Agenda Distribution Clause within the Strategic Reference Group Guidelines be amended to read as follows:

Notice of meetings of Strategic Reference Groups, including the Agenda, is to be provided to members by Council officers not less than seven (7) days prior to the meeting. Wherever possible, the meeting notice and Agenda should be distributed electronically.

The amended Strategic Reference Group and Community Committee Guidelines can be viewed at Attachments 8 and 9 respectively (see separate attachment booklet).

Administrative Changes

Whilst there are a number of formal recommendations to Council with regard to the Strategic Reference Groups and Community Committees, there are a number of administrative amendments that will occur via the Governance team as a result of the review, which will be implemented between now and the next round of meetings scheduled in November 2012. These include:

- Introduction of a parking lot at Strategic Reference Group meetings

The concept of a parking lot helps a group get back on track when discussion moves away from items on a meeting agenda. Topics raised will be captured by being written on either flip chart paper or post it notes by the chair or designated person. The parking lot should be revisited at the end of a meeting to look at the most appropriate course of action for each item. The outcome may be to table the issue at a future meeting, or forward to a person or group for action or response.

- Governance to meet the chairs of the Strategic Reference Groups prior to their meetings

A member of the Governance team will meet with the relevant chair of each of the Strategic Reference Groups prior to the meetings taking place to discuss the agenda, timings and general running of the meeting, to provide help and advise in relation to the agenda, make any necessary changes to items listed and the order, and discuss with the Chair, how the meeting may run.

- Time allocated to agenda items

When presentations or discussion items are listed on the agenda, an indicative time will be placed on the agenda, in order for both the chair and attendees to have a better idea with regard to how long presentations and/ or discussions will run for, and help the chair time keep their meetings

accordingly. This will aid the chair in keeping to time, and may also aid keeping to the appropriate items listed on the agenda, and keeping the meetings running to time.

- Amendments to the order of the agenda to assist with the flow of meetings

This includes, bringing the consideration of the minutes of Community Committees to directly follow the consideration of the minutes of the Strategic Reference Groups, and also bringing into the agendas an item called 'general business' or similar where items can be raised by members of the groups at the meetings where required.

- Ad-hoc administration assistance to Community Committees and ad-hoc attendance of staff at Community Committee meetings

It has been noted through the surveys and the workshop held with the Community Committees, that assistance was of importance. It should be noted however that there was a clear distinction between the need for staff support in an administrative capacity or a specialist capacity (to provide advice). Whilst this report does not recommend full administrative assistance to Community Committees, or attendance by specialist staff, it recommends that assistance be given to Community Committees in both of these capacities on an ad-hoc basis where requested to provide advice and enable the efficient and effective running of these committees.

- Governance to provide advice to Community Committees in relation to their minutes

It was noted through the review that members of the Community Committees were never quite sure when their minutes were being considered by the relevant Strategic Reference Group, and subsequently the outcome of this consideration.

As such, the Governance team will endeavour to close the loop in relation to this and will advise the Community Committees when their minutes will be considered by the relevant Strategic Reference Group.

This will also give members the opportunity to attend the relevant Strategic Reference Group to present their minutes and any items that they wish the Strategic Reference Group to note or take action against and attend when there is an item on the agenda that is of significance to their Community Committee.

It is anticipated that this may alleviate the issue of Community Committees not knowing when their minutes are considered and not knowing the outcome of this consideration, providing feedback to the committees.

- That Community Committee members have the opportunity to attend Strategic Reference Groups in relation to their minutes

It was noted that Community Committee members did not always know when the Strategic Reference Groups were meeting, and therefore did not know when they could attend, as such, by closing the loop by providing advice to the Community Committees in relation to when their minutes will be considered by the relevant Strategic Reference Group and the outcome of considerations, this will also give members the opportunity to attend the relevant Strategic Reference Group to present their minutes and any items that they wish the Strategic Reference Group to note or take action against.

- Governance to put together an FAQ guide to for both Strategic Reference Groups and Community Committees

A number of questions are asked of the Governance team in relation to the workings and administrative arrangements of both the Strategic Reference Groups and Community Committees. As such, over the next few months, the team will work on a Frequently Asked Questions guide for both groups to aid in the running of both these groups.

It should be noted that whilst a number of administrative recommendations are listed above, where improvements to the administrative arrangements in place relating to both Strategic Reference Groups and Community Committees are noted, these will be considered by staff on an ad-hoc basis, and where a change occurs that effects a Strategic Reference Group or Community Committee, they will be advised of the change in process.

Other Considerations

- Warringah Coastal Community Committee to be granted SRG status

Whilst the passion of the Warringah Coastal Committee, as well as others is recognised, it should be noted that the role of a Strategic Reference Group is strategic and this needs to be maintained across all Strategic Reference Groups. If a Strategic Reference Group runs in an operational capacity, it may not achieve its objective.

Council notes that there are difficult coastal issues that the Warringah Coastal Community Committee deals with and believes that the appropriate place for discussion of these issues is at the Community Committee level.

Whilst it is recognised that the role of the Strategic Reference Group is high level, this does not stop the group to which the Warringah Coastal Community Committee reports (the Environmental Sustainability Strategic Reference Group) discussing relevant coastal issues raised by the Warringah Coastal Community Committee relevant to this group.

- Warringah Coastal Community Committee to report their minutes directly Council instead of the Environmental Sustainability Strategic Reference Group (to which they report).

The Charters of both the Environmental Sustainability Strategic Reference Group and the Warringah Coastal Community Committee requires that the recommendations of the Warringah Coastal Community Committee be reported to the Environmental Sustainability Strategic Reference Group and subsequently via the Minutes to Council. It is recommended that this be maintained as per other Community Committees. It should be noted that with the increase in frequency of Strategic Reference Groups (to bi-monthly), that is recommended in this report, the minutes of the Community Committees will be considered via the Strategic Reference Groups more quickly, and therefore reduce the turnaround time in relation to any actions to come out of these.

It should also be noted that this request was not supported by the Environmental Sustainability Strategic Reference Group at it's meeting in May 2012.

- Full administration support to the Community Committees

Whilst it is recommended that the Governance team provides ad-hoc support to the Community Committees, to enable them to assist themselves over the long term with agendas, minutes etc, it should be noted that full administration support would place a significant strain on staff resources and a business case would potentially need to be put together to ensure appropriate resources were allocated (being staff time). At this stage, the Governance team which administers the Strategic Reference Groups and Community Committees does not have the staff capacity to offer each active Community Committee full administration support including agenda preparation and minute taking at meetings.

- Full staff representation at Community Committee meetings

Whilst it is recommended that staff attend relevant Community Committees when requested regarding an issue or to present information on an ad-hoc basis, it is not recommended that a staff member from the relevant area attends each meeting. This would place a significant strain on staff resources and would require both time and money and a business case would potentially need to

be put together to ensure appropriate resources were allocated, due to these meetings being held at night and the requirement of overtime and the provision of meals for staff to enable them to attend meetings outside of normal scheduled work hours.

POLICY IMPACT

The Strategic Reference Group and Community Committee guidelines and charters will have minor amendments made to them as outlined in this report. All Strategic Reference Group members and Community Committee members, as well as Councillors and staff have been consulted regarding the proposed amendments and all documentation will subsequently be updated as per the recommendations when adopted by Council.

It is also noted that one of the major recommendations with regard to extending the current term of the Strategic Reference Groups and Community Committees, is in contravention of the guidelines, however this is necessary to achieve the desired outcome.

FINANCIAL IMPACT

There will be a number of financial impacts as a direct result of some of the recommendations of the review including:

- A. Increased salary costs due to the increase in Strategic Reference Group meetings and the required attendance of Warringah Council staff at these meetings to give presentations and briefings; take minutes and; prepare the agendas as well as attendance by staff at the relevant Community Committee meetings as required;
- B. The meal budget will increase due to an increase in the number of Strategic Reference Group meetings per annum, where members, Councillor and staff are provided with a meal prior to the commencement of the meeting.

ITEM 9.4	COUNCILLOR APPOINTMENTS - STRATEGIC REFERENCE GROUPS AND COMMUNITY COMMITTEES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/297692
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To facilitate councillor membership of Strategic Reference Groups and Community Committees, and to facilitate the appointment of Chairpersons and deputy Chairpersons to Strategic Reference Groups.

SUMMARY

Council established four Strategic Reference Groups and 22 Community Committees at the Ordinary Meeting of Council on 23 March 2010. Membership of Strategic Reference Groups will comprise three councillors, nine community representatives and up to two experts. Membership of Community Committees will comprise up to three councillors with the number of community representatives and experts varying according to individual charters.

It is therefore proposed that Council determine the Councillor membership by considering nominations for each Strategic Reference Group and Community Committee individually. It is proposed that the appointment of Chairpersons and deputy Chairpersons to Strategic Reference Groups be conducted in the same way.

Due to the extension of the Strategic Reference Group and Community Committee non councillor member term to August 2013 (with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee), there is no recruitment occurring at this stage for community members. This will occur for both Strategic Reference Groups and Community Committees post August 2013.

FINANCIAL IMPACT

There have been sufficient funds set aside in the 2012/13 budget to continue the Strategic Reference Groups and Community Committees in their current form, taking into consideration staff salaries and meals provided to staff, councillors and group members where required.

POLICY IMPACT

The appointment of councillor representatives to Strategic Reference Groups is in line with the Strategic Reference Group and Community Committee Guidelines.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. Councillor appointments to Strategic Reference Groups and Community Committees be determined.
- B. Chairpersons and Deputy Chairpersons of Strategic Reference Groups be determined.

-
- C. Council determines any councillors to be involved in the group reinvigorating the Community and Culture Strategic Reference Group.
-

REPORT

BACKGROUND

For the Strategic Reference Groups and Community Committees to continue to meet, Councillors membership is required. This report seeks to provide Councillor Nominations and therefore Councillor Membership to these groups.

The following are the Strategic Reference Groups which require Councillor Membership. Up to three Councillors can be appointed to each. Council must also decide for each of these groups, which of these Councillors will be elected as Chair and Deputy Chair.

Strategic Reference Groups

- Environmental Sustainability
- Recreation and Open Space
- Infrastructure and Development

The following are the Community Committees that up to three Councillors can be appointed to:

Active Community Committees

- Beacon Hill Memorial Hall
- Brookvale Park
- Companion Animals
- Curl Curl Sports Centre
- Curl Curl Youth and Community Centre
- Dee Why and Curl Curl Lagoon
- Forest Community Arts Centre and Forestville Memorial Hall/Seniors Centre
- Forestville RSL War Memorial Playing Fields
- Harbord Literary Institute
- Heritage
- John Fisher Park
- Stony Range Botanic Garden
- Warringah Coastal

The following Community Committees did not achieve quorum consequently they were not established.

Inactive Community Committees

- Cultural
- Forest Community Arts Centre and Forestville Memorial Hall/ Seniors Centre
- Lionel Watts Sports and Community Centre
- Lionel Watts Sports and Community Centre
- Oxford Falls Peace Park
- Stony Range Botanic Garden
- Sister Cities

- Terrey Hills Community, Senior and Youth Centre
- Tramshed Arts and Community Centre
- Wyatt Park Tennis Centre

No councillor appointments are being made on Community Committees that did not achieve quorum and were not set up in 2010, nor for the Sister Cities Community Committee which has not met (as per the Council Resolution of 23 August 2012). Councillor appointments are also not being sought for the Community and Culture Strategic Reference Group, however Council may resolve for a number of councillors to work with staff to reinvigorate this Group as per the Council Resolution of 23 August 2012. When all Strategic Reference Groups and Community Committees cease and are recruited for after August 2013, we may seek to appoint councillor representatives to the inactive Community Committees.

Others

- Active Travel

Recruitment for the Active Travel Community Committee began on March 2012. Quorum was not reached. Applicants were informed of the outcome. Council will possibly consider re-advertising for this community after August 2013 when all Strategic Reference Groups and Community Committees are formally reconstituted.

CONSULTATION

N/A

TIMING

It is proposed that councillor membership of Strategic Reference Groups and Community Committees, and Chairpersons and Deputy Chairpersons of Strategic Reference Groups be appointed as soon as possible, in order for them to be up and running from November 2012, as per the Council resolution of 23 August 2012, these meetings will be held bi-monthly.

FINANCIAL IMPACT

There have been sufficient funds set aside in the 2012/13 budget to continue the Strategic Reference Groups and Community Committees in their current form, taking into consideration staff salaries and meals provided to staff, councillors and group members where required.

POLICY IMPACT

The appointment of Councillor Representatives to Strategic Reference Groups is in line with the Strategic Reference Group and Community Committee Guidelines.

ITEM 9.5	APPOINTMENT OF COUNCIL'S DELEGATES TO EXTERNAL/JOINT COMMITTEES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/341840
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

Appointment of elected representatives as Warringah's delegates on various external or joint committees.

SUMMARY

The Mayor is Council's representative on a number of external or joint committees by virtue of his office. These include the Board of the Shore Regional Organisation of Councils (SHOROC), the Community Safety Precinct Committee, the Manly Lagoon Catchment Co-ordinating Committee and the Narrabeen Lagoon Floodplain Risk Management Working Group.

Various external committees and organisations with members from other Councils and State Government bodies have Warringah Councillor representatives who are required to be appointed by Council.

FINANCIAL IMPACT

Councillors are reimbursed for travelling expenses incurred for attending Committee meetings as part of their civic duties.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That, by virtue of his office, Mayor Michael Regan represent Warringah Council on the following external or joint committees:
 - a. The Board of the Shore Regional Organisation of Councils (SHOROC).
 - b. Community Safety Precinct Committee.
 - c. Manly Lagoon Catchment Co-ordinating Committee.
 - d. Narrabeen Lagoon Floodplain Risk Management Working Group.
 - B. That councillors be nominated to represent Warringah Council on the following external or joint committees and organisations:
 - a. One councillor representative on the Manly Lagoon Catchment Co-ordinating Committee.
 - b. Two councillor representatives on the Narrabeen Lagoon Floodplain Risk
-

Management Working Group.

- c. One councillor representative on the SHOROC Sub-Committee – Kimbriki Resource Recovery Centre.
 - d. One councillor to represent Council and Chair the Warringah Traffic Committee with the Traffic and Road Safety Manager as the alternate Council representative on the Committee.
 - e. One councillor representative and one alternate on the Bush Fire Management Committee
 - f. One councillor representative on the Warringah Pittwater Rural Fire Service (RFS) Joint Councils' Liaison Committee.
 - g. One councillor observer on the Manly Warringah Pittwater Local Emergency Management Committee.
 - h. Two councillor representatives on the Sydney Coastal Councils Group Inc.
 - i. One councillor representative on the NSW Metropolitan Public Libraries Association.
-

REPORT

The Mayor is a representative on a number of external or joint committees by virtue of his office.

The Mayor is a member of:

- a) the Board of the Shore Regional Organisation of Councils (SHOROC Inc), which is a partnership of Warringah, Pittwater, Manly and Mosman Councils. SHOROC's role is focussed on collaboration and coordination between the four councils to get better outcomes for the councils, the community and the region.
- b) the Community Safety Precinct Committee, which is convened by the NSW Police Force Northern Beaches Local Area Command and addresses local safety issues.
- c) the Manly Lagoon Catchment Co-ordinating Committee and Narrabeen Lagoon Floodplain Risk Management Working Group. Information on these committees is provided below.

Various joint committees and external organisations which have members from other Councils and State Government bodies include Warringah Councillors who are required to be appointed by Council. Nominations are required for the following:

- a) One councillor representative on the Manly Lagoon Catchment Co-ordinating Committee (MLCCC) which meets quarterly. The primary function of the MLCCC is as an advisory body to both Warringah and Manly Councils on matters concerning the management of Manly Lagoon and its catchment and the implementation of key strategic initiatives for the Lagoon and its catchment. This Committee is a joint Committee with Manly Council and in addition to a councillor from each Council includes community and State Government representatives. The meetings are shared between Manly and Warringah, occur quarterly and the next meeting is scheduled to be held at Manly Council in December 2012.
- b) Two councillor representatives on the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) which meets quarterly. The NLFRMWG is a forum which brings together the expertise and diverse community knowledge needed to address floodplain risk management matters relating to Narrabeen Lagoon and its catchment, including an important role in the preparation of the Narrabeen Lagoon Flood Study, which is currently underway. The NLFRMWG is jointly managed by Warringah and Pittwater Councils. Membership comprises representatives from the elected Councils of Warringah and Pittwater, local community, State Government and Council Officers. Warringah Council has carriage of the administration and chairing of the Group for the year 2012. The next meeting of the Working Group is scheduled for 6 December 2012, commencing at 5.00pm at the Civic Centre, Dee Why.
- c) One councillor representative on the SHOROC Sub Committee – Kimbriki Resource Recovery Centre. The community and the four SHOROC Councils have direct input to Kimbriki's activities through this Sub Committee. Formed under the auspices of SHOROC, the Kimbriki Community Sub Committee consists of eight members, four being councillors and four community representatives from each of the member Councils. This Committee meets quarterly to review the activities at Kimbriki and to ensure a strong link between Kimbriki Environmental Enterprises, the four Shareholder Councils and the broader community.
- d) One councillor to represent Council on the Warringah Traffic Committee, which meets monthly at Warringah. Council has delegated authority from the Roads and Maritime Services (RMS) to regulate prescribed traffic control devices and traffic control facilities on local roads through the Local Traffic Committee. The Local Traffic Committee is a technical review committee, which is required to advise Council on matters referred to it

in relation to these prescribed traffic control devices and facilities. The RMS guidelines for the operation of Traffic Committees requires that membership of the Committee must be:

- o One representative of Council
- o One representative of the NSW Police
- o One representative of the RMS
- o The local State Member of Parliament (MP) or their nominee.

The Council's representative may be a councillor or Council officer. During the last Council term a councillor represented Council and was Chair of the committee with the Traffic and Road Safety Manager as the alternate Council representative. The Committee currently has delegated authority to make decisions on minor traffic signs and markings, while all other decisions of the Committee are required to be referred to Council for approval.

- e) One councillor representative and one alternate on the Bush Fire Management Committee (BFMC), which meets quarterly at Warringah Pittwater Fire Control Centre, Terrey Hills. The BFMC is an external Committee established under the provisions of the Rural Fires Act 1997 and the Rural Fires Regulation 2008. The BFMC is a Committee of elected and technical representatives with expertise, experience and local knowledge who work together for bush fire management purposes, and who can collaboratively develop better bush fire management decisions than any one organisation acting alone. The BFMC consists of State and Local agencies who liaise and co-ordinate the operational aspects of bush fire management. This Committee also reports on and co-ordinates bush fire prevention and fire fighting.
- f) One councillor representative and one alternate on the Warringah Pittwater Rural Fire Service (RFS) Joint Councils' Liaison Committee. The Liaison Committee will:
 - o monitor and periodically review the performance of the Agreement between the Councils and the RFS;
 - o review the following documents prepared by the RFS District Manager prior to submission to and consideration by the Councils:
 - i) the annual budget and business plan; and
 - ii) the quarterly financial and performance reports

The Liaison Committee was established as part of the Agreement between Warringah and Pittwater Councils and the RFS. This Agreement was finalised during the term of the last Council and the Liaison Committee was not constituted and did not meet during that time. It is expected to meet during the term of this Council at dates to be advised at Warringah Pittwater Fire Control Centre, Terrey Hills.

- g) One councillor observer on the Manly Warringah Pittwater Local Emergency Management Committee which meets three times a year. The Committee is responsible for the preparation of plans in relation to prevention of, preparation for, response to and recovery from emergencies in the local government areas of Manly, Warringah and Pittwater.
- h) Two councillor representatives on the Sydney Coastal Councils Group (SCCG), which promotes co-ordination between member councils on environmental issues relating to the sustainable management of the urban coastal environment. The SCCG consists of 15 councils adjacent to Sydney marine and estuarine environments and associated

waterways (Botany Bay, Hornsby, Leichhardt, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Sydney, Warringah, Waverley, Willoughby and Woollahra). Meetings are held quarterly (usually on a Saturday). The next meeting is scheduled for December 2012.

- i) One councillor representative on the NSW Metropolitan Public Libraries Association Inc which meets quarterly on a Friday during business hours at different locations around Sydney. Representation on the Association gives councillors an insight into the current levels of service provided by public libraries across the State and into the issues that currently face Local Government in its provision of public library services and other community services.

ITEM 9.6	ANNUAL REVIEW OF GOV-PL 120 - POLICY FOR PAYMENT AND RE-IMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/355669
ATTACHMENTS	1 GOV-PL 120: Policy for Payment of Expenses - Draft October 2012

EXECUTIVE SUMMARY

PURPOSE

To review GOV-PL 120 Policy for Payment and Re-imbursement 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

There should be no overall impact on Council's budget. Whilst there may be some amendment to individual items within the current budget, the addition of Tunes cards should be offset by the decrease in the total maximum allowance for phone and internet services.

POLICY IMPACT

The Policy will need to go on public exhibition prior to adoption by Council.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the amendments to Policy GOV-PL 120 Payment and Re-imbursement 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.

The Division of Local Government (DLG) released a circular in September 2011 advising that it had carried out a review of 47 Payment of Expenses Policies throughout NSW to assess compliance with the legislation and guidelines (first released in 2006). This was at around the time the current version of Warringah's Policy was adopted in that year. As such, a number of the changes that are recommended within this report are as a result of suggested improvements to the Policy from the DLG.

The DLG did not provide formal written feedback, however provided verbal feedback in relation to Warringah's Policy. Warringah was advised that its Policy was rated as 'adequate' (with ratings being: very poor; poor; adequate; good and; very good. It should be noted that the DLG did review the previous version of the Policy, of which a number of improvements to the Policy have since occurred. The main points for improvement, listed from the DLG were:

- Clearer discussion regarding gifts and benefits
- The process surrounding the approval of expenses
- The provision of a mayoral vehicle
- Monetary limits on provisions

The last point has largely been covered within the Policy over the last few years, with almost all provisions now carrying a monetary limit.

Proposed Changes

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

- Update of the clauses surrounding phone and internet costs to reflect technological changes and the introduction of capped phone plans
- Addition of the provision of iTunes accounts/ cards to reflect technological changes
- When a councillor or the Mayor is invited to an official function, that the attendance cost is covered by Council and when the Mayor's guest is formally on the invitation, that this cost is also covered by Council
- The clause surrounding the provision of a mayoral vehicle be updated to better reflect the current conditions
- Addition of a clause regarding gifts and benefits
- Addition of clarity around the approval of expenses process
- Clarity around the provision of consumable products relating to printers

Phone and Internet Costs

It is recommended that the clauses relating to phone and internet costs be updated to reflect that for the most part, phone and internet plans are capped plans with a certain amount of calls and or data usage for a fixed price.

Dependent on the plan and the carrier, whilst usage is itemised, often charges do not appear against each line item on the bills, only the amount of calls and/ or data used. The cost of usage only begins to appear when the cap is reached or exceeded where the charges are then itemised against data use. In instances where use appears to be charged, where this falls within the plans cap, the charges are not relevant as only the amount of the plan is charged.

Clause 11.9 Internet Services currently states as follows:

"11.9 Internet Services:

Internet access charges relating to the performance of a Councillor's civic duties will be paid by Council, up to a maximum of \$100 per month, per Councillor. Councillors will be advised in writing about the status of their personal internet charges."

Due to technological advances and the reduced cost of the provision of such services, it is proposed that Council will continue to cover internet access charges, however reducing the allowable maximum from \$100 to a maximum of \$70 a month. Where a councillor exceeds their cap, they will be asked to reimburse the difference between the cap and the charges.

As a result of the above, it is proposed to amend Clause 11.9 **Internet Clauses** to read:

11.9 Internet Services:

Internet access charges relating to the performance of a councillor's civic duties will be paid by Council, up to a maximum of \$70 per month, per councillor. Where a councillor exceeds this amount, the difference between the maximum amount payable and the charges will need to be covered by the councillor. Where Council is reimbursing a service already installed, councillors will only be able to claim up to the maximum of \$70 per month.

Similar to telephone services, it is recommended that the internet services clause be updated to reflect that most phone plans, are capped plans with a certain amount of local calls, mobile calls and SMSs for a fixed price. Once again, dependent on the plan and the carrier, whilst usage is itemised, often charges do not appear against each line item on the bills, only the amount of calls and/ or data used. The cost of usage only begins to appear when the cap is reached or exceeded where the charges are then itemised against data use. In instances where use appears to be charged, where this falls within the plans cap, the charges are not relevant as only the amount of the plan is charged.

Clause 11.12 Telephone Reimbursements currently states as follows:

"11.12 Telephone Reimbursements:

Reimbursement of the following telephone accounts, as nominated by the Councillor, on the following basis:

11.12.1 – Standard Domestic Service

- (a) *Councillors existing standard domestic service where no separate service is provided under Clause 11.7: Rental, plus 50% of local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$100 per month.*

- (b) *Domestic Service provided under Clause 11.7: Rental, plus 50% of local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$100 per month."*

"11.12.2 – Mobile telephone Service

- (a) *Councillors' own mobile telephone: Where Councillors already have a mobile telephone and wish to retain it for use in their civic duties, the Council will cover the service fee and reimburse the Councillor for the cost of all charges against that service, associated with their role as a Councillor, to a maximum of \$200 per month; or alternatively*
- (b) *Council provided Mobile telephone; The Council will provide a mobile telephone to any Councillor who requests it. The account will be in the name of the Councillor. The Council will cover the service fee and reimburse the Councillor for the costs of all charges against that service, associated with their role as a Councillor, to a maximum of \$200 per month."*

Due to technological advances and the reduced costs of such services, it is therefore proposed that Council will cover telephone charges, reducing domestic telephone services to a maximum of \$60 a month and reducing mobile telephone services to \$150 a month. Where a councillor exceeds their cap, they will be asked to reimburse the difference between the cap and the charges.

Where a combined phone and internet bundle is utilised at the home of a councillor, Council will reimburse a maximum of \$140 a month.

It is also proposed to delete the component of the clause referring to reimbursement 50% of local calls, reimbursing all local, mobile or STD call that fall within the cap.

As a result of the above, it is proposed to amend Clause 11.9 **Internet Clauses** to read:

11.12 Telephone Reimbursements:

Reimbursement of the following telephone accounts, as nominated by the councillor, on the following basis:

11.12.1 – Standard Domestic Service

- (a) Councillors existing standard domestic service where no separate service is provided under Clause 11.7: Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.
- (b) Domestic Service provided under Clause 11.7: Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.

11.12.2 – Mobile telephone Service

- (a) Councillors' own mobile telephone: Where councillors already have a mobile telephone and wish to retain it for use in their civic duties, the Council will cover the service fee and reimburse the councillor for the cost of all charges against that service, associated with their role as a councillor, to a maximum of \$150 per month; or alternatively
- (b) Council provided Mobile telephone; The Council will provide a mobile telephone to any councillor who requests it. The account will be in the name of the councillor. The Council will cover the service fee and reimburse the councillor for

the costs of all charges against that service, associated with their role as a councillor, to a maximum of \$150 per month.

Provision of iTunes Accounts and iTunes Cards/ Credit

Currently councillors are provided with a laptop and modem or an iPad or equivalent tablet. To keep up with advances in technology it is proposed that the Policy be amended to include the provision of an iTunes or Gmail account for councillors, and \$40 credit for iTunes or Google Play in the first year of their term and \$20 credit each year thereafter to allow the download of applicable applications for use with an iPad or equivalent tablet.

Clause 11.8 currently states as follows:

*"11.8. A **laptop computer** and modem or an iPad or equivalent tablet, to enable Internet access and emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records."*

To reflect the changes above, it is proposed to amend it to:

11.8. A **laptop computer** and modem or an iPad or equivalent tablet, to enable Internet access and emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records, and an iTunes or Gmail account allowing access to iTunes or Google Play and credit for applications to the value of \$40 in the first year and \$20 each year thereafter.

Function Attendance

It is noted that whilst attendance at conferences is covered by the Policy, it appears that attendance at functions for the purposes of carrying out ones Civic Duties does not appear in the Policy. As such, it is proposed to add a Clause 24, as follows, renumbering the current Clause 24 and those following.

24. Attendance at Council Functions

Where a councillor attends a function on behalf of Council (ie. on Council Business), Council will pay for the cost of attendance at that function. Where the attendee is the Mayor, where the Mayor's is invited to bring a guest (to be addressed in the invitation), the guest will also be covered.

Mayoral Vehicle

After the review carried out by the Division of Local Government, it was advised that there be some change to the Mayoral Vehicle clause. It is quite rare in today's times, that a fully serviced vehicle be provided for a Mayor to carry out official duties. As such, we would like to be more in line with other Councils.

Clause 10.1(a)(i) currently states:

"10.1 Transport

- (a) (i) **Mayoral Vehicle** – provision of 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."

Other local councils such as Pittwater and Manly provide for a kilometre allowance and cabcharge where required. As such it is suggested that whilst Warringah is not adverse to providing a car to the Mayor, that the Mayor be subject to similar requirements as staff with a car under the PUCS (Private Use Car Scheme) and that the standard vehicle rate (currently set at \$100) be charged for the provision of a suitable vehicle (under the current Luxury car tax threshold). This fee is to be deducted by Council on a monthly basis from the Mayoral fee. Clause 10.1(a) will be amended as follows:

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 2012 and is adjusted annually.

Gifts and Benefits

Council has a separate Policy that deals with Gifts and Benefits which refers to both councillors and staff. As such it is not proposed to re-write this within the Policy for Payment of Expenses, simply to remind councillors of their obligations under the Policy statement as follows. Councillors should refer separately to the Gifts and Benefits Policy for further information. As such it is proposed to add a Clause 25, as follows, renumbering the current Clause 25 and those following.

25. Gifts and Benefits

A councillor must not:

- seek or accept a bribe or other improper inducement
- by virtue of his or her position, acquire a personal profit or advantage which has a monetary value, other than one of a token value.

A councillor must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence a councillor or staff member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of his or her official duties.

A councillor may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on his or her part or that may not be perceived to be intended or likely to influence him or her in carrying out their public duty.

A councillor must never accept an offer of money, regardless of the amount.

No matter the value, all gifts and benefits must be declared and the appropriate paperwork associated with this is to be completed.

For further information councillors should consult the Gifts and Benefits Policy (STR-PL 005).

Approval of Expenses

Under Item 4, General Provisions it is recommended that the approvals process be more explicit, as it was unclear who approved councillor expenses and that the current titles of positions within the organisation be reflected. Clause 4 currently states:

“4. General Provisions

Approvals: *All requests for, and enquiries in relation to, expenses and facilities under this policy are to be directed in the first instance to Council’s Team Leader Governance. Where appropriate the Team Leader Governance will consult with the Director Strategy and Policy regarding application of the policy.”*

It is recommended that Clause 4 be amended as follows:

4. General Provisions

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.

Printer Consumables

Currently the Policy provides that Council is responsible for all consumables relating to the provision of a printer. It is proposed that this clause be clarified outlining specific provisions. Clause 11.6.3(a)(iv) currently states as follows:

(a) *The Council shall*

(iv) *Be responsible for the cost of all consumables, including paper, of the equipment*

It is proposed to be amended to state:

(a) The Council shall

(iv) Be responsible for the cost of all consumables of the equipment including x 5 reams of paper per annum and up to 2 black ink cartridges and 1 set of colour ink cartridges per annum.

CONSULTATION

Relevant Council staff have been consulted in relation to the proposed amendments, as has the Mayor with regard to changes to the conditions surrounding the Mayoral vehicle.

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.

POLICY IMPACT

The Policy will need to go on public exhibition prior to adoption by Council.

FINANCIAL IMPACT

There should be no overall impact on Council's budget. Whilst there may be some amendment to individual items within the current budget, the addition of Tunes cards should be offset by the decrease in the total maximum allowance for phone and internet services.

Warringah Council Policy

Policy No. GOV-PL 120

Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors

1 Purpose of Policy

This policy is made under the Local Government Act 1993 (the Act) including Sections 252 to 254A. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors.

2 Policy statement

- To provide for the fair and equitable payment and re-imbursement of certain expenses not considered to be included in the annual fees payable under Sections 248 – 254A of the Local Government Act, where such expenses are incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor and Councillors to enable them to discharge the functions of civic office.

3 Principles

See Attachment

4 Amendments

This policy was last amended on 22 November 2011

5 Authorisation

This policy was adopted on 22 November 2011

It is due for review in October 2012

6 Who is responsible for implementing this policy?

Deputy General Manager Strategic and Development Services

7 Document owner

General Manager

8 File number

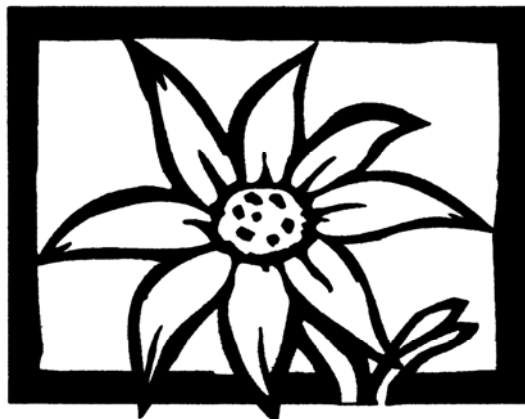
TRIM Record No 2008/002847

9 Legislation and references

Local Government Act 1993

Local Government (General) Regulation 2005

Division of Local Government, Department of Premier and Cabinet – Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW – October 2009.



Warringah Council

***Policy for Payment and Re-imbursement of Expenses
Incurred by, and Provision of Facilities to,
The Mayor, Deputy Mayor and Councillors***

***Draft - Issue No 14
October 2012***

GOV-PL 120

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WARRINGAH COUNCIL**POLICY FOR PAYMENT AND RE-IMBURSEMENT OF EXPENSES INCURRED BY, AND
PROVISION OF FACILITIES TO,
THE MAYOR, DEPUTY MAYOR AND COUNCILLORS****Introduction**

This policy is made under the Local Government Act 1993 (the Act) including Sections 252 to 254A. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors. In the event of Administration, application of this policy is also relevant to Council Administrators.

Section 428 (2) (f) of the Act requires the Council to include in its Annual report:

- The total amount of money expended during the year on Mayoral fees and Councillor fees
- The Council's policy on the provision of facilities for use by Councillors and the payment of Councillor's expenses
- A statement as to the total amount of money expended during the year on the provision of such facilities and the payment of such expenses

Section 12 of the Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

Part 1 – Preliminary**1. Citation**

This policy is in accordance with the requirements of the Local Government Act 1993 and may be cited as the "Policy - Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors."

2. Policy Objectives

- To provide for the fair and equitable payment and re-imbursement of certain expenses not considered to be included in the annual fees payable under Sections 248 – 254A of the Local Government Act, where such expenses are incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor and Councillors to enable them to discharge the functions of civic office.

3. Commencement

This policy was adopted by Council resolution of 21 June 1994 and commenced on 22 June 1994, (Issue No 1).

It was amended on:

- Issue No 2 - 27 February 1996, 5 & 12 March 1996, with effect as from 13 March 1996
- Issue No 3 - 24 February 1998 with effect as from 26 May 1998 (cl 5.8)

- Issue No 4 - 26 October 1999 with effect as from 1 February 2000 (cl 5.7, 5.8, 6.1)
- Issue No 5 - 26 June 2001 (cl 15)
- Issue No 6 - 3 December 2002 (cl 4.1, 10, 11, 5.5)
- Issue No 7 - 17 December 2002 (cl 4.7, 5.2, 5.3(a), 5.6, 5.8 (c))
- Issue No. 8 – 28 February 2006 (Appendix A, Clause 3.1)
- Issue No. 9 – 22 April 2008
- Issue No 10 - 25 November 2008
- Issue No 11 - 10 February 2009 (cl 18.2 and 10.14)
- Issue No 12 - 23 November 2010 (cl 11.12.1, 11.12.2, 12.3, 12.5 and 15)
- Issue No 13 – 22 November 2011 (cl 11.8, 11.12.2 and 23)
- Draft Issue No 14 – October 2012 (cl 4, 10.1, 11.8, 11.9, 11.12, 24 and 25)

4. General Provisions

General Expenses: *General Expenses will not be paid to Councillors. Any expenses payable to Councillors are specifically listed in this policy, together with the procedures for payment/ reimbursement.*

Private Benefit: *The facilities provided to Councillors under this policy are made available to assist them in undertaking their civic duties. Accordingly, and unless otherwise provided for in this policy, Councillors should ensure that there is no more than incidental private use of these facilities.*

Political Purposes: *Council facilities, equipment and services provided under this policy are not to be used to produce election material or for any other political purposes.*

Political Fundraising: *The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to Councillors under this Policy in relation to supporting and/ or attending such activities and events.*

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.*

Dispute Resolution: *Any disputes in relation to expenses and/ or facilities provided under this policy should be referred in the first instance to the General Manager. The General Manager may then refer to the Office of the Internal Ombudsman for independent review.*

Accessibility: *Where a Councillor has specific needs in relation to accessibility to Council facilities and the functions of civic office, additional assistance may be provided under this policy to ensure equity of access.*

5. No Deduction From Section 248 & 249 Fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided to the Mayor, Deputy Mayor and Councillors under this policy, shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Section 248-254A inclusive of the Act.

6. Claiming of Expenses

Reimbursement of expenses will be paid monthly in arrears, must be claimed within 3 months of being incurred by the Mayor or a Councillor. Any claim must be submitted on the approved form and must include receipts and tax invoices relating to the claim.

Reconciliation of the reimbursement of expenses under this policy will be undertaken on a monthly basis by appropriate Council staff.

Part 2 – Annual Fees – Mayor, Deputy Mayor and Councillors

7. Fees Payable to Councillors

The Council shall, prior to 30th June each year, set by resolution, the annual fees to be paid, monthly in arrears, to a Councillor for the following year commencing 1st July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

In accordance with the Australian Taxation Office Interpretive Decision 2007/205 Council may enter into an arrangement with a councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Any request by a Councillor must be in writing and cannot be retrospective.

8. Fees Payable to The Mayor

The Council shall, prior to 30th June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1st July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

9. Fees Payable to The Deputy Mayor

The Deputy Mayor shall be paid a percentage of the Mayoral Fee calculated under Clause 8, 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 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.

Part 3 – Payment of Expenses for, and Reimbursement of Expenses and Provision of Facilities for Mayor, Deputy Mayor and Councillors

10. Mayor

The Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses, without reduction of the fees payable under Section 248 and/or 249 of the Act:

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 2012 and is adjusted annually.

- (ii) **Car Allowance** – where the Mayor elects to provide his/her own vehicle for all functions related to the Office of Mayor for the Mayoral term and not require the provision of a Council vehicle as in (i) above, the Mayor is entitled to claim payment of a car allowance in accordance with Part 4 of this Policy

- (b) Where the Deputy Mayor, at any time, is required to act in the Office of Mayor in accordance with Section 231 of the Act, the provisions of Part 4 of this Policy apply.

- 10.2 **Office** accommodation within the Civic Centre, fully furnished.
- 10.3 **Executive Assistant/Secretarial services** including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.
- 10.4 **Administrative assistance** associated with any Council functions, meetings, publications and the like.
- 10.5 **Office and reception** refreshments.
- 10.6 **Mobile telephone** for use in relation to official functions and duties of the office of Mayor. The Council will meet the costs of maintenance and all charges against the mobile account. A car kit will be installed in the Council provided Mayoral car, or the Mayors own car as provided in clause 8.1 (a) (ii) above.
- 10.7 **Corporate Credit Card**, in the name of the Council, if the Mayor so chooses, to facilitate payment of official council business expenses and expenditures provided for under the annual allocation for "discretionary expenditure" for the Office of Mayor. The Corporate Credit Card, shall be limited to A\$5,000, and is to be used in situations where it is not reasonably possible to go through the Council's normal procedures for the ordering and/or payment for goods or services. On going use of the credit card shall be in accordance with the Council's Policy "Use of Council Credit Card and Cab Charge Facilities". Upon completion of the Mayoral term the credit card shall be returned to the General Manager on the date the term ceases.
- 10.8 **Car Parking** within the Executive area at the Civic Centre exclusively for the use of the Mayor

11. Councillors (Including The Mayor and Deputy Mayor)

To assist the Councillors in carrying out the duties of their civic office and without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act, Councillors are, if they request such, entitled to payment of expenses or re-imbursement of the following expenses, and to receive the benefit of the following facilities:

- 11.1 **Councillors' Office and Councillors' Lounge** in the Civic Centre, suitably equipped with telephone, computer terminal, access to Internet and E-mail, facsimile and printer facilities for work directly related to the duties of their office. Councillors will be subject to the requirements of Council's Internet and Email policy where access is through Council's corporate computer system.
- 11.2 **Food and refreshments** on evenings associated with Council and Council Committee meetings, and approved Council functions.
- 11.3 **Stationery Package**, with an annual limit for the Mayor of \$1,000 and an annual limit for Councillors of \$500, such package to comprise business cards, letterheads, envelopes, with compliments slips, Christmas cards (up to 200 for the Mayor and up to 100 for a Councillor), postage stamps and diary.
- 11.4 **Name badge**, and Council approved corporate accessories on election to office or when the design of these items varies, and ***protective clothing and equipment required for civic duty on election to office.***
- 11.5 **Councillor's vehicle** - Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of Councillor. If approved by the General Manager, the Councillors may be issued with a cab charge card. Cab charge cards are for use on Council business only, and when a Council vehicle is not reasonably available to provide such transport, or the provision of a vehicle would not be economical in the

circumstances. ***Any traffic or parking fine incurred while traveling in private or council vehicles on Council business is the responsibility of the Councillor or the driver incurring the fine.***

11.6 Furniture and/or equipment for location or installation at their place of residence, as follows:

11.6.1 – Bookcase; standard issue four (4) shelf

11.6.2 – Filing cabinet; up to four (4) drawer

11.6.3 – Printer/Facsimile/Copier/ for use on Council business only, subject to the following conditions:

- (a) The Council shall:
 - (i) Meet the capital cost of acquisition of the equipment.
 - (ii) Meet the initial cost of installation of the equipment in the residence of the Councillor, including one (1) additional extension point for an existing line or one (1) separate point for a dedicated line where a Councillor chooses such under Clause 10.7.
 - (iii) Meet the cost of any maintenance/servicing of the equipment including any service call charge.
 - (iv) Be responsible for the cost of all consumables of the equipment including x5 reams of paper per annum and up to x2 black ink cartridges and x1 set of colour ink cartridges per annum.
- (b) The Councillor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.
- (c) The Councillors' telephone and facsimile numbers are to be made available to the public.

11.7. Domestic Telephone Service. Where a Councillor elects such the Council will provide for installation of a telephone service, in the name of the Councillor, for use in relation to official functions and duties of Councillor, Mayor and Deputy Mayor, to allow for the connection of equipment provided under Clause 10.6.3.

11.8. A laptop computer and modem or an iPad or equivalent tablet, to enable Internet access and emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records and an iTunes or Gmail account allowing access to iTunes or Google Play and credit for applications to the value of \$40 in the first year and \$20 each year thereafter.

11.9 Internet Services:

Internet access charges relating to the performance of a Councillor's civic duties will be paid by Council, up to a maximum of \$70 per month, per Councillor. Where a Councillor exceeds this amount, the difference between the maximum amount payable and the charges will need to be covered by the Councillor. Where Council is reimbursing a service already installed, Councillors will only be able to claim up to the maximum of \$70 per month.

11.10 All equipment and furniture provided under Clause 10.6 shall always remain in the possession of the Councillor during his/her term of office, and shall remain the property of the Council returned to the Council in good operational order and condition upon ceasing to be an elected member of the Council(subject to Clause 10.10).

11.11 Where a Councillor ceases to hold Civic Office, he/she may purchase the equipment at an amount determined by an independent valuation.

11.12 Telephone Reimbursements:

Reimbursement of the following telephone accounts, as nominated by the Councillor, on the following basis:

11.12.1 – Standard Domestic Service

- (a) *Councillors existing standard domestic service where no separate service is provided under Clause 11.7:* Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.
- (b) *Domestic Service provided under Clause 11.7:* Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.

11.12.2 – Mobile telephone Service

- (a) *Councillors' own mobile telephone:* Where Councillors already have a mobile telephone and wish to retain it for use in their civic duties, the Council will cover the service fee and reimburse the Councillor for the cost of all charges against that service, associated with their role as a Councillor, to a maximum of \$150 per month; or alternatively
- (b) *Council provided Mobile telephone:* The Council will provide a mobile telephone to any Councillor who requests it. The account will be in the name of the Councillor. The Council will cover the service fee and reimburse the Councillor for the costs of all charges against that service, associated with their role as a Councillor, to a maximum of \$150 per month.

Provided in respect of both clauses 11.12.1 and 11.12.2 that:

- all telephone numbers in respect of which a claim is made are made available to the public, and
- claims for reimbursements shall be made no later than six (6) months after the account is due for payment. Claims made for reimbursement lodged after this date shall not be paid.

11.13 Parking exemption sticker for a nominated vehicle owned by the Councillor enabling exemption from parking fees at any car parks within the Warringah Council area where exemption for residents apply.

11.14 Councillor Parking – A total of nine (9) parking spaces will be reserved in the executive parking area exclusively for use by the Councillors on the afternoon/evening of Council meeting days. Three (3) parking spaces will be provided during normal business hours on all other days.

11.15 Glen Street Theatre complimentary tickets – Each calendar year all Councillors and the Mayor will receive 2 non transferable complimentary tickets to each opening night at Glen Street Theatre subscription season productions

11.16 All office/communication equipment and facilities provided under this policy will be of a standard essential to the conduct of business in a contemporary business environment.

Part 4 – Travel Costs – Use of Mayor's and Councillors' Private Vehicles

12. Mayor & Councillors

12.1 The Mayor, where he or she elects to use his or her private vehicle and Councillors, subject to their private vehicle being currently registered and covered by Compulsory Third Party Insurance, may claim a kilometre allowance for use of private vehicles when used by the

most direct route to travel between their place of residence within Warringah local government area, and return, to:

- (a) attend meetings of the Council, Committees, Sub Committees, Working Parties, Taskforce, Forums or the like, as a Councillor or delegate of the Council; to attend any briefing, community consultation, appointments and engagements associated with the business of the Council, and attend to the transaction of Council business at the Civic Centre;
- (b) attend inspections or business within or outside the Council area undertaken in accordance with a resolution of the Council;
- (c) attend public meetings and civic functions convened by the Council or other community meetings where the Councillor has been invited to attend;
- (d) attend any conference as defined in the policy, where use of the private vehicle is authorised by the Mayor.

Provided that the Council shall not meet any claim for travel or costs associated with attendance at fund raising activities or rallies held by registered political parties or groups.

- 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.
- 12.3 Payment is subject to a formal monthly claim on the prescribed claim form being lodged by the Mayor or Councillor, and such claim must be made no later than six (6) months after the travel occurred. Claims lodged for travel occurring more than six (6) months after the claim is lodged shall not be paid.
- 12.4 Where the Mayor provides his/her own form of transport under clause 8.1(a) (ii) the General Manager may approve of the payment of the minimum car allowance in accordance with the Local Government (State) Award in lieu of a kilometre allowance.
- 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.

Part 5 – Conferences Held in Australia

In this part Conference means any conference, seminar, congress, forum, workshop, course, meeting, forum, workshop, deputation, information and training session, or event, related to the industry of local government and held within Australia.

13. Who May Attend Conferences

- 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).
- 13.2 By the adoption of this Policy, authority is hereby delegated to the Mayor and the General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Mayor or a nominated and authorised Councillor.
- 13.3 The application for approval shall include full details of the travel, including itinerary, costs and reasons for the travel.

14. What Conferences May Be Attended

The conferences to which this policy applies shall generally be confined to:

- Local Government Association of NSW (LGA), Local Government Womens Association (LGWA), and Australian Local Government Association (ALGA) Conferences.
- Special “one-off” conferences called or sponsored by, or for, the LGA, LGWA, LGMA, and ALGA on important issues.
- Annual conferences of the Local Government Managers Association (LGMA) and the major Professions in Local Government.
- Australian Sister Cities Conference.
- Regional Organisation of Councils Conferences.
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Meetings or Conferences of Organisations or Bodies to which a Councillor of the Council has been elected, or appointed as a delegate or member of the Council, or the LGA, LGWA, or ALGA.
- After returning from an approved conference, Councillors shall submit a written report to a full meeting of the Council on the aspects of the conference relevant to Council business and/or the local community.

15. Conference Costs

The following shall apply to the Mayor and Councillors who are authorised and/or appointed as delegates under this policy to attend Conferences:

15.1 Registration

The Council will pay all normal registration costs for the Mayor or Councillors/delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

15.2 Accommodation

The Council will pay reasonable single accommodation costs for the Mayor or Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

15.3 Travel

- (a) The Council will meet all reasonable travel costs for the Mayor, or authorised Councillors or delegates, to and from the conference location and venue. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel is by motor vehicle it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Mayor.
- (d) Where the Mayor or a Councillor uses their private vehicle under (c) above, they may claim the “kilometre” allowance at the date of travel as per Clause 6.2, subject to such cost not exceeding economy class air fares to and from the particular destination, and subject further to;
 - (i) the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the conference
 - (ii) the claim, on the prescribed claim form, must be made not later than six (6) months after the conclusion of the Conference.

- (e) Where hire cars, taxi fares and parking costs are reasonably required and incurred in attending conferences, the cost of such will be reimbursed by the Council to the Councillor upon presentation of a claim and receipt.

15.4 Out-of-Pocket Expenses

Out-of-pocket expenses incurred by the Mayor or a Councillor and associated with attendance at a conference shall be reimbursed to the Mayor or Councillor upon presentation of a claim and receipts for the following:

- (a) any hotel/motel conference related charges associated with the Conference, other than accommodation
- (b) all telephone, internet or facsimile calls related to Council business
- (c) reasonable lunches, dinners and other meals incurred whilst travelling to or from the Conference and other lunches, dinners or meals occurring during the Conference but not included in the conference registration fee
- (d) incidental expenses, e.g. bridge tolls
- (e) any optional activity in a conference program, but excluding any pre or post conference activities.

Where requested by a Councillor, consideration will be given to the provision of an advance payment of up to \$200 to cover anticipated out-of-pocket expenses. Following attendance at a conference (and no more than 3 months after the conference concludes) the advance payment must be fully reconciled with receipts for costs associated with (a) – (e) above.

15.5 Frequent Flyer and Loyalty Points

The Mayor and Councillors shall not be entitled to claim frequent flyer or other loyalty points relating to air travel or other expenses incurred by them under this policy. In circumstances where the Mayor or a Councillor has no option but to incur any expenditure for which loyalty points accrue to his/her personal account, the Mayor or Councillor must surrender the points to the airline or service provider before reimbursement of the expense by the Council.

16. Conference Costs - Payment In Advance

- 16.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance.

17. Conference Costs – Mayor's And Councillors'/Delegates' Accompanying Person

- 17.1 Where the Mayor or Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor/Councillor/accompanying person and not by the Council. Council may by resolution, and in exceptional circumstances, pay the expenses of a spouse/partner/carer while travelling on Council business. Exceptional circumstances would only be where the Councillor is prevented by health reasons from travelling alone.
- 17.2 Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc. with any Council delegates' registration.
- 17.3 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

Part 6 – Conferences Overseas

18. Attendance At Overseas Conferences

- 18.1 Attendance by the Mayor or a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council and such resolution shall specify and detail the conditions of attendance.
- 18.2 Attendance will only be approved where direct and tangible benefits can be established for the Council and the local community.
- 18.3 Requests for attendance for overseas travel must be submitted by a report to Council, included on the Council agenda (not by mayoral minute) and shall include the names of Councillors nominated to attend, purpose, expected benefits, duration, itinerary and approximate total costs.
- 18.4 After returning from overseas, Councillors attending shall submit to a full meeting of Council a detailed written report on the aspects of the trip relevant to Council business and/or the local community.
- 18.5 Details of overseas travel must be included in Council's annual report, including any details of trips for sister city relationships.

Part 7 – Legal Assistance for Mayor and Councillors

19. Legal and Representation Costs - Enquiries, Investigations, Hearings, etc.

In the event of:

- (1) any enquiry, investigation or hearing by any of:
- the Independent Commission Against Corruption,
 - the Office of the NSW Ombudsman,
 - the Division of Local Government, Department of Premier and Cabinet
 - the NSW Police Force,
 - the Director of Public Prosecutions,
 - the Local Government Pecuniary Interest and Disciplinary Tribunal, or
 - Council's Conduct Review Committee/Reviewer

into the conduct of the Mayor or a Councillor in discharging their civic office duties; or

- (2) legal proceedings being taken against the Mayor or a Councillor, arising out of or in connection with the performance of his or her civic duties or exercise of his or her functions as a Mayor or Councillor

the Council may resolve to reimburse the Mayor or such Councillor for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis,

Provided that:

- (a) the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act, and the matter before the investigative or review body has proceeded past any investigative phase to a formal investigation or review;
- (b) In the case of a conduct complaint made against a councillor, legal costs may only be made available where the matter has been referred by the General Manager to the Conduct Review Committee/Conduct Reviewer to make formal inquiries into the matter;

- (c) in the case of pecuniary interest or misbehaviour matters, legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government;
- (d) the amount of any reimbursement of legal expenses shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis;
- (e) that the enquiry investigation, hearing or proceeding results in a finding substantially favourable to the Mayor or Councillor.
- (f) where an outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor any legal expenses must be reimbursed by the Councillor.

This policy specifically excludes the payment of legal expenses for the Mayor or Councillors where:

- (a) the Mayor or Councillor initiates a legal action;
- (b) the outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor;
- (c) the Mayor or Councillor seeks advice in respect of possible defamation, or is seeking non-litigious remedy for possible defamation.

Part 8 – Insurances and Health Maintenance and Assessment Programs

20. Insurance – Mayor and Councillors

The Council will insure, or will provide for the insurance of the Mayor and Councillors for:

20.1 Personal Accident

Personal injury whilst ever engaged in or on any Council activity, worldwide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death determined by the Council and also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses as medical expenses cannot be included due to the provisions set down in the Health Act. The Council shall determine the distribution of any benefits arising from such insurance to the Mayor or Councillor or his/her beneficiaries.

20.2 Professional Indemnity/Public Liability

(a) General Liability

To indemnify the insured for all sums they shall become legally liable to pay arising out of:

- (i) death, personal injury or illness or disease to persons;
- (ii) loss or damage to property arising out of the insured's business as a Council.

(b) Professional Indemnity

To indemnify the insured for all sums they shall be legally liable for arising out of any negligent act, error or omissions in the conduct of their activities as Mayor or Councillors and arising out of the insured's business as a Council.

BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council, taken out.

- 20.3 To indemnify each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but excluding fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to

investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

21. Health and Wellbeing Services

The Mayor and a Councillor, if they requests such, is entitled to be included in a suitable program which provides a range of services designed to promote, maintain or support physical, social and mental well being. Such programs may provide for periodic health assessments, testing and screening and also for regular structured health or fitness programs and regimes.

Under Council's Wellness Program, Council will reimburse up to 50% of fees for club memberships, sports event entry as a competitor, or other specified wellness initiatives (or a combination), to a maximum of \$200 per councillor, per financial year.

22. Care and other related expenses

- 22.1 Reimbursement of the cost of carer arrangements, including childcare expenses and the care of the elderly, disabled and/or sick immediate family expenses and the care of the elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations. Reimbursement, less any government subsidy will be subject to the production of receipts, attached to the approved form and will be at a maximum of \$2000 per annum.
- 22.2 Reimbursement of the cost of carer arrangements will require evidence that the carer nominated is accredited by the appropriate government department and any claim must be submitted on the approved form and must include receipts and tax invoices relating to the claim.

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.

24. Attendance at Council Functions

Where a Councillor attends a function on behalf of Council (ie. on Council Business), Council will pay for the cost of attendance at that function. Where the attendee is the Mayor, where the Mayor's is invited to bring a guest (to be addressed in the invitation), the guest will also be covered.

25. Gifts and Benefits

A councillor must not:

- seek or accept a bribe or other improper inducement

- by virtue of his or her position, acquire a personal profit or advantage which has a monetary value, other than one of a token value.

A councillor must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence a Councillor or staff member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of his or her official duties.

A councillor may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on his or her part or that may not be perceived to be intended or likely to influence him or her in carrying out their public duty.

A councillor must never accept an offer of money, regardless of the amount.

No matter the value, all gifts and benefits must be declared and the appropriate paperwork associated with this is to be completed.

For further information Councillors should consult the Gifts and Benefits Policy (STR-PL 005).

26. Reporting

Council shall report separately, on an annual basis, on

- The total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:
 - The cost of phone calls including mobiles, home located landlines, facsimile and internet services
 - Spouse/partner/accompanying person expenses
 - Conference and seminar expenses
 - Training and skill development expenses
 - Interstate travel expenses
 - Overseas travel expenses
 - Care and other related expenses
 - The cost of the provision, including rental, of dedicated office equipment allocated to councilors on a personal basis such as ;laptops, mobile phones, telephones and facsimile machines and internet installed in the councillors homes. This item does not include the costs of using this equipment, such as calls.
 - The provision of facilities and equipment where such provision is above what would normally be required for the day to day running of the council.
-

APPENDIX A

Provision & Use of a Mayoral Vehicle

1. Introduction

The Council's adopted Code for the Payment of Expenses & Provision of Facilities for the Mayor and Councillors stipulates that the Council will provide a suitable and appropriate vehicle for use by the Mayor for all official, executive and social duties connected with the office of Mayor and for occasional or full private or personal use.

The Council cannot make a motor vehicle, owned or leased by the Council, available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

2. Policy statement

2.1 The Council will:

- provide servicing, maintenance, registration and insurance of a suitable vehicle,
- provide all fuel, which may be charged against fuel card, whilst the vehicle is used for Council business

2.2 The vehicle will be registered and comprehensively insured by Warringah Council.

2.3 A car telephone and special accessories where required, shall be provided, fitted, installed and removed at Council's cost.

2.4 The vehicle shall be available for the exclusive use of the Mayor, subject to the conditions of this Policy.

3. Principles

3.1 Use of Vehicle

A vehicle is made available for use by the Mayor:

- To attend any function, activity or engagement whether associated with local government or not, both within and outside the Warringah Council area, at any time and on any day, in the official capacity of Mayor.
- At any time or day to attend any meetings, inspections, sites or appointments within Warringah as Mayor, with residents, ratepayers or people associated with Council business.
- For occasional or full personal or private use. Where private or personal use is on an occasional basis, the Mayoral Allowance will be reduced on a per kilometre basis, by the rate set by the Local Government (State) Award, and in accordance with a log submitted by the Mayor on a monthly basis. Where full private or personal use is chosen, the Mayoral Allowance will be reduced, in accordance with the Light Vehicle Allocation and Private Use Car Scheme Management Policy, MGT – PL 105 (Clause 2.1 – Contract Staff – TPR Calculation).
- For travel within Warringah for any Council related purpose or function.

3.2 Restrictions on Use of Vehicle

The following restriction shall apply to the use of the Mayoral vehicle:

(a) The vehicle shall only be driven by a properly licensed person, being:

- The Mayor, or

- Council employee, or
 - a Councillor of Warringah, with the Mayor's consent
 - a member of the Mayor's immediate family, e.g. mother/father/son/daughter/brother/sister, partner/spouse, or
 - a nominated person, so long as the Mayor is a passenger in the car.
- (b) The Mayor shall not use, or allow the vehicle to be used, to compete in any car rally or competition.
- (c) The vehicle is not to be used for any trading undertaking or for any activity where remuneration is received which is not directly related to Council business or activities of the office of Mayor.

3.3 Conditions of Use of Mayoral Vehicle

- (a) The Mayor, if he/she intends to drive the vehicle, must show evidence of a current New South Wales driver's licence of an appropriate class, or equivalent, and be the holder of a licence for the duration of their use of the vehicle. If the Mayor loses his/her licence or is suspended from driving, they must immediately:
- forfeit use of or access to the Mayoral vehicle, or
 - provide evidence of a properly licensed person who will be the driver of the vehicle whenever used by the Mayor during such period.
- (b) Whenever the Mayor has the control of the vehicle, the Mayor must ensure that it is driven only by a responsible properly licensed person as above.
- (c) If the Mayor drives, or allows another person to drive the vehicle without a current driver's licence, or whilst disqualified for any reason, the Council may withdraw the vehicle from access by the Mayor.
- (d) All traffic fines and penalties incurred by the Mayoral vehicle will be paid by the driver. The Mayor must keep a record of any drivers of the vehicle, other than the Mayor, whom the Mayor permits to drive the vehicle.
- (e) If the Mayor or a properly licensed person, by their action, negates any motor vehicle insurance, that person will be responsible for the payment of costs as a consequence thereof.
- (f) The Mayor always remains responsible for ensuring proper and adequate care and usage of the vehicle at all times including:
- day to day routine maintenance e.g. fuel, oil, battery, radiator, tyre pressures etc. is carried out at regular intervals,
 - garaging, i.e. if available off-street and under cover,
 - the vehicle is kept in a clean condition, by making it available to Council staff weekly for this purpose,
 - all maintenance/repair issues are reported to Fleet Management without delay,
 - that any accident or damage to the vehicle is immediately reported using the appropriate Accident Report Form
 - If the Mayor or a properly licensed person, whilst driving the vehicle, is convicted of drink-driving or an offence leading to licence suspension or loss in association with an accident involving the Mayoral vehicle, the Mayor will be required to pay the cost of associated repairs in the event that Council's insurers disclaim responsibilities on the grounds of such conviction, suspension or loss.

4. Definitions

"Nominated person" means the holder of a current NSW driver's licence who is nominated by the Mayor, in writing to the General Manager, as a person who may regularly drive the Mayoral Vehicle whilst the Mayor is a passenger in the vehicle.

APPENDIX B

1.1 Provisions under the Local Government Act 1993

1.1.1 General policy-making requirements

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Act) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Regulation and any relevant guidelines issued under section 23A of the Act (these guidelines).

Section 252 (Payment of expenses and provision of facilities) states:

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

1.1.2 Policy development, review and submission requirements

Section 253 of the Act specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended. It requires councils to make and submit their expenses and provision of facilities policies annually to the Division of Local Government.

Section 253 (Public notice of proposed policy or amendments concerning expenses and facilities) states:

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 of the Act requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

1.1.3 The role of a councillor

Section 232 of the Local Government Act defines the role of a councillor. It provides that councillors have two distinct roles; as a member of the governing body of the council; and as an elected person. Councils as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. Councillor expenses and facilities policies should facilitate and assist councillors to carry out their role.

Section 232 (What is the role of a councillor?) states:

- (1) *The role of a councillor is, as a member of the governing body of the council:*
- *to direct and control the affairs of the council in accordance with this Act*
 - *to participate in the optimum allocation of the council's resources for the benefit of the area*
 - *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
 - *to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.*
- (2) *The role of a councillor is, as an elected person:*
- *to represent the interests of the residents and ratepayers*
 - *to provide leadership and guidance to the community*
 - *to facilitate communication between the community and the council.*

1.1.4 Other requirements

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director General of the former Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of

its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

1.2 Provisions under the Local Government (General) Regulation 2005

Clause 271 of the Regulation requires councils to include detailed information in their annual reports about the payment of expenses and facilities to councillors.

Clause 217 (Additional information for inclusion in annual reports) states in part:

- (1) *For the purposes of section 428 (2) (r) of the Act, an annual report of a council is to include the following information:*

details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),

- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*

- (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
- (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
- (iii) *the attendance of councillors at conferences and seminars,*
- (iv) *the training of councillors and the provision of skill development for councillors,*
- (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a councillor other than the mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

1.3 Other NSW Government policy provisions

1.3.1 Division of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

1.3.2 Circulars to Councils

The policy must take into account the following Circulars.

Circular 08/24 *Misuse of council resources*.

Circular 08/37 *Council decision making prior to ordinary elections*

As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors*.

1.3.3 The Model Code of Conduct for Local Councils in NSW (DLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008*. The following parts of the code are particularly relevant to s252 policies:

Use of council resources (pp 23-24)

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

10.15 You must avoid any action or situation, which could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

10.16 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

10.17 You must not convert any property of the council to your own use unless properly authorised.

1.3.4 Councillor Induction and Professional Development Guide (DLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the council. The Division has produced a *Councillor Induction and Professional Development Guide* (September 2008) to assist councils to develop these programs.

1.3.5 No Excuse for Misuse, preventing the misuse of council resources (ICAC)

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources* (Guidelines 2) November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

ITEM 9.7	2012/2013 SPORTING CLUB CAPITAL ASSISTANCE GRANTS - SECOND ROUND
REPORTING MANAGER	GROUP MANAGER PARKS RESERVES & FORESHORES
TRIM FILE REF	2012/307564
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To endorse the recommendations of the independent Sporting Club Capital Assistance Grant Evaluation Panel.

SUMMARY

The Sporting Club Capital Assistance Grants are designed to assist sporting clubs within Warringah to develop sporting and recreational facilities. The second round of Sporting Club Capital Assistance was advertised in July 2012 and six applications were received requesting a total of \$423,500. The Evaluation Panel has allocated \$113,500 of the available \$120,000.

FINANCIAL IMPACT

The Grants have been budgeted for in the 2012/2013 Capital Works Program.

POLICY IMPACT

No impact of Council policy.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That the recommendations of the Grant Evaluation Panel be adopted and Council award grant funding as follows:
 - a. Manly Warringah Softball Association - \$2,700
 - b. Manly Warringah Football Association - \$10,800
 - c. Manly Vale Calabria Bowling, Sports and Social Club - \$100,000
-

REPORT

BACKGROUND

The annual Sporting Club Capital Assistance Grant Program is designed to: assist sporting clubs and other groups within Warringah in developing infrastructure that promotes active recreation; development of community organisations; support volunteers and encourage a healthy lifestyle in the community.

In June 2012 Council awarded \$130,000 of the \$250,000 available in the Sporting Club Capital Assistance Grant program and resolved to advertise and award funding in a second round.

The second round of grant funding was opened on the 29 June 2012 and closed on 29 July 2012. The second round was advertised on Council's website, in the Manly Daily, and through direct contact with sporting associations.

A total of six Grant applications were received by the due date, five compliant and one non compliant. These were:

Organisation	Project	Amount Requested	Compliant Project
Manly Warringah Softball Association	New Pitching net at Abbot Road Softball Ground	\$2,700	Yes
Harbord Seaside United Football Club	Amenities Block Nolans Reserve	\$120,000	Yes
Forest Killarney Football Club	Improvement and expansion of amenities block to include access and security	\$120,000	Yes
Manly Warringah Football Association	Electronic Scoreboard for Cromer 1	\$10,799.80	Yes
Manly Vale Calabria Bowling Sports and Social Club	Refurbish and install 2 new futsal courts	\$120,000 – only eligible for \$100,000 as total project cost is \$200,000	Yes
Collaroy Rugby Union Club	Fit out of new amenities building	\$70,000	No – Collaroy were awarded a Grant in the first round and are therefore ineligible to hold a concurrent Grant under the Policy.

ASSESSMENT

A review of all applications was conducted by Council staff between the 2 August and 5 August 2012 to assess compliance with the Grants and Sponsorship Policy. The application of Collaroy Rugby was assessed as non-compliant as they had received a Grant in the first round, Collaroy Rugby were informed immediately of this non-compliance.

An independent Evaluation Panel was then convened on 14 August 2012 to score the remaining 5 applications. The Evaluation Panel consisted of the following members:

- Paul Smith – Recreation and Open Space Strategic Reference Group Member
- Melissa Palmero – Recreation and Open Space Strategic Reference Group Member
- Julie Whitfield – Recreation and Open Space Strategic Reference Group Member
- Tony Johansson – Parks, Reserves and Foreshores Asset Management Manager (Chair)

All applications were scored against the assessment criteria that appear in the Application Guidelines which consist of:

- Project Merit
- Community Development and Participation
- Organisational Capacity
- Project Budget

The Manly Warringah Softball Association and the Calabria Club applications scored highly on all criteria and the Manly Warringah Football Association application scored highly on Budget and Capacity criteria. These applications are to be funded to fifty per cent of the project value.

The Panel noted that it was disappointed with the application from Forest Killarney that there was no provision being made for accessible toilet facilities on the ground floor of the building that would be available to the public.

CONDITIONS ON GRANT FUNDING

As the Calabria Club is a leased property from Council, Council will put a number of conditions on the Grant Funding reiterating the provisions of the lease that maintenance, insurance and renewal of the new asset being constructed with this Grant funding will be the responsibility of the lessee.

Similarly the Manly Warringah Football Association Grant funding agreement will include specific conditions that no roof penetrations can be made without prior approval by Council's Buildings, Property and Spatial Information team and that any maintenance required for the scoreboard or as a result of the scoreboards installation is the sole responsibility of the Manly Warringah Football Association.

General conditions will include the requirement for all Grant recipients to provide copies of contractor insurance policies for Workers Compensation and Public Liability, Safe Work Method Statements and in the case the Calabria Club's application a Site Safety Management Plan prior to construction.

FINANCIAL IMPACT

These works are fully funded in Council's Capital Expenditure Program. It is recommended that surplus funds remain to cover incidental Council costs associated with the Grants program.

POLICY IMPACT

The allocation of these Grants supports Council efforts to provide a more diverse range of facilities to the community.

ITEM 9.8	DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/333406
ATTACHMENTS	1 Terms of Reference - Dee Why South Catchment Flood Study Working Group

EXECUTIVE SUMMARY

PURPOSE

To request that Council nominate two councillors to the Working Group for the Dee Why South Catchment Flood Study.

SUMMARY

Following the resolution of Council at its 27 September 2011 meeting (Resolution 255/11), Council approved the development of a Flood Study, and Floodplain Risk Management Study and Plan for the Dee Why Lagoon South Catchment. This includes parts of the suburbs of Dee Why and Narraweena.

The Dee Why South Catchment Flood Study has been identified as a key initiative in the Warringah Council Strategic Community Plan 2012. Warringah Council has subsequently engaged a consultant to undertake the initial Flood Study component.

The NSW Floodplain Development Manual requires that a Working Group is established for the Dee Why South Catchment Flood Study. The aim of the Working Group is to provide stakeholder input and help guide Council through the full flood study process, and requires the participation of two nominated councillors as representatives from the elected Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Working Group fulfils the functions of a Floodplain Risk Management Working Group as specified in Appendix D of the NSW Floodplain Development Manual (2005).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council nominate two councillors as the elected Warringah Council representatives to the Dee Why South Catchment Flood Study Working Group.

REPORT

BACKGROUND

Following the resolution of Council at its 27 September 2011 meeting (Resolution 255/11), Council approved the development of a Flood Study, and Floodplain Risk Management Study and Plan for the Dee Why Lagoon South Catchment. This includes parts of the suburbs of Dee Why and Narraweena.

The Dee Why South Catchment Flood Study has been identified as a key initiative in the Warringah Council Strategic Community Plan 2012. The Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan will help improve Warringah Council's planning and management of the catchment, such as setting flood levels for development and improving flood emergency responses.

Warringah Council has engaged a consultant to undertake the first part of the process, a Flood Study, in accordance with the NSW Government's "Floodplain Development Manual". The aims of the study are to define the existing flood behaviour and help identify flooding problem areas within the catchment.

Under the NSW Floodplain Development Manual, Warringah Council have an obligation to establish a Working Group, consisting of councillors, Warringah Council staff, residents and business owners within the catchment, along with environmental groups and State Government representatives.

The aim of the Working Group is to provide stakeholder input and help guide Council through the full flood study process which culminates in the development and implementation of a Floodplain Risk Management Plan for the Dee Why South Catchment. The Working Group's Terms of Reference are attached to this report.

Under the NSW State Government's Floodplain Management Program, the Office of Environment and Heritage (OEH) provide financial assistance to Council on a 2:1 basis to undertake flood risk management projects, as well as providing technical assistance.

Council has received an offer of grant funding for \$88,000 from the OEH for delivery of this flood study - the first component of the flood risk management process. This offer of grant funding will be used in conjunction with allocated Council funds to meet the costs of the Flood Study.

CONSULTATION

Community Consultation is considered a vital part of the process, and will be undertaken in accordance with the NSW Floodplain Development Manual. A webpage will be launched via a media release on Council's webpage and advertisement in the Manly Daily. Letters of notification of the project will be issued to all residents, businesses and stakeholders within the catchment, which includes a questionnaire relating to historical flooding.

The Working Group is an integral part of the consultation process and will disband upon Council's adoption of the Floodplain Risk Management Plan for the Dee Why South Catchment.

TIMING

The Working Group will be established in late 2012 following nomination of councillors and appointment of community representatives. The Working Group will be required to meet approximately four times per calendar year to review key milestones and receive project updates until completion of the Floodplain Risk Management Plan in approximately May 2014.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The Working Group fulfils the functions of a Floodplain Risk Management Working Group as specified in Appendix D of the NSW Floodplain Development Manual (2005).

TERMS OF REFERENCE

DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP

1. INTRODUCTION

The primary function of the Dee Why South Catchment Flood Study Working Group is as an advisory body to Warringah Council on matters concerning the development, implementation, and review of the Dee Why South Catchment Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan. The Working Group provides a forum for discussions between Council, the community, interest groups, and government authorities on technical, social, economic, environmental and cultural issues at various stages of the Floodplain Risk Management Process.

The Flood Study and subsequent stages will help improve council's planning and management of the catchment, such as setting flood levels for development control, improving flood emergency responses and establish a basis for subsequent floodplain management activities.

2. AIMS & OBJECTIVES

The principle aim of this Working Group is to bring together the expertise and diverse community knowledge needed to address floodplain risk management matters relating to the Dee Why South Catchment. The Working Group will highlight the concerns and issues raised by the community and businesses, which will be recognised by council staff in the strategic direction of the study. The floodplain management process can be found in Appendix A.

The Working Group is to recognise the risk-based management approach provided by the Floodplain Risk Management Process as detailed in the NSW Floodplain Development Manual (2005). This requires Councils to exercise their duty of care to effectively manage the real risk to people and property from flooding to meet the NSW Flood Prone Land Policy.

The Working Group is to fulfil the functions of a Floodplain Risk Management Working Group as specified in Appendix D Floodplain Development Manual (2005).

The Working Group will be disbanded following Council adoption of the Floodplain Risk Management Plan.

3. MEMBERSHIP & CHAIRPERSON

Membership of the Working Group comprises representatives from the elected Warringah Council, local community, State Government and Council Officers. The number and composition of Working Group members is at the discretion of the Council and can be varied as required. Attendance at each Working Group meeting is voluntary; however, consistent absenteeism can result in that member being replaced by the Working Group. The specific role of each group of representatives is outlined below.

3.1 Responsibilities of Members

All members of the Working Group have an obligation to objectively consider and actively participate in group deliberations. Community members must always be mindful that they have a responsibility to represent the views of all residents and be prepared to represent those views in an unbiased way at meetings of the Working Group.

All members must abide by Council's values as well as other obligations that apply both legally and ethically as advisors to Council.

All members should make an effort to attend as many meetings as possible, make a positive contribution on behalf of the community and actively engage members of the community about Working Group deliberations.

All members must ensure that they are aware of their obligations under Council's Code of Conduct and maintain confidentiality where appropriate.

Members of the Working Group do not, by virtue of such membership, have the authority to make representations to the media on behalf of either Council or the Working Group.

3.2 Voting

3.2.1 Chairperson

The role of the Chairperson should reflect the flexible nature of the Working Group. The Local Government (Meetings) Regulation provides that the Chairperson and Deputy Chairperson of Working Groups and sub-Working Groups of the Council must be:

- a) The Mayor or Administrator; or
- b) If the Mayor does not wish to be chairperson, a member of the Working Group elected by the Council;

Principally, the Chairperson's role is to facilitate the conduct of the meetings and ensure the Working Group focuses on its primary goal of providing strategic direction for the floodplain management process. If unable to attend, Councillors can nominate a senior officer to take the chair for that meeting.

3.2.2 Councillors

Councillor membership consists of two elected Councillors. Councillors are to assess the community, political and policy implications of any actions contemplated with the objective of producing the best possible outcomes for the catchment.

3.2.3 Community Representatives

Provision exists for representation from the following Community groups and stakeholders:

- One potentially flood affected business owner;
- One potentially flood affected resident;
- One Environmental Group Representative;
- One representative from the Dee Why Chamber of Commerce

The role of Community representatives is to highlight issues of importance to the local community in relation to the implementation of the flood study. They provide a linkage between the Working Group and the broader community and are responsible for identifying the preferences and priorities as they are expressed by the community. Community representatives should also make formal representations to the Working Group on behalf of the public.

3.3 Non Voting

3.3.1 State Government Representatives

The Working Group should include representatives from two (2) State Government Authorities. The role of these representatives is to provide:

- Advice on broad policy objectives;
- Specialist technical advice;
- Advice on experience from dealing with common issues at other locations;
- Assistance with funding applications;
- Advice to the Working Group regarding its progress in relation to other floodplain Working Groups.

The Government Authorities include:

- Office of Environment and Heritage (OEH)
- State Emergency Service (SES)

The specific responsibilities of each Authority are outlined as follows:

Office of Environment and Heritage

The OEH's responsibilities include the administration of the NSW Government Flood Prone Land Policy. OEH's Flood Group has the responsibility for providing technical advice and information on flooding to Councils and their flood risk management Working Groups, assist Councils with the preparation of management plans and mitigation measures, and administration of programs of financial assistance for studies and mitigation.

The OEH is also responsible for the preparation and implementation of the NSW Government Floodplain Development Manual.

State Emergency Service

The State Emergency Service provides immediate assistance to the community in times of natural or man-made incidents or emergencies. The Service is responsible for evacuation during emergencies in order to limit human injury and loss to property.

The particular relevance of the SES to the Dee Why South Catchment Flood Study Working Group is in combating emergencies arising from flooding and to assist with the development and implementation of the local flood plan for communities at risk.

3.3.2 Warringah Council Officers

Warringah Council's Natural Environment Unit co-ordinates and administers the Working Group. A Warringah Council Officer also attends each Working Group meeting to provide administrative assistance. In addition, Council Officers facilitate and co-ordinate input amongst Working Group members as well as liaise with consultants.

4. MEETINGS

The role of the Working Group is to provide an open forum where all have equal opportunity to contribute. The Working Group shall, where possible, resolve its decisions on consensus for the benefit of all parties involved.

4.1 Frequency of Meetings

Full Working Group meetings will be organised at the discretion of Warringah Council with members being notified two months in advance.

4.2 Observers

Observers are permitted to attend meetings unless otherwise specified by the Working Group. Observers will be permitted to address the Working Group at the discretion of the Chairperson.

Appendix A

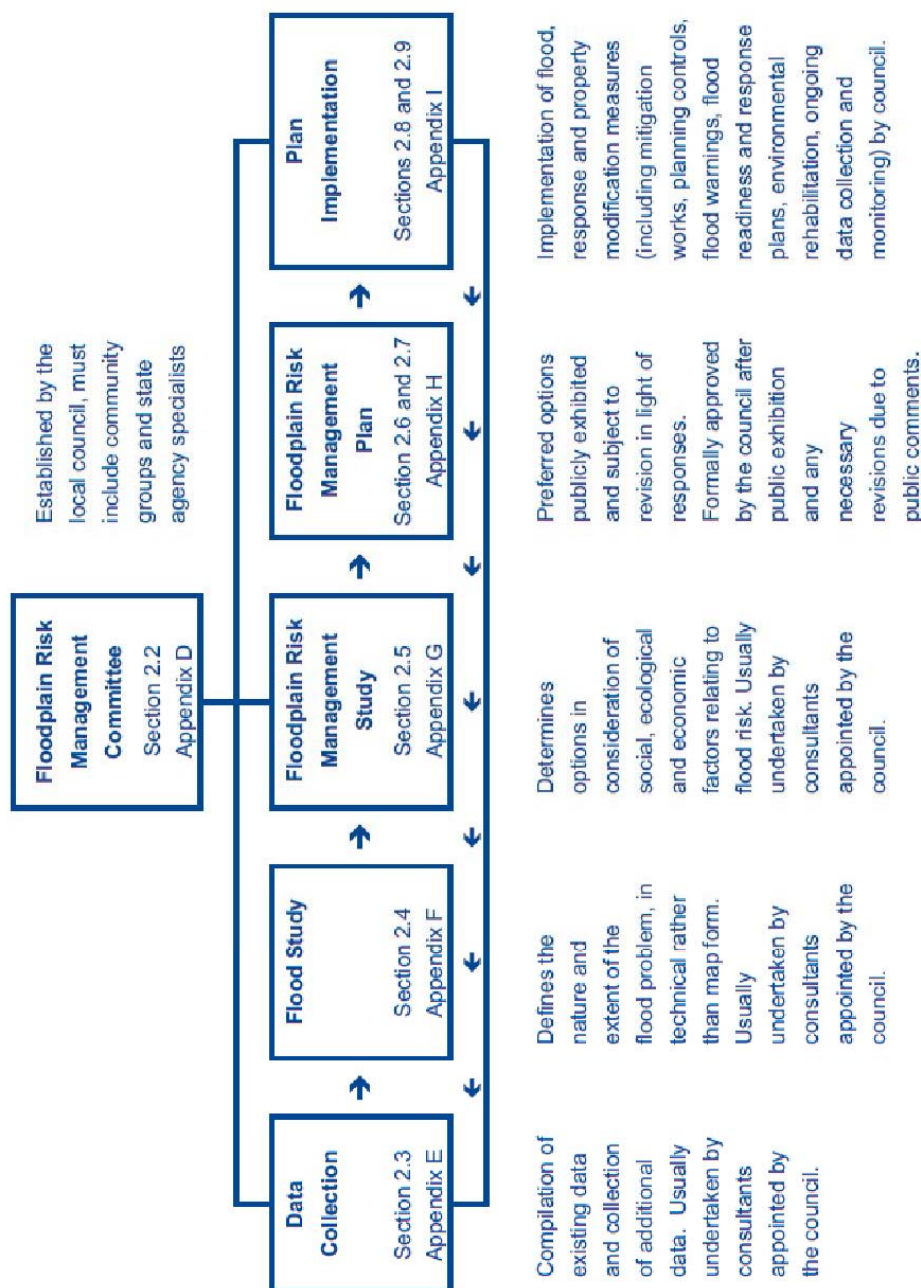


FIGURE 2.1 - The Floodplain Risk Management Process

Appendix B



14.0 CONFIDENTIAL MATTERS – CLOSED SESSION

RECOMMENDATION

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

Item 14.1 Alternative Procurement for Developing an Adaptable Council Wide Project Management Methodology and Delivering Associated Training

Item 14.2 Legal Services for Kimbriki Resource Recovery Project

Matters to be Discussed During Closed Session - Section 10D

Item 14.1 Alternative Procurement for Developing an Adaptable Council Wide Project Management Methodology and Delivering Associated Training

Item 14.2 Legal Services for Kimbriki Resource Recovery Project

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

Item 14.1 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

Item 14.2 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

10A(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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

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

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