

AGENDA

WARRINGAH COUNCIL MEETING

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

TUESDAY 24 JULY 2012

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



Dr John Warburton
Acting General Manager

(2012/10)



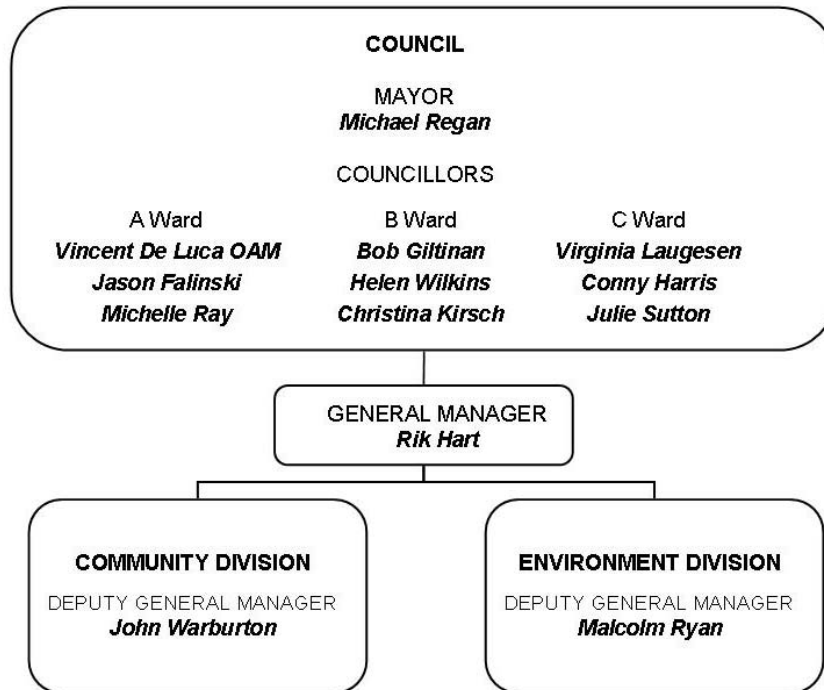
Warringah Council



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 Council
to be held on Tuesday 24 July 2012
at the Civic Centre, Dee Why
Commencing at 6.00pm**

ACKNOWLEDGEMENT OF COUNTRY

1.0 APOLOGIES

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Minutes of Ordinary Meeting of Council held 26 June 2012

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

4.0 PUBLIC FORUM

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 7/2012
Freshwater Village – Alfresco Dining Area Improvements – Trial Rent Relief
for New Outdoor Dining Licences
(Report will be circulated prior to the meeting)

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 JUNE 2012

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 26 June 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 GENERAL MANAGER'S REPORTS

ITEM 6.1	CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER – COMPLAINT REGARDING CONDUCT AT COUNCIL MEETING
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/259120
ATTACHMENTS	1 Sole Conduct Reviewer Final Report (Excluded from Agenda)

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

In September 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 is made against Councillor Laugesen in relation to her alleged conduct at a Council meeting.

In accordance with the Code of Conduct and Conduct Review Committee Charter, the General Manager determined to refer the complaint to a Sole Conduct Reviewer. A Conduct Reviewer, Mr Adam Halstead, was duly appointed. Mr Halstead (and Mr Kirk Dailly as duly engaged) made enquiries into the complaint and has now submitted the report into the matter. A copy of the report is included in the separate attachment booklet for Council's consideration.

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

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER

That Council note the contents of the report of the Sole Conduct Reviewer, and take such action as it deems appropriate.

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 September 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 is made against Councillor Laugesen in relation to her alleged conduct at a Council meeting. 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 Adam Halstead, was duly selected. Mr Halstead also engaged the services of a Mr Kirk Dailly to make enquiries, as authorised by clause 12.19(d) of the Code of Conduct.

The Conduct Reviewer made enquiries into the complaint. The Conduct Reviewer has now concluded his enquiries and has submitted the report into the matter. A copy of the report is included in the separate attachment booklet for Council's consideration. 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. The complainant was anonymous so no report has been provided to that party.

ITEM 6.2	CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER - COMPLAINT REGARDING CONDUCT IN COUNCILLOR LOUNGE - CR LAUGESSEN
REPORTING MANAGER	ACTING GENERAL MANAGER
TRIM FILE REF	2012/280496
ATTACHMENTS	1 Sole Conduct Reviewer Final Report (Excluded from Agenda)

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

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.

In accordance with the Code of Conduct and Conduct Review Committee Charter, 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 Council note the contents of the report of the Sole Conduct Reviewer, and take such action as it deems appropriate.

REPORT

BACKGROUND

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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.

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 - ☐ *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.

ITEM 6.4	COUNCILLORS REPORT FROM ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2012 CONFERENCE
REPORTING MANAGER	GOVERNANCE MANAGER
TRIM FILE REF	2012/272695
ATTACHMENTS	1 Report by Cr Dr Harris

REPORT

PURPOSE

To present Councillor Dr Harris' report following her attendance at the National General Assembly of Local Government 2012 'National Voice, Local Choice - Infrastructure, Planning, Services', Canberra 17-20 June 2012.

REPORT

Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors includes the following requirement (clause 14, bullet point eight):

"14. What Conferences May Be Attended

- 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."*

Councillor Dr Harris has submitted her report regarding the National General Assembly of Local Government 2012 Conference, which can be found as an attachment to this report.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The report has been submitted in accordance with Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

RECOMMENDATION OF GENERAL MANAGER

That the report by Councillor Dr Harris regarding the National General Assembly of Local Government 2012 'National Voice, Local Choice – Infrastructure, Planning, Services', Canberra 17-20 June 2012 be noted.

Report from Councillor Dr Conny Harris**National General Assembly of Local Government 2012 'National Voice, Local Choice – Infrastructure, Planning, Services'****Canberra 17-20 June 2012**

Due to sickness I was unable to attend anything on Sunday 17th and Monday 18th of the conference.

I missed the panel discussion on constitutional recognition, some speakers including The Hon Simon Crean MP and all motions on infrastructure.

I had quite a few amendments worked out and it was disappointing to miss putting these amendments forward.

On Tuesday three good speakers made up for it. Ms Maxine Mc Kew, Senator Christine Milne and The Hon Mark Dreyfus QC MP. Maxine had some interesting ideas about artificially designed cities with focus on Canberra. She felt the grand style was making for an enjoyable environment. I certainly felt rather frustrated as a pedestrian having to wait forever until traffic slowed to allow crossing streets and wondered if Canberra was the perfect automobile city. In my thoughts I went to Stockholm a city with many large buildings and a car free, pedestrian friendly, art filled landscaped environment which certainly accommodates my desires much better...However Canberra is having it's Centenary next year and Robyn Archer, the creative director for the centenary event certainly presented an inviting and most interesting palette of ideas for Canberra for next year and a visit might be much more enjoyable than.

Senator Christine Milne was her very focused clear minded self. She spoke about the greens achievements and the need to focus on a sustainable lifestyle.

The afternoon brought some concurrent symposia sessions and I attended transport presentations as I feel it is the topic most needing attention in Warringah. Both presentations were from Queensland and both involved rail. One was heavy and one was light rail. In both situations the LG had made a conscious decision to put 'foot in the door' to give these projects a chance to succeed. In both cases the LG had financially contributed around 100 Mill dollars to Have the rail projects, worth about 1 Bill built. By the way commuter car parks were also a part of this but there location was outside the mayor hubs, which allowed for relatively cheap parking and using the big stack of money for the public transport solution.

I moved our motion about a ban for plastic bags on federal level or /and support for states which wish to do so. It was passed, not unanimously but it got through!

I had to check out the Canberra plastic bag ban and it seems this has been going for ever. At the check out one has to pay for bags and hardly any customer wants a bag. If a bag is needed it is loaded with as many items as the customer sees fit and nowhere did I see someone loaded with bags as here in front of any large supermarket. Plastic bags cost 10 cents.

The details of presentations and motions will be on the ALGA website and my conference catalog will be in our councillors' room.

I stayed again at the YHA in the bunk accommodation which was fine but I was glad to leave after 2 nights as I was still not fully recovered.

ITEM 6.5	MONTHLY FUNDS MANAGEMENT REPORT JUNE 2012
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2012/281191
ATTACHMENTS	1 Application of Funds Invested 2 Council's Holdings as at 30 June 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 June 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 30 June 2012 is \$5,104,978 which compares favourably to the budgeted income of \$4,686,848 a variance of \$418,129.

POLICY IMPACT

The investment strategy was reviewed by our Investment advisors Oakvale Capital, in January 2012. They confirmed as of 31 December 2011, that Council's investment portfolio continues to be managed in a prudently conservative manner.

Performance over the 2011/12 financial year to date (June 2012) continues to be strong having exceeded the benchmark, 6.05%pa vs 4.70%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		26,029,688
	Section 94A Plan Contributions		5,563,819
	Domestic Waste, Levies and Unexpended Grants		1,844,840
Internally Restricted Reserves		Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Insurance	8,405,084
Unrestricted Funds		Funds Allocated to meet Current Budgeted Expenditure	36,028,229
Total			77,871,660

There has been a decrease in the investments held of \$5,740,361, which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description		Value (\$)
Council's Cash Book balance		610,586
Kimbriki Bank balance		2,200,880

Investments Funds Report - As at 30-Jun-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	1,997,549
23-Apr-14	1,000,000	5.1600	Deutsche Bank AG London Sub Notes	BBB+	957,525
	3,000,000				2,955,075
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	1,858,659	3.9450	Emerald Series 2006-1 Class A	AAA	1,360,491
	1,858,659				1,360,491
Term Investment Group					
5-Jul-12	1,000,000	5.8000	Members Equity Bank Melbourne	A-2	1,000,000
10-Jul-12	2,000,000	6.0000	Bank of Queensland	A-2	2,000,000
23-Jul-12	2,000,000	5.8500	Bendigo and Adelaide Bank Limited	A-2	2,000,000
24-Jul-12	1,000,000	5.9000	National Australia Bank Ltd - Govt Business	A-1+	1,000,000
30-Jul-12	2,000,000	5.8500	Bank of Queensland	A-2	2,000,000
31-Jul-12	2,000,000	5.2000	Bendigo and Adelaide Bank Limited	A-2	2,000,000
8-Aug-12	1,000,000	5.5000	Bendigo and Adelaide Bank Limited	A-2	1,000,000
10-Aug-12	2,000,000	6.1500	Suncorp Deposits and Transactions Products	A-1	2,000,000
10-Aug-12	3,000,000	6.0300	ING Bank (Australia) Limited	A-1	3,000,000
21-Aug-12	3,000,000	6.0000	ING Bank (Australia) Limited	A-1	3,000,000
29-Aug-12	2,000,000	6.0000	St. George Bank Limited	A-1+	2,000,000
29-Aug-12	1,000,000	6.0000	St. George Bank Limited	A-1+	1,000,000
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
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
17-Oct-12	1,000,000	5.2500	Bank of Queensland	A-2	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
26-Feb-13	1,000,000	6.0100	ING Bank (Australia) Limited	A-1	1,000,000
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
25-Nov-14	2,000,000	5.7000	National Australia Bank Ltd - Govt Business	AA-	2,000,000
	57,000,000				57,000,000
Term Investment Group & Cash Deposit Account					
Rollover Date	Face Value	Current Rate	Borrower	Rating	
Cash Account	4,479,814	4.0000	CBA (Business Saver)	A-1+	4,479,814
Cash Account	537,151	4.0000	CBA Business Saver Narabeen Lagoon	A-1+	537,151
17-Dec-12	1,000,000	4.1500	CBA Term Deposit Kimbriki 35810609 (1)	AA-	1,000,000
13-Jul-12	6,866,152	5.8000	WBC Term Deposit Kimbriki 11-1208	AA-	6,866,152
4-Sep-12	2,163,252	5.8000	WBC Term Deposit Kimbriki 11-4185	AA-	2,163,252
1-Jun-12	509,725	4.0000	CBA Money Market Kimbriki 10162612	AA-	509,725
	15,556,094				15,556,094
	78,414,753				77,871,660
Closing Balance:					77,871,660

* 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

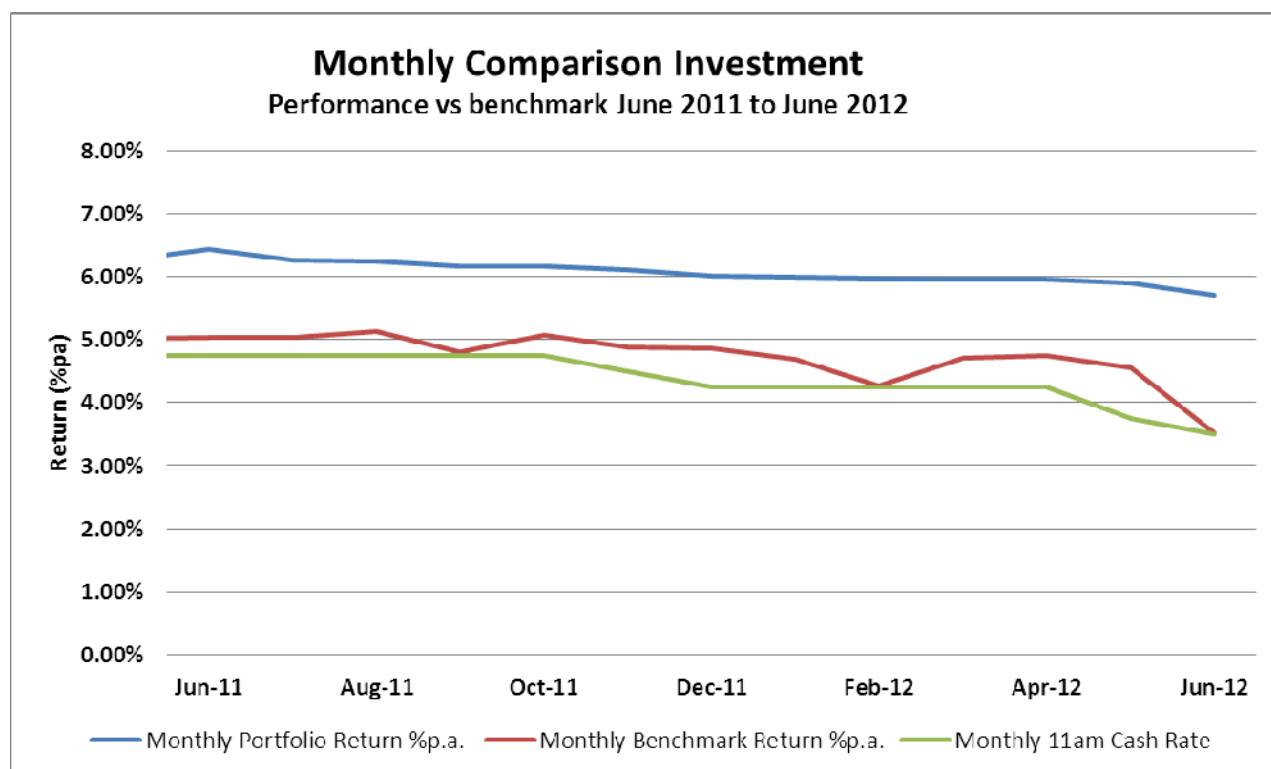
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✗	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio 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	5.70%	3.51%	3.50%
3 Months	5.85%	4.26%	3.83%
6 Months	5.91%	4.41%	4.04%
FYTD	6.05%	4.70%	4.33%
12 Months	6.05%	4.70%	4.33%

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

** This benchmark relates to Cash Fund holdings

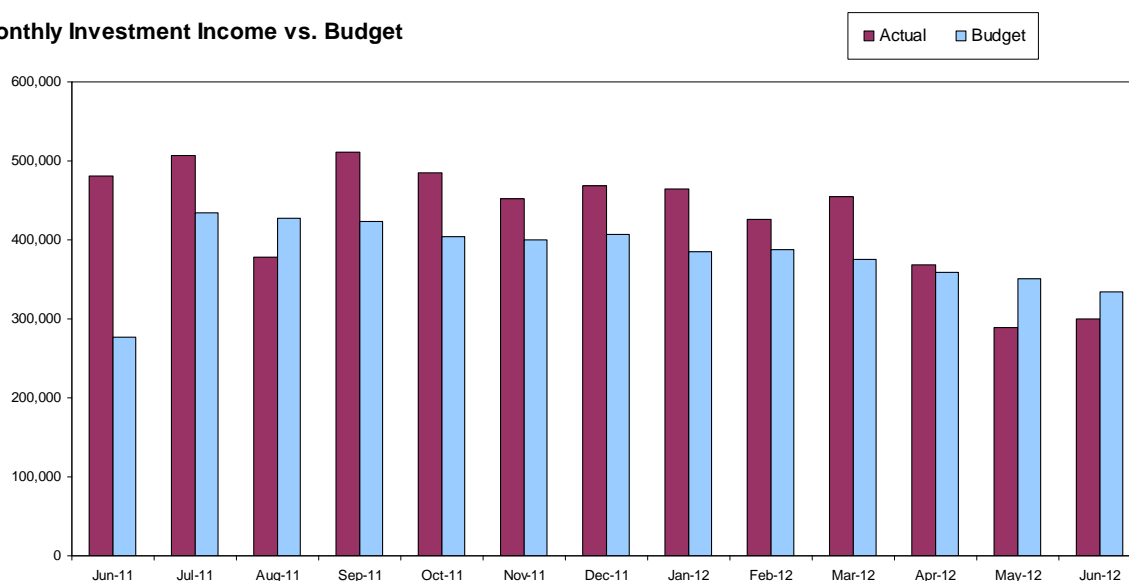


Monthly Investment Income* vs. Budget

	\$ June 12	\$ Year to Date
Investment Income	399,483	5,356,337
Adjustment for Fair Value	(98,956)	(251,359)
Total Investment Income	300,527	5,104,978
Budgeted Income	334,055	4,686,848

*Includes all cash and investment holdings

Monthly Investment Income vs. Budget



In June we have reflected a fair value decrease of \$98,956 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:

- Despite Cyprus joining the ranks of Ireland, Portugal and Greece in requiring a bail-out and Spain formally asking for funds to recapitalise its banks, tensions in Europe eased somewhat during the second half of June.
- Greek voters managed to keep the pro-austerity, pro-euro sentiment on track with the narrow defeat of the radical-left Syriza coalition. The result will keep the EU bail-out funds in train, but the new Greek government proposes to seek renegotiation talks with EU leaders over the bail-out terms.
- Meanwhile, global markets were buoyed by the results of the EU summit at the end of the month. In a victory for Italy and Spain, the EU bailout funds can now be lent directly to troubled banks, rather than through the sovereign. An EU-wide banking supervisor will also be established in order to create a banking union.
- In the US, modest economic improvements continue with average home prices in major cities increasing for the first time in seven months and new home sales recording a 2 year high for the latest month.

Domestic issues:

- The release of the RBA's minutes from its June meeting showed the 25bp rate cut at the start of the month was driven almost solely by overseas factors. The potential impact from Europe's woes, a slowdown in China and falling commodity prices were all noted by the RBA.
- Latest employment data surprised the market on the upside with a net gain of 39k jobs in May, off of expectations ranging between -20k to +17k. The unemployment rate is 5.1%.

Interest rates:

- Following a 50bp rate cut in May and a 25bp cut in June, the RBA left the cash rate at 3.50% at its July meeting.
- RBA Governor Stevens, in his post-meeting statement, noted that "In Australia, recent data suggest that the economy continued to grow in the first part of 2012, at a pace somewhat stronger than had been earlier indicated. "

Investment Portfolio Commentary

Council's investment portfolio, predominately comprised of fixed rate term deposits, had an overall yield of 5.70%pa during June versus the benchmark's 3.51%pa return. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Term deposit specials continue to be proactively sourced for Council's portfolio at a rate of over 150 basis points above their corresponding bank bill swap rate. This has assisted Council's investment portfolio to strongly outperform its benchmark during the 2011/12 financial year (6.05%pa vs 4.70%pa)

On a marked-to-market basis, taking into account all movements in capital, the portfolio returned 3.05%pa for the month and 5.95%pa for the 2011/12 financial year.

Council's monthly marked-to-market investment performance was impacted by a downward valuation in the Emerald Reverse Mortgage Securities. The market for Australian mortgage backed securities, regardless of the robustness of the structure, is highly illiquid as a direct consequence of the global financial crisis. This has caused difficulties in valuing the security as there is very limited "price discovery" in the market. Emerald's underlying loan pool currently has an average Loan to Value ratio of approximately 30%. This compares favourably to normal mortgage-backed securities

which typically have Loan To Value ratios in the 75-90% range. The arranger, Bluestone, recently reiterated that there are no concerns about the credit quality of the underlying loan pool. The revised marked to market valuation is reflective of what are considered opportunistic bids in a “buyers market” for securities of this type.

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	ANNUAL COMMUNITY SURVEY RESULTS 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2012/258740
ATTACHMENTS	1 Micromex Community Survey Report 2012 (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To present the results of the 2012 Warringah Community Satisfaction Survey.

SUMMARY

Council has committed to annually surveying a range of resident attitudes and opinions as input to Council's ongoing strategic planning and quality improvement process. Most recently, a comprehensive telephone survey of 600 Warringah residents was conducted in May 2012.

The 2012 survey results have shown a significant increase in overall community satisfaction with 79% of residents satisfied with Council's overall performance, an increase from 67% in 2011.

In addition 82% of respondents were satisfied with the level of service provided by Council staff and 75% of respondents were satisfied with the performance of the Mayor and Councillors. The contributing factors to the overall increase in satisfaction are the increase in satisfaction with the Mayor and Councillors, along with the increased satisfaction with community consultation, information and responsiveness, Council staff and many improvements and consistent performance to almost all services areas and facilities offered by Council. Nineteen (19) of Council's 45 service areas significantly improved.

In terms of community connectedness, Warringah residents feel they live in a safe community with 96% of survey respondents feeling safe in their own homes and 89% being able to call on a neighbour or nearby relative if they need assistance. Residents also have a strong sense of community with 91% of survey respondents agreeing their neighbourhood is a friendly place, 85% feeling they belong to the community they live in and 92% proud of where they live.

Detailed analysis of the results have highlighted a number of priority areas for continued improvement including community consultation, responsiveness to community needs, provision of information, maintaining major roads, traffic management, managing development and the development approval process.. The survey results were presented to Council at the Councillor briefing on Tuesday 17 July 2012 by the Director of Micromex and Council management.

FINANCIAL IMPACT

The cost of the 2012 Warringah Community Survey was provided for in Council's adopted budget.

POLICY IMPACT

The results overall provide Council with important information to assist in the development of the 2013 Community Strategic Plan and ongoing business improvement initiatives.

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That the results of the 2012 Warringah Community Survey be noted and considered in the development of the Community Strategic Plan 2013.

REPORT

BACKGROUND

Council is committed to regular community research and consultation to ensure the views and perceptions of the community are taken into account in the planning process. Since 2007 the independent community wide survey has been conducted annually based on a consistent format to assist in accurately gauging changes in community attitude over time.

Some of the key findings are included in the Strategic Community Plan and the Annual Report.

Survey Method

The survey was conducted in May 2012 by Micromex Research. This involved a telephone survey of 600 Warringah residents, randomly selected across the local government area. To qualify for an interview, participants had to have lived in Warringah for at least six months and be aged 18 or over. Council staffs were ineligible to participate.

The survey questions were designed to:

- Measure the importance of and satisfaction with services and facilities provided by Council;
- Measure satisfaction with the performance of Council's staff and the Mayor and Councillors;
- Measure overall satisfaction with the performance of Council;
- Where appropriate, enable performance comparison against previous survey results;
- Where possible, facilitate performance comparison against external benchmarks;
- Identify current major issues of concern to the community;
- Identify community aspirations and priorities for the next 5-10 years
- Measure perceived 'community connectedness' amongst Warringah residents.

Since 2007, the surveys have maintained a standard set of questions with only minor changes over time. The survey questions were maintained for 2012 with the exception of a few changes including some additional questions to gain community input to the future vision, priorities and challenges facing Warringah in the next 5-10 years and the removal of the media effectiveness questions.

The 2012 survey was conducted by Micromex for the second time. Warringah's results were benchmarked against Micromex's database of NSW local government clients. The comparative group of councils is different from the group used in previous years when IRIS Research conducted the survey. Both Micromex and IRIS benchmarks have been included for comparative purposes.

The main findings of the 2012 survey are summarised in this report:

Major Community issues

Key issues 2011		Key Issues 2012	
Maintaining and expanding the capacity of infrastructure	30%	Traffic management	12%
Development issues	25%	Transport	12%
Traffic management	9%	Development issues	11%
Improvement of roads, including footpaths and cycle ways	9%	Housing	6%
Population growth	7%	Population growth	6%
Environmental issues	7%	Roads	6%

Overall Satisfaction

Overall the number of satisfied residents increased from 57% in 2010 to 67% in 2011 to 79% in 2012.

The overall satisfaction results are now the highest results since testing began in 2002. Table 1 shows trends in overall satisfaction over time.

Survey	% Satisfied
2002	60%
2007	69%
2008	67%
2009	69%
2010	57%
2011	67%
2012	79%

In relative terms, the Warringah result is above the Micromex benchmark comparison group. Warringah's mean score for overall satisfaction of 6.6 out of 10 compared to the Micromex NSW average of 6.5.

Survey	Mean Score
Warringah 2012	6.6
Warringah 2011	6.0
Warringah 2010	5.9
IRIS NSW benchmark	5.8
Micromex NSW benchmark	6.5

The main contributing factors to the overall increase in satisfaction are the increase in satisfaction with the Councillors and Mayor, along with the increased satisfaction with community consultation, information and responsiveness, Council staff and many (19) of the 45 key services and facilities offered by Council.

Staff and Councillor Performance

Over three quarters of residents (82%) indicated that they were satisfied with the overall performance of Council staff. The overall mean satisfaction rating for staff was 7.5 (out of 10), which is above the 2011 result of 7.25 and on a par with the external benchmark mean of 7.5 for the NSW Council comparison group.

Building on the increase in 2011, there was once again a significant increase in satisfaction with the Mayor and Councillors (75%) compared with 59% in 2011 and 45% in 2010. This is the best result since this measurement commenced in 2007. The overall mean satisfaction rating with Councillors was 6.5 (out of 10) which is above the 2011 result of 5.8 and above the Micromex benchmark for Councillors of 5.6.

Individual Council Services and Facilities

Overall, the 2012 results indicate that Council is providing many of the services and facilities rated as important by residents at a satisfactory level or above. In addition to the analysis techniques conducted in previous years, similar to 2011 we conducted a Shapley regression analysis to identify those services that are the key drivers of overall satisfaction.

The results of the top 12 services, together with their gap scores and position in the quadrant analysis (refer to the attached report for more detail), are shown on the table overleaf. The top 12 services account for over 60% of overall satisfaction with Council.

Key drivers of overall satisfaction with Council	Shapley's Analysis	Gap Analysis	Quadrant Analysis
Consultation with the community by Council	9.87	2.5	Improve
Council responsiveness to community needs	9.12	2.58	Improve
Information on Council services	7.12	1.52	Maintain
Maintaining major roads	6.49	2.51	Improve
Managing residential development	4.48	2.72	Improve
Traffic management	4.41	2.83	Improve
Development approvals process	3.7	2.12	Niche
Council operates in an environmentally friendly way	3.69	1.33	Maintain
Managing commercial development	3.36	2.18	Niche
Hygiene standards of retail food outlets	3.3	2.33	Maintain
Encouraging local industry and business	2.65	1.97	Improve
Cleaning of streets	2.38	1.02	Secondary

Community Connectedness

Warringah residents continue to feel they live in a safe community. The vast majority of survey respondents (96%) stated that they feel safe in their own homes. However there was a decrease from 92% to 86% of residents feeling safe walking around their neighbourhood.

Furthermore, 89% felt that they could call on a neighbour or nearby relative if they needed assistance. These results are on a par with previous years.

Warringah residents appear to have a relatively strong sense of community connectedness. Most respondents (91%) agreed that their neighbourhood is a friendly place to live, whilst 85% of survey participants felt strongly that they belonged within the Warringah community.

Warringah residents also have a strong sense of local identity, with 92% of survey respondents agreeing that residents in their area are proud of where they live.

Conclusion

The results of the survey will be considered as part of Council's ongoing strategic planning and quality improvement processes.

ITEM 7.2	THE FUTURE USE OF COMMUNITY LAND COMPRISING LOT 2-8 SECTION 7 DP 9125 AND PT LOT 100 DP 104182 - CORNER OF KINGSWAY AND FISHER ROAD DEE WHY
REPORTING MANAGER	ACTING GROUP MANAGER BUILDINGS, PROPERTY & SPATIAL INFORMATION
TRIM FILE REF	2012/280165
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To initiate a process which will consider the future use of a number of parcels of Community land located upon the corner of Kingsway and Fisher Road Dee Why.

SUMMARY

Council owns the land on the corner of Kingsway and Fisher Road Dee Why which is classified as 'Community land'. The development of this land will allow for a much needed car park within close proximity to Dee Why as well as the provision of recreational facilities within the centre of Dee Why.

Council recently resolved to give support to the development of this site as a multi level car park and community / indoor recreational facility with the possibility of it operating as a Police Citizens Youth Club and provided some funding from the proceeds from sale of land for the proposed Northern Beaches hospital.

Council had also previously resolved to sell the Kiah site with the proceeds of the sale to be used for the provision of additional community facilities as required by legislation.

In order to give effect to these resolutions, Council must adopt a Plan of Management for the site which will describe how and what can be developed upon the site as well as development controls that need to be in place. The preparation of a Plan of Management will allow the public to participate in determining the future use of the site.

FINANCIAL IMPACT

Funding for the preparation of the Plan of Management will be met from existing operational budgets.

Funding for the development of the Kingsway car park will be met by:

- Contribution from Section 94 funding - \$5,778,436.80
- Contribution from the compulsory acquisition of Council land by Health Infrastructure for Northern Beaches Hospital - \$5,739,000
- Contribution from the proceeds from the disposal of the Kiah site – estimated value up to \$12M, subject to prevailing market conditions at the time of sale.

The indoor sporting and community facility is expected to be run by the PCYC and the manager and uniformed police officers are funded by the PCYC.

POLICY IMPACT

The preparation of a Plan of Management for the site is consistent with the provisions of the Local Government Act 1993 and the onus is upon Council to produce plans of management for community land.

Council will abide by the relevant policies of Council which include:

- The Acquisition and Disposal of land – (Negotiation on Purchase Price) policy GOV- PL 810
- The Allocation of Funds Obtained from the Sale of Council Real Property policy GOV- PL 915

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Commences the process for the proposal of a Plan of Management for the land described as Lot 2-8 Sec 7 DO 9125 and pt Lot 100 DP 104182; and
 - B. Supports the possibility for the development of a multilevel car park and sports complex upon the site described in 'A'; and
 - C. Authorises the sale of the Kiah site being Lot 1 DP 776401, Lots 8 & 9 Section E DP8270 in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810:
 - D. Grant delegation to the General Manager to:
 - a. Commence the disposal process of the land by public Expression of Interest (EOI).
 - b. Following assessment of the EOI one of the following strategies may be adopted:
 - i. Issue of a restricted RFT, under tender box conditions, to a short-listed group of respondents to this EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve.
 - ii. Issue of an open RFT.
 - iii. Enter into direct negotiations; or
 - iv. To not proceed any further.
 - E. Authorise the General Manager to sign and execute all documentation necessary in order to give effect to this resolution.
-

REPORT

BACKGROUND**Need for car parking**

The Dee Why Town Centre has been flagged for re-development for over 10 years. Various plans have been put forward and both private developers, including Brookfield Multiplex and Council have invested major resources into the area. The global financial crisis and other external factors have delayed significant progress to date, but there is no doubt that this entire area will eventually be re-furnished and developed. It is expected that somewhere between 2000 and 3000 additional dwellings (mainly 2 bedroom apartments) will be built under the current planning controls, including two major residential towers of 15 and 17 stories just east of Pittwater Road. There is also scope for an additional 50,000 square metres of commercial and retail space.

The need for car parking has arisen from the increased numbers of shoppers, commercial employees, residents and commuters. Indeed council has been collecting money for the provision of extra car parking in Dee Why for this purpose. Council's current Section 94 plan requires that \$5.8m be spent in Dee Why on car parking.

It is also noted that the numbers of commuters parking in Dee Why and catching city bound buses is increasing. This is evidenced by the Kingsway carpark for example, which has no time limits, being almost full at 8-00am in the morning. It is considered that the most recent study carried out in 2008 is no longer valid and should be revisited. Some factors contributing to this general increase in commuter parking in Dee Why are believed to be;

- an increase in the popularity of public transport due the rising cost of fuel
- more express services to the City along Pittwater Road
- Commuters driving their own cars as far they can, as long as they can park close to a major bus stop and can park for little or no cost in order to catch commuter buses.

A similar effect appears to be in play at the main Collaroy beach carpark, north of the beachfront shops, which is a popular carpark for commuters residing to the North, including from Pittwater local government area.

In recent community surveys the provision of car parking has been consistently shown to be a cause for dissatisfaction and a major issue for the community. Installing more parking spaces proximate to the town centre of Dee Why directly responds to these community concerns.

In addition, community surveys consistently identify that problems with public transport are key drivers of dissatisfaction. Many of the relevant factors and solutions are outside of council's control and are generally the domain of the state government. Providing commuter parking is one thing that council can do that allows more members of the community to catch public transport, thus taking private vehicles off the road during peak hour for commuter trips.

Possible Carpark locations

Only two existing bitumen sealed carparks have been identified as being suitable for the construction of a carpark for Dee Why. It should be noted that there is existing public carparking for the Dee Why Town Centre at the Oaks Ave Carpark and S94 requirements mandate that public carparking is retained on this site. This is not a viable site to significantly increase public carparking because of the cost and design and configuration of the site. The two viable sites are the Kingsway carpark and the Mooramba Road carpark. There are a number of differentiating site characteristics including the cost per car space for these. For the purpose of a costs comparison, it is assumed that both are a three level car park with one basement level and two above ground levels.

1. Kingsway carpark – comprising 5042m² located on the south east corner of the intersection of The Kingsway and Fisher Road. A three level carpark in this location can provide up to 420 car spaces, depending on the floor plate design. The three levels would comprise one basement level and two above ground, when viewed from Kingsway. Construction costs for the site are reasonably predictable. Similar construction depths adjacent to the Civic centre indicate that the foundation is solid sandstone starting from close to the surface. The estimated cost per car space, for car parking only is \$33,000.
2. Mooramba Road carpark - located on the western side of Mooramba Road, between Redman road and Burne Avenue. A three level carpark in this location can provide up to 252 car spaces, depending on the floor plate design. The three levels would comprise one basement and two above ground. Construction costs for the Mooramba Road site are not as predictable. Although the adjacent ridges are sandstone, the Mooramba Road site is located in a low area with a likely high water table. Site investigations would be required to obtain the true nature of subsurface conditions. The estimated cost per car space, for car parking only is approximately \$38,000.

It is likely that both sites will eventually be required, as population and demand on car parking increases.

However, apart from the known geotechnical conditions and the expected lower cost per car space, the Kingsway site is also favoured at this time because of the following:

- its initial higher number of car spaces
- the larger floor plate size is better suited to accommodate indoor sporting facilities, which are needed now
- The site is closer to the main Dee Why bus stop at Howard Ave / St. Davids Ave, from which most northern beaches buses commence their express journey to the city, with the next stop being Warringah Mall before going straight to Neutral Bay. In addition, many of the express services that commence in Pittwater LGA do not even stop at Warringah Mall.
- The site is approximately 100 m closer to the buses travelling west along Howard Ave / St Davids Ave
- The site is approximately 100m closer to the main city bound bus stop on Pittwater Road, near Howard Ave.

Integrated youth and indoor sporting facilities

Recreation Strategy – General Information

Council's adopted Recreation Strategy recognises there is lack of both indoor and youth oriented recreational sporting facilities. The youth surveys, focus groups and stakeholder interviews forming that strategy raised a number of issues relating to young people and their involvement in recreation. The major points include:

- There were numerous requests for multi-use indoor courts and additional outdoor playing spaces e.g. basketball.
- There was a perception that there was limited availability of affordable spaces and activities for senior activities and multi-purpose indoor centres with appropriate and accessible spaces are needed.

There are 23 community centres located in Warringah. Research into the utilisation of the centres

in 2008 found that there was an increase in demand for Indoor sport and emerging sports – particularly Futsal (indoor soccer).

Curl Curl and Beacon Hill Community Centres are the only two centres with halls suitable for indoor sport, although Cromer Community Centre can cater for some sporting activities such as badminton and kindy gym. It is, however, becoming increasingly difficult to fulfil all requests for indoor sport activities.

The centres also have physical restraints - their structure, location and availability or non-availability of certain facilities/equipment affects their demand and usage. These need to be considered in any future planning of the centres to maximise access, efficiency and income. There is a high demand for recreation space in Dee Why, given its central location and proximity to transport routes.

Indoor sporting facilities

The Warringah Council Local Government area does not have a multi-court, multi-use indoor facility and indoor, community and leisure facilities are currently scattered throughout Warringah. Limited access to indoor sports courts was noted by the Schools Survey (2008), Focus Groups (2008), Stakeholder Interviews (2008) and Community Centre Survey (2007) and many of the groups who completed the Recreation Organisation Survey (2008).

Community Centre research data (2008) indicates that there was significant growth in demand for indoor sports. It has been suggested that this is in keeping with the heavy pressures on Warringah's outdoor sports facilities and with changing community interests. There has been high demand for space from indoor sports such as Futsal, netball, basketball, volleyball, badminton and table tennis. The requests for indoor sport space from the community are not being met by the community centres.

One of the largest growing sports requiring indoor space is Futsal, an indoor version of soccer. The Northern Beaches Futsal Association membership has doubled since 2003 and they are expecting this trend to continue into the future. The number of registered players in Sydney has grown between 23% and 27% a year over the last five years (NSW Futsal Association 2009). Council has received a number of requests from interested commercial groups who wish to work with Council to develop such a facility. The closest major indoor sporting facility is in Pittwater Council which has limited capacity for additional bookings. Recreation Strategy recommends in Action 19 (i) that consideration be given to the development of an indoor sporting facility in Warringah:

Action 19 Consider the provision of new recreational assets which address identified recreational gaps, including (priority order):

- i) Indoor sport courts and multi-purpose indoor community space which incorporates space usable for various groups and activities.

The provision of a multi level car park provides a concrete floor plate upon which to construct community facilities including a multiple court sporting complex. The proposed Kingsway car park offers a significant floor plate size of approximately 4000m². Construction of such facilities in this location offers a number of advantages, as Dee Why is a major centre for the northern beaches in terms of geographic location, population and in particular its proximity to both east-west and north-south bound public transport. Also, the sloping nature of the site will allow closer to ground level access at the southern/upper end of the complex and assist in accessibility.

Youth facilities

Consultation and research indicates there is limited access to spaces appropriate for youth orientated recreational activities. There appear to be limited indoor venues with a range of recreation, social and cultural activities which are available at appropriate times, in key urban centres and are on transport routes.

There were also numerous discussions regarding appropriate youth outdoor facilities such as skate parks and basketball courts. Council receives many requests for additional skating facilities and the provision of such facilities was considered a high priority in the youth focus group discussion. There is a need for improved quality and additional provision of skate parks and other facilities which appeal to young people. It is considered that a portion of this need would also be met by an indoor sporting facility.

Police Citizens Youth Club

The provision of indoor sporting and youth facilities on this site has been enhanced by the opportunity Council has for such facilities to be managed by the Police Citizens Youth Club (PCYC). Council is currently in a very good position to be allocated a PCYC. The advantage of a PCYC is that it funds a full time manager and two uniformed officers that are additional to the local command.

The prospect of a PCYC facility on the northern beaches has been envisaged since the PCYC's own Review of Youth Services in the Northern Sydney Region Report (2001) which recommended PCYC focus programs in areas including Warringah. The development of a PCYC on the northern beaches was listed and supported as a priority by SHOROC for the NSW 2021 Northern Beaches Regional Action Plan.

Although not essential to the provision of indoor sporting and youth facilities, a PCYC in Dee Why would be of great benefit to the youth of the area, potentially reducing crime and anti-social behaviour while improving their health and access to wider services.

- Superintendent Cruickshank – Northern Beaches and Manly LAC (Acting)
- Brad Hazzard MP - Member for Wakehurst
- Mike Baird MP – Member for Manly
- Jonathan O'Dea MP – Member for Davidson
- Rob Stokes MP – Member for Pittwater
- Cr Harvey Rose – Mayor of Pittwater
- Cr Jean Hay – Mayor of Manly
- Peninsula Youth Services Inc
- Pacific & Maori Work on the Streets Group
- Northern Beaches Business Education Network (NBBEN)
- YWCA NSW (Big Brothers Big Sister Program)
- NSW Health, Northern Sydney Local Health District Health Promotions Unit
- The Burdekin Youth Housing Association
- CentreCare, Broken Bay
- John Lind – Youth Volunteer
- The Beach School (SSP Behavioural School)
- Manly Drug Education And Counselling Centre (MDECC)
- Relationships Australia

Plan of Management

The Kingsway site is primarily Community land, with a portion of the car park and the driveway (known as "Civic Drive") classified as Operational Land. Any further development of the Community Land portion will need to be authorised by a Plan of Management, prepared in accordance with the Local Government Act.

The Plan of Management will require significant community consultation and will be commenced as soon as possible if authorised by Council. The existing broad concepts for the car park and community / sporting facilities will also require further development to enable effective Community Consultation to be carried out.

Kiah site (Lot 1 DP 776401, Lots 8 & 9 Section E DP 8270)

The land known as the Kiah site is currently classified as Operational Land. It has been vacant and fenced off since demolition of the buildings that previously fronted Pacific Parade. It has not been legally accessible to the public since it was fenced off.

The Council has an active resolution to sell this land (Council meeting 28 July 2008 / item 8.2), adopted during the term of the Administrator. As the land was previously community land council is required to use the proceeds from the sale for the provision of community facilities.

Council currently has no identified uses for this land, as either car parking, open space or other community use. In terms of useable open space in Dee Why, it is located over 130 metres from the identified town centre between Oaks and Howard Avenue using access through the existing Woolworth Arcade. The Kiah site is also located within 430m of Stoney Range Reserve.

FINANCIAL IMPACT

Immediate funding for the Plan of Management will be met using existing staff resources and existing operational budgets.

Funding for the overall project will be from a number of sources:

- Contribution from Section 94 funding. Section 94 developer funds have been collected for many years, specifically for the provision of additional car parking in Dee Why. The funds collected to date total \$5,778,436.80
- Contribution from the proceeds from the compulsory acquisition of Council land by Health Infrastructure for Northern Beaches Hospital as per council resolution – ordinary Council meeting 5 June 2012 - Item 4.1.
 - Lot 1 DP 119383 \$3,423,000
 - Lot 11 DP 792918 \$ 930,000
 - Bantry Bay Road - road reserve \$1,386,000
- Contribution from the proceeds from the disposal of the Kiah site – estimated value up to \$12M, subject to prevailing market conditions at the time of sale.

The indoor sporting and community facility is expected to be run by the PCYC and the manager and uniformed police officers are funded by the PCYC.

POLICY IMPACT

Council will abide by the relevant policies of Council which include:

- The Acquisition and Disposal of land – (Negotiation on Purchase Price) policy GOV- PL 810
- The Allocation of Funds Obtained from the Sale of Council Real Property policy GOV- PL 915

CONSULTATION

This intention to develop a plan of management is the first step in the process in enabling the commencement of public consultation and stakeholder involvement in the preparation of a plan of management for a number of parcels of land on the corner of Kingsway and Fishier Road Dee Why.

8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	NARRABEEN LAGOON DREDGING
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/256382
ATTACHMENTS	1 Narrabeen Lagoon Community Consultation Outcomes Report (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

This report provides a summary of the results of the community consultation undertaken by Council to better understand the level of support for dredging Narrabeen Lagoon for recreation access, as directed by Mayoral Minute No 20/2011.

SUMMARY

At its meeting of 23 August 2011, Council resolved to adopt Mayoral Minute No 20/2011 which directed staff to undertake a consultation process to gauge the preferences of the various user groups and the community overall (Stage 1).

In response, a comprehensive phone survey undertaken by Council has shown just over half the broader community (51%) are in support of dredging while around a quarter (22%) of people are opposed to the idea. Dredging the Lagoon is a particularly high priority for stakeholders who are actively involved in water-based activities. A significant number in the community (81%) believe it is important that there are no environmental impacts from dredging. On balance, the consultation suggests there is adequate support within the broader community for selective dredging to improve recreational access, provided there is no significant environmental impact.

If Council decides to proceed to Stage 2 – Feasibility Assessment, the areas identified by stakeholders in Stage 1 will be assessed to determine which ones should proceed based on the level of environmental impact and overall cost/benefit. Stage 2 is the most important and technically complex stage of the project, and therefore time consuming. An interim report with a shortlist of high priority potential dredge areas will be presented to Council within 9 months, with a report on Stage 2 presented to Council by the end of 2013.

FINANCIAL IMPACT

A budget of \$150,000 (ex GST) is available in the 2012/13 CAPEX program to project manage and undertake Stage 2. The budget may need to be increased once the full details of the investigations and regulatory requirements are known.

POLICY IMPACT

The findings of the Narrabeen Lagoon Community Consultation Outcomes Report have no impact on existing policies. Stages 1 and 2 are consistent with the Draft Narrabeen Lagoon Plan of Management (2011), Environmental Sustainability Strategy (2012), Recreation Strategy (2009) and the Protection of Waterways and Riparian Land Policy (2010).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. on the basis of the Narrabeen Lagoon Community Consultation Outcomes Report Council proceeds to implement Stage 2 as described in this report to determine if dredging to enhance recreational opportunities is feasible.
 - B. Stage 2 is undertaken in a way that reflects the resolutions of the Strategic Reference Groups as outlined in this report.
 - C. Council note that any eventual dredging works and ongoing maintenance will require the allocation of funds in future years.
-

REPORT

BACKGROUND

Some groups that use Narrabeen Lagoon have asked Warringah Council to dredge sections of the Lagoon to allow better access for recreational activities such as fishing, sailing and kayaking.

Narrabeen Lagoon has been dredged in different areas from the early 1900's up to the 1980's, when an increased focus on environmental values and new State planning controls led to these dredging regimes being deemed unacceptable or inappropriate. Through a number of recent studies, Council now has a better understanding of the sensitive environment in the Lagoon and the potential impacts associated with dredging. As such, a precautionary approach to any dredging proposal is required.

In the last seven years, Council has considered two dredging projects. Broad areas of dredging within the Central Basin were contemplated as part of the Narrabeen Lagoon Restoration Project (NLRP) during 2006-2008. As part of the feasibility assessment for the NLRP, scientific studies were undertaken. Two of these studies demonstrated, against general expectations, that there would be environmental impacts and limited benefits. A hydrodynamic study showed there would be no notable improvements to the Lagoon in respect of tidal flushing, mixing or circulation. An ecological impacts study found the removal of a large area of the Lagoon's seagrass (35%) in the central basin would result in the loss of the diverse range of organisms associated with this habitat, including at least one listed species (the Hairy Pipefish), and would have adverse effects on the general productivity of the area (BMT WBM, 2008 and Cardno Ecology Lab, 2008).

In response to the environmental impacts outlined above, the broad potential dredge areas were scaled back to selective dredging of three areas including two channels, to improve access for recreation. Due to the change in purpose, dredging could not be carried out by Council under existing planning controls and required a Plan of Management (PoM) due to the Lagoon being Crown Land.

In response, Council developed the Narrabeen Lagoon Plan of Management (NLPoM) which was adopted by Council in 2011 and is currently awaiting Ministerial gazettal. This PoM identifies dredging as a permissible activity by Council to '*maintain or improve depth of water in the lagoon for recreational access without compromising its environmental values*' and provides a mechanism for Council to progress this issue.

In keeping with the Mayoral Minute No 20/2011 (23 August 2011), Council completed the first stage of a potential three Stage process investigating dredging for recreational purposes. Stage 1 involved a comprehensive community engagement strategy to qualitatively and quantitatively gauge the preferences of the various user groups and the community overall.

STAGE 1

Purpose

In accordance with the Mayoral Minute No 20/2011 (23 August 2011) Council undertook Stage 1 during 2011 and 2012.

The scale and location of any dredging must be proportional to the community demand for it. While a number of stakeholders have expressed their views to staff, and myself, I don't believe there is a consistent view of where or over what area dredging might need to be undertaken to support particular user groups. A consultation process must be undertaken to gauge the preferences of the various user groups and the community overall. This process would also ensure suitable experts were engaged to advise staff on dredging configurations for particular types of recreation.

While the Plan of Management has effectively “zoned” the lagoon for dredging, there are still a host of legal obligations to fulfil in order to have any dredging approved by the State government agencies. Preliminary research will be undertaken to establish the extent and cost of the feasibility assessment. The outcomes of Stage 1 will be reported to Council within 12 months.

The purpose of the consultation and engagement component was to quantitatively and qualitatively ascertain the level of community and stakeholder support for increasing the water depth in parts of Narrabeen Lagoon to enhance opportunities for sport and recreation on the Lagoon. The consultation process was thorough, sought to engage with user groups as well as the wider community, and also sought to collect specific data about user groups and their needs. This engagement had several objectives, including to:

- Identify key issues for the community regarding the Lagoon and potential dredging.
- Gain a more in-depth understanding of the range of community views about dredging.
- Inform the community of environmental impacts of dredging, legislative obligations and planning process required for dredging.
- Identify the requirements for dredging for each key water-based recreation user group.
- Quantify the results for levels of support for dredging.

Methods

The approach taken in this consultation and engagement project was to both inform the stakeholders through targeted communications and to provide opportunities for community reaction and feedback. Tools used include:

- Project webpage with technical documents, an online forum and an online survey which was available from 15 March to 16 May 2012
- Targeted interviews with key stakeholders
- Flyers and posters distributed in key locations around the Lagoon; advertisements and articles in the Manly Daily, and Pittwater Council Cooee Newsletter
- Direct email contact with 3000 residents from the Marketing and Communications community register and user groups with a potential interest in the issue
- Workshop held on 4 April 2012 with 17 stakeholders from 8 groups
- Community information and feedback session on 30 April 2012
- Random telephone survey of 500 local residents across Warringah and within 3km of the Lagoon in Warringah and Pittwater LGA held between 30 April and 20 May 2012

Both random and opt-in approaches were used to provide statistically representative results. The results of the random phone survey are statistically representative of the views of the wider population. The views expressed in the on-line survey and through direct engagement are representative of community members that feel strongly about the issue and have a keen interest in the Lagoon.

Results

The consultation and survey results are included in detail in the Narrabeen Lagoon Community Consultation Outcomes Report in Attachment 1 and are summarised below.

Council undertook a comprehensive phone survey during early 2012, which revealed that just over half the broader community (51%) are in support of dredging while around a quarter (22%) of

people are opposed to the idea. Dredging the Lagoon is a particularly high priority for stakeholders who are actively involved in water-based activities. A significant number in the community (81%) believe it is important that there are no environmental impacts from dredging.

Just over half (57%) the population thinks there should be more opportunities for water-based recreation on Narrabeen Lagoon, while almost a third (31%) do not want more activity. The majority of high frequency users said their usage levels would stay the same if the Lagoon was dredged. The main increase in usage level of the Lagoon if it was dredged would be by kayakers and anglers. For those high frequency users of Lagoon, approximately one in every four people said it would increase their usage of the Lagoon.

This consultation process highlighted a low level of knowledge about the environmental impacts of dredging as some people believe dredging will have positive environmental impacts. This may have influenced their decision in support of dredging.

Those who opposed selective dredging primarily cited impacts on fish species, seagrass and birdlife, as well as citing noise/visual impact and water quality impacts as reasons. Of those that opposed dredging, their recreational use is typically more passive including bushwalking, enjoying nature, picnicking, swimming as well as fishing and kayaking.

Almost all of the broader community and water-based recreational group representatives, except for a few individual members, believed that the seagrass should be protected and as much as possible should be retained to maintain ecological function within the Lagoon.

All key water-based recreational users want, as a minimum requirement, navigable channels that can connect parts of the Lagoon from launch bases around the Lagoon. There is strong support for dredging certain areas at depths up to 2m by the key recreational users. One reason for dredging raised by several key stakeholders is that the shallowness of the Lagoon poses a safety issue affecting their use of motorised rescue boats.

Many recreational users believed that Jamieson Park beach needs replenishing in between the two ramps as the beach is retreating. Over a third of the broader community noted this was the main access point to the Lagoon.

Most recreational users wanted the creeks and deltas to be dredged for better access to the creeks. This was not reflected by the broader community or local environmental organisations. It was stated by several stakeholder groups that these areas were silting up because of the impact of land use in the broader catchment.

On balance, the consultation suggests there is adequate support within the broader community for selective dredging to improve recreational access, however the majority of the community emphasise that environmental considerations must be balanced with recreational uses, with environmental protection identified as the important priority.

The Environmental Sustainability and Recreation and Open Space Strategic Reference Groups (SRGs) were presented with the preliminary findings of the consultation project in May. The following recommendations were made to Council by each SRG respectively:

That the SRG supports the protection of environmentally sensitive areas of the lagoon as a priority and recommends the smallest possible disturbance and no net loss of potential seagrass habitat as an objective of the dredging project.

That SRG members support the preliminary findings and the cautionary approach to dredging of the Lagoon.

NEXT STAGES

With the information gained in Stage 1, Council is now at a decision point, either to continue to Stage 2 - Feasibility Assessment or, as outlined in Mayoral Minute 20/2011, to direct Council's efforts to better protecting the Lagoon from catchment inputs.

Stage 2 - Feasibility Assessment

Stage 2 is the most complicated and time consuming part of the project, but is essential to determine whether it is feasible. Estuarine systems are inherently complex and require the normal functioning of a great number of processes to remain healthy. Dredging can be a threat to a number of these processes which means a number of key scientific questions will need to be answered in order to gain the approval of State government agencies and reflect the community desire for minimal environmental impact. While this is time consuming, at the completion of Stage 2, Council will have acquired the necessary data to determine whether it is appropriate to proceed to Stage 3, and also much of the data needed for completing Stage 3.

Should Council decide to proceed, this stage would commence in July 2012, with an interim report to Council within nine months containing a shortlist of likely dredge areas. The final Stage 2 report, outlining whether the project is feasible based on an assessment of environmental impacts and net costs/benefits, will be presented to Council by the end of 2013. In consideration of regulatory requirements and the Mayoral Minute 20/2011, Stage 2 will include the following:

- Develop detailed project plan and risk analysis.
- Literature review and gap analysis to ensure that all available existing information is utilised and no unnecessary studies are carried out.
- Identify likely locations based on environmental information available from literature review and the recreation needs identified in community consultation.
- Interim report to Council outlining the likely dredge areas.
- Complete investigations required to assess the potential environmental impacts and mitigation measures associated with dredging. These include, but may not be limited to:
 - updated bathymetry (depth) survey,
 - updated seagrass survey,
 - water quality monitoring, and
 - threatened species assessment.
- An assessment of whether the outcome of any entrance management or flood risk management studies (including sea level rise assessment) supports dredging of the Lagoon.
- An assessment of future upgrades that might be required to land-based infrastructure as a result of improved recreational opportunities on the Lagoon, including likely timing, budget and implications. These assessments would take into account the demands generated by the Narrabeen Multi Use Trail as well.
- Identify net costs/benefits including how much dredging will cost Council and whether any of those costs can be recovered. The cost/benefit analysis will also consider the surrounding land based infrastructure from both recreation and environment perspective. Costs and benefits will be assessed in terms of quadruple bottom line (incorporating environmental, social, financial and governance considerations).

- Recommend location(s) based on the results of the work outlined above. Cost estimates would be further refined at this stage, including cost estimates for maintaining dredge areas in the future and cost estimates for associated infrastructure.
- Ongoing consultation with State agencies and State-wide conservation and recreation organisations to ensure there are 'no surprises' if the project proceeds to Stage 3 in terms of adverse publicity or approval requirements. Key community stakeholders will continue to be updated and involved throughout Stage 2.
- Assess whether the outcome of these studies (and any entrance management studies) have sufficiently small environmental impacts and sufficiently high cost benefit to support dredging.
- Report to Council.

The outcomes of Stage 2 will be reported to Council by the end of 2013 so a decision can be made on whether to move into the design and implementation phase (Stage 3), or, as outlined in the Mayoral Minute, whether to direct the efforts of Council to better protecting the Lagoon from catchment inputs.

Risks in continuing to Stage 2

If Council decides to continue to Stage 2, an expectation may be created within the community that the dredging will be carried out to completion. It may also create an expectation within the community that Council will match the increased recreational opportunities on the Lagoon with supplementary infrastructure surrounding the Lagoon to meet projected additional demand. There may also be an expectation that Council will carry out ongoing or maintenance dredging in the Lagoon into the future. It is important that Council fully understand the financial and environmental impacts of such an undertaking.

It should also be noted that the Draft Narrabeen Lagoon Plan of Management (NLPoM) is currently awaiting gazettal by the Minister for Primary Industries. Until this time, dredging for recreational enhancement in Narrabeen Lagoon is not permissible under current planning controls. It is not possible to anticipate when the NLPoM will be gazetted.

It is anticipated that should the project progress, non-government organisations and other relevant bodies at State and Federal level may need to be consulted, which could affect project timing and requirements.

Risks in not proceeding further

If Council decides not to continue to Stage 2, but instead to direct its efforts to better protecting the Lagoon from catchment inputs, this would address some concerns of a number of key stakeholder groups, including recreation stakeholders (e.g. Anglers Action Group), community organisations (Friends of Narrabeen Lagoon) and environmental stakeholders (National Parks Association) as well as individuals. Inputs from the catchment were identified by stakeholders and the broader community as a primary driver of Lagoon health and also as a factor limiting recreational opportunities, in particular with creeks and deltas silting up.

During Stage 1 it was clear those that supported dredging were frustrated with a perceived lack of action and frustrated at previous dredge proposals not progressing. Should Council elect not to proceed further with dredging investigations, it is likely there would be support from those who oppose dredging, but further protest from key stakeholders and those in the community that support dredging activities in the Lagoon.

Budget for Stage 2 and beyond

The following table shows the financial impact of proceeding to Stage 2 and foreshadows the preliminary financial impact of proceeding to Stage 3 and beyond that into the maintenance phase.

If Council decided not to proceed to Stage 2, or if Council decided to proceed to Stage 2 but not to Stage 3, it is anticipated that the equivalent budget would need to be redirected into better protecting the Lagoon from catchment inputs in order to be consistent with Mayoral Minute 20/2011.

Timing	Budget	Description
July 2012 - Dec 2013	\$150,000	Stage 2 – Feasibility Assessment. Budget of \$150,000 within the CAPEX program has been allocated to project manage and undertake necessary investigations for Stage 2 over an 18 month period should Council decide to proceed. Additional funding may be required to undertake additional scientific studies based on the environmental gap analysis.
Jan 2014 - Dec 2014	\$1–3 million, depending on outcome of Stage 2	Stage 3 – Design and Implementation. Accurate costs and timeframes will be identified as part of Stage 2. There may also be opportunities to obtain grant funding for parts of Stage 3.
July 2014 - onwards	Not known at this stage	Provision of adequate supporting infrastructure may be required to meet increased recreational use of the Lagoon. This could include: additional car and trailer parking areas; clubhouse facilities for sailing and / or kayaking clubs; additional boat ramps and access roads. Accurate costs and timeframes will be identified depending on the outcomes of Stage 2.
ongoing	Not known at this stage	The extent of ongoing maintenance dredging is unknown at this stage. Additional studies are required to better understand a range of issues including sediment characteristics and movement; potential future changes to water levels and impacts of climate change before maintenance requirements can be determined.

TIMING

Should Council proceed with Stage 2, an interim report will be presented to Council within nine months outlining a short list of high priority sites, with a final report due by the end of 2013 on the results of the assessment of environmental impacts and net costs/benefits.

It is anticipated Stage 3 - Design and Implementation could be implemented in 2014 including environmental permits and approvals, detailed design, planning approval, and construction.

FINANCIAL IMPACT

A budget of \$150,000 (ex GST) is available in the 2012/13 CAPEX program to project manage and undertake Stage 2. The budget may need to be increased once the full details of the investigations and regulatory requirements are known.

POLICY IMPACT

The findings of the Narrabeen Lagoon Community Consultation Outcomes Report have no impact on existing policies. Stages 1 and 2 are consistent with the Draft Narrabeen Lagoon Plan of Management (2011), Environmental Sustainability Strategy (2012), Recreation Strategy (2009) and the Protection of Waterways and Riparian Land Policy (2010).

ITEM 8.2	ADOPTION OF COASTAL EROSION EMERGENCY ACTION SUBPLAN FOR BEACHES IN WARRINGAH
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/268396
ATTACHMENTS	1 Letter from Minister for the Environment - Certification of Coastal Erosion Emergency Action Subplan

EXECUTIVE SUMMARY

PURPOSE

To seek formal adoption of the now certified *Coastal Erosion Emergency Action Subplan for Beaches in Warringah* and seek its publication in the NSW Government Gazette.

SUMMARY

Council resolved at its meeting held 27 March 2012 to submit its revised draft *Coastal Erosion Emergency Action Subplan for Beaches in Warringah* (the Subplan) to the Minister for the Environment. The Minister (Robyn Parker MP) responded on 1 May 2012 noting that the Subplan has been certified as having been prepared in accordance with the requirements of the *Coastal Protection Act 1979*. The Minister requested that arrangements be made for Council to formally adopt the Subplan and publish it in the NSW Government Gazette, as required under section 55H of the Act.

FINANCIAL IMPACT

There are no direct financial impacts of adopting the *Coastal Erosion Emergency Action Subplan for Beaches in Warringah*.

POLICY IMPACT

The Subplan has been developed in accordance with new State Government Guidelines and will form an important component of a Coastal Zone Management Plan (CZMP) to be prepared for Collaroy-Narrabeen Beach and Fishermans Beach during 2012/13.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. adopts the certified *Coastal Erosion Emergency Action Subplan for Beaches in Warringah*.
 - B. arranges for the publication of the certified *Coastal Erosion Emergency Action Subplan for Beaches in Warringah* in the NSW Government Gazette, as required under section 55H of the *Coastal Protection Act 1979*.
-

REPORT

BACKGROUND

In May 2010, Council engaged a consulting engineering firm (Worley Parsons) to prepare a *Coastal Erosion Emergency Action Plan for Warringah's Beaches*. Warringah Council was the first Council in NSW to commence the preparation of such a plan following the NSW Government's announcement in October 2009 of reforms to the management of coastal erosion in NSW.

Council resolved at its meeting held 26 July 2011 to submit its draft '*Coastal Erosion Emergency Action Subplan for Beaches in Warringah*' (the Subplan) to the NSW Minister for the Environment for certification under the *Coastal Protection Act 1979*. The Subplan was submitted on 29 July 2011, thereby meeting the Minister's required timeframe of 31 July 2011.

The Minister responded to Council on 12 January 2012 requesting that a revised draft Subplan be submitted by 31 March 2012. Council staff and management met with representatives of the NSW Office of Environment and Heritage (OEHS) regarding the required changes to the Subplan and these changes were made.

Council considered the revised draft Subplan at its meeting held 27 March 2012 and resolved to submit it to the Minister for the Environment for certification under the *Coastal Protection Act 1979*. The Subplan was submitted on 28 March 2012, thereby meeting the Minister's required timeframe of 31 March 2012.

The Minister (Robyn Parker MP) responded on 1 May 2012 noting that the Subplan has been certified as having been prepared in accordance with the requirements of the *Coastal Protection Act 1979*. The Minister requested that arrangements be made for Council to formally adopt the Subplan and publish it in the NSW Government Gazette, as required under Section 55H of the Act.

The Subplan has not been modified since Council gave its approval to send it to the Minister on 27 March 2012, or since its certification by the Minister, and is proposed to be gazetted without further modification.

CONSULTATION

Extensive community consultation was undertaken during the preparation of the Subplan with community and Government stakeholders. Two public forums were held (in August 2010 and June 2011), with approximately 350 community members in attendance. A wide array of information was made available online and formal public exhibition of the draft Subplan took place from 25 May to 27 June 2011. A total of 18 written submissions were received in response.

A presentation on the contents of the revised Subplan was also made to the Warringah Coastal Community Committee (WCCC) on 22 February 2011.

POLICY IMPACT

The Subplan was developed in accordance with new State Government Guidelines and will form an important component of a *Coastal Zone Management Plan* (CZMP) to be prepared for Collaroy-Narrabeen Beach and Fishermans Beach during 2012/13.

FINANCIAL IMPACT

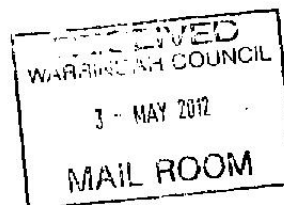
There are no direct financial impacts of adopting the *Coastal Erosion Emergency Action Subplan for Beaches in Warringah*.



The Hon. Robyn Parker MP
Minister for the Environment
Minister for Heritage

MD12/1501

Mr Rik Hart
General Manager
Warringah Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099



Dear Mr Hart

Thank you for providing the revised draft Coastal Erosion Emergency Action Subplan for Beaches in Warringah for my certification under the *Coastal Protection Act 1979*.

In accordance with section 55G of the *Coastal Protection Act 1979*, I am pleased to certify that the Emergency Action Subplan has been prepared in accordance with the requirements under the Act.

This certification is not an endorsement of specific proposed actions. I note that the subplan provides clear information to the community regarding Council's intended response to coastal erosion emergencies and that a number of properties are currently assessed as being vulnerable to erosion in the immediate term. I ask that Council continues to work with the community to develop strategies to address this risk as it develops its coastal zone management plans for these beaches.

Please arrange for Council to formally adopt the subplan and publish it in the NSW Government Gazette, as required under section 55H of the Act.

Yours sincerely



Robyn Parker MP 1/5/12
Minister for the Environment

ITEM 8.3	PRELIMINARY INVESTIGATION - COUNCIL MANAGEMENT OF CROWN LAND ADJACENT TO MANLY DAM
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/275856
ATTACHMENTS	1 Map One - Land Parcel Map (Excluded from Agenda) 2 Individual Land Parcels (Excluded from Agenda) 3 Parcel Summary Table - Manly Creek (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To report to Council the findings of a preliminary investigation into Council assuming management of parcels of Crown land along Manly Creek, as per Notice of Motion No 13/2012 of the 24 April 2012 Council meeting.

SUMMARY

At its meeting of 24 April 2012, Council resolved to undertake a preliminary investigation of four parcels of Crown land located along Manly Creek for which Council does not currently have management responsibility. The investigation considered the values of each parcel, and the future opportunities and constraints for management, to analyse the stake that Council has in the future management of these parcels. Based on biodiversity and riparian values, site condition, previous and current site management, it is recommended that Council should pursue its interests in the formalised management of two of these parcels.

Two preliminary options for pursuing these interests are presented:

1. Apply to the NSW Crown Lands Division for care, control and management as Reserve Trust Manager or similar; and
2. Apply to the NSW Crown Lands Division for owners' consent (or similar) to continue to undertake priority environmental management works on these parcels.

It is recommended that Council proceed with option 2 and seek owners' consent to continue to undertake priority discretionary environmental works on two of these four parcels. This would provide Council with the liberty to undertake environmental works without taking on additional responsibilities and liabilities that come with formalised management as Reserve Trust Manager or similar.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council write to NSW Crown Lands Division seeking owners' consent (or similar) to formalise current management of environment works for two parcels of land at Manly Creek (Lot 7369 DP 1165551, and Lot 7370 DP 1165551) for which Council does not currently have management responsibility.

REPORT

BACKGROUND

At the meeting of 24 April 2012, Council resolved that staff prepare a short report on the options for assuming management of Crown land adjacent to Manly Dam for which Council does not have current management responsibility including two parcels of Crown Land being Lot 7370 DP 1165551 and Lot 7369 DP 1165551. Attachment 1 shows land tenure for the subject area along Manly Creek.

As can be seen from Attachment 1, there are four vegetated parcels along Manly Creek that are Crown estate and that Council does not currently manage. The remaining parcels are either owned or managed by Council or are owned by other government and educational institutions, including the Department of Public Works and the University of New South Wales.

In reviewing the merits of assuming management, an assessment has been made based on the following criteria:

- biodiversity value (including threatened species habitat and the draft Warringah Biodiversity Conservation Study),
- riparian value (according to the Warringah Creek Management Study),
- bushland condition,
- future resource considerations, and
- current and past management arrangements.

Maps of each individual lot can be found in Attachment 2. A summary table of these considerations is provided as Attachment 3.

Parcel One – Map One, Attachment 2

Lot 7371 DP1165577

Parcel One is the northern most of all four lots and is 3600m² in size. The lot adjoins Manly Creek and contains vegetation in poor condition with little to no resilience. The site is not a known habitat for threatened species, and to date Council has not prioritised or sponsored significant amounts of environmental works in this area. Whilst the site adjoins Manly Creek and thus forms part of a riparian zone, Manly Creek is a Group C Catchment, the lowest of the three rankings within the Warringah Creek Management Study (2004). The draft Warringah Biodiversity Conservation Study assigns a “moderate” conservation significance ranking to this portion. This parcel is zoned R2 Low Density Residential.

Given the condition of the vegetation in this parcel, and the low level of resilience, assuming management of this parcel has significant financial implications.

In summary, given the large financial commitment that would arise from assuming management of this parcel, coupled with the modest biodiversity value, it is considered that Council has a reduced interest in future management. It is recommended that Council not pursue management of this parcel.

Parcel Two – Map Two, Attachment 2

Lot 2501 DP 752038

Parcel Two is 8200m² and adjoins Manly Creek. Vegetation consists primarily of exotic species and is in poor condition with little to no resilience. The parcel is potential habitat for threatened species, and whilst the site adjoins Manly Creek, it is within a Group C Catchment. Council has not

prioritised significant works here in the past. The draft Warringah Biodiversity Conservation Study assigns a “moderate” conservation significance ranking to this vegetation. This parcel is zoned RE1 Public Recreation.

Given the condition of the vegetation in this parcel, and the low level of resilience, assuming management of this parcel has significant financial implications

In summary, given the large financial commitment that would arise from assuming management of this parcel, coupled with the modest biodiversity value, it is considered that Council has a reduced interest in future management. It is recommended that Council not pursue management of this parcel.

Parcel Three – Map Three, Attachment 2

Lot 7369 DP 1165551

Parcel Three is 10 500m² and is traversed by Manly Creek. Vegetation on the lot consists of disturbed native vegetation and revegetation, and is in moderate condition. The site is a potential threatened species habitat and is within a Group C Catchment. Given its proximity to the Mermaid Pool volunteer site and more reasonable site condition, Council have prioritised works here in the past, including bush regeneration/weed control. Additional work on this site would also benefit areas of remnant vegetation adjoining the site. The draft Warringah Biodiversity Conservation Study assigns a “moderate” conservation significance ranking to this portion. This parcel has a dual zoning; the western half is zoned R2 Low Density Residential and the eastern half is zoned RE1 Public Recreation.

Given the moderate level of resilience and the improved condition of the vegetation, assuming management of this parcel has lower financial implications in terms of future management than Parcels One and Two.

In summary, it is considered that given the opportunity for future works on this site, and its relative resilience, Council has a significant stake in the management of this parcel. Council should further pursue the management of this parcel.

Parcel Four – Map Four, Attachment 2

Lot 7370 DP 1165551

Parcel Four is 1530m² in size and is the southern most of the lots under consideration. It is part of what is known to residents as the “Mermaid Pool”, as it adjoins a large natural sandstone pool on Manly Creek. The site is a potential threatened species habitat and is within a Group C Catchment. Council and the community have invested significant resources over the last 10 years restoring the area. Vegetation on the parcel is a mix of disturbed native vegetation and planting and has moderate resilience. Manly Creek and Mermaid pool adjoin the site. This parcel is zoned RE1 Public Recreation.

Given the moderate level of resilience, the improved condition of the vegetation in this portion of the site, and the current management arrangements, assuming management of this parcel has negligible financial implications as it would result in formalisation of the activities currently being undertaken.

In summary, it is considered that given the significant resources that have been expended at this site, Council has a significant stake in the future management of this parcel. Council should further pursue the management of this parcel.

Management Options

Option One - Seek formalised care, control and management of the parcels

This would involve formally approaching the NSW Crown Lands Division and seeking care, control and management as Reserve Trust Manager or similar. While this would enable Council to undertake work on these lots, it would also make Council responsible for a full range of management liabilities (bushfire risk, landslip, flooding). Council assuming management responsibility as Trust Manager would not directly influence the outcomes of key decisions, including the outcomes of pending land claims. It is unknown whether the NSW Crown Lands Division would grant care, control and management of these parcels to Council whilst the outcomes of the land claims are pending.

Option Two - Seek owners consent from the NSW Crown Lands Division to undertake work on Crown land

This would involve formally seeking owners consent from the NSW Crown Lands Division and continuing to undertake works on parcels for which Council sees a priority stake (Parcels Three (Lot 7369 DP 1165551) and Four (Lot 7370 DP 1165551)). This would formalise current management activities, including works at the volunteer site at Mermaid Pool. Under this arrangement, Council would have the ability to undertake work that is deemed to be a priority, without taking on other responsibilities and liabilities that come with formalised care, control and management.

Summary Recommendation

Based on the attributes (biodiversity and riparian) as well as previous and current site management requirements of the parcels, it is considered that Council's ongoing management interests in the abovementioned parcels should be restricted to the ability to continue to undertake priority environmental management works (including volunteer bush regeneration) on Parcels Three (Lot 7369 DP 1165551) and Four (Lot 7370 DP 1165551).

Given the significant uncertainty around the outcomes of any request to the NSW Crown Lands Division to secure care, control and management as Trust Manager, and the additional obligations that come with this management, it is considered that the most effective and immediate way to formalise Council's interest is to formally apply to the NSW Crown Lands Division for owners' consent (or similar) to continue to undertake and support priority environmental management works on these parcels. This would provide Council the ability to undertake discretionary priority environmental management works without assuming additional responsibilities and liabilities of care, control and management.

CONSULTATION

This report is an outcome of Notice of Motion No 13/2012 from the 24 April 2012 Council meeting. The recommendation of this report is that Council formalise the current management arrangements of Parcels Three (Lot 7369 DP 1165551) and Four (Lot 7370 DP 1165551), including land owners consent (or similar) to undertake priority works on Crown estate. The recommendation proposes to maintain the current management activities and is thus considered to have negligible financial and social impacts. Consultation is not considered necessary in this instance.

TIMING

On adoption of this recommendation Council staff shall write to the NSW Crown Lands Division requesting owner's consent (or similar) to carry out priority environmental management works.

ITEM 8.4	DELEGATION UNDER THE NOXIOUS WEEDS ACT 1993
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/280263
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To delegate powers under Section 68 of the *Noxious Weeds Act 1993* to enable Council staff to issue notices requiring owners or occupiers of land to control noxious weeds.

SUMMARY

Under Section 68 of the *Noxious Weeds Act 1993* (the Act), delegation of powers under the Act must be by Council resolution. The delegation of powers to Council staff is required in order to fulfill Council's obligations as a local control authority under the Act. This report has been prepared to update delegations under the Act to reflect changes in position titles.

The powers include but are not limited to: entry to property, issue of notices, undertaking inspections and investigations, charging of expenses and application of penalties. It is recommended that the Council delegate these powers to the position titles as shown in Schedule 1.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council delegate authority pursuant to Section 68 of the *Noxious Weeds Act 1993* to the holders (from time to time) of the positions outlined in Schedule 1 of this report, and authorise them to exercise any of the Council's functions under that Act.

REPORT

BACKGROUND

Under the *Noxious Weeds Act* 1993 (the Act), Council is designated as a local control authority. This designation obliges Council to undertake a number of actions to manage and control noxious weeds on public and private property. Some of these actions require staff to have certain powers, however under the Act such delegations can only be conferred by a decision of Council. This report has been prepared to update delegations under the Act to reflect changes in position titles.

The powers that may be exercised by staff under this delegation include but are not limited to:

- Entry to property
- Issue of notices requiring owners or occupiers of land to control noxious weeds
- Inspections and investigations
- Charging of expenses and applying penalties

Authorisation from Council is sought for a number of positions to most effectively exercise Council's obligations under the Act. Accordingly Council is requested to delegate authority to the holders (from time to time) of the positions outlined in Schedule 1.

Schedule 1 – Positions requiring delegation of powers under the *Noxious Weeds Act* 1993

Position	Service	Division
Environment Officer - Projects	Natural Environment	Environment
Senior Environment Officer - Biodiversity	Natural Environment	Environment
Senior Environment Officer - Projects	Natural Environment	Environment
Environmental Operations Manager	Natural Environment	Environment
Park Co-ordinator	Parks Reserves and Foreshores	Environment
Senior Ranger – Manly Warringah War Memorial Park	Parks Reserves and Foreshores	Environment
Park Ranger / Supervisor	Parks Reserves and Foreshores	Environment
Environmental Health Officers	Environmental Health & Protection	Environment
Senior Specialist Environmental Health Officer	Environmental Health & Protection	Environment
Environmental Health and Protection Manager	Environmental Health & Protection	Environment
Ranger Coordinators	Regulatory Compliance	Environment
Regulatory Compliance Manager	Regulatory Compliance	Environment
Development Compliance Coordinator	Development Assessment & Compliance	Environment
Development Assessment Managers	Development Assessment & Compliance	Environment

CONSULTATION

Internal consultation has been undertaken with the relevant service areas involved.

TIMING

The powers under this delegation will take immediate effect.

POLICY & FINANCIAL IMPACT

Nil

ITEM 8.5	AMENDMENTS TO SECTION 149 (5) NOTATIONS FOR QUEENSCLIFF HEADLAND RISK INFORMATION
REPORTING MANAGER	GROUP MANAGER NATURAL ENVIRONMENT
TRIM FILE REF	2012/269459
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To update the relevant Section 149 (5) Certificate notations to include the erosion risk information available for Queenscliff Headland.

SUMMARY

Council engaged a consultant to complete a geotechnical risk assessment of Queenscliff Headland following two land slip events which occurred on the headland between December 2009 and February 2010. The final risk assessment report includes information relating to erosion risk for various properties located on Queenscliff Headland.

As the report has provided risk information on individual properties and may be used during development assessments, it is appropriate that Council inform the community of this new information through an update of the Section 149 (5) Certificate notations.

FINANCIAL IMPACT

Nil.

POLICY IMPACT

Updates to the Section 149 (5) notations will be carried out in accordance with the Operational Management Standard titled 'Section 149 – Council Management Procedures' (PAS OMS-010).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. all properties subject to the *Geotechnical Assessment of Existing Foreshore Cliff Lines at Queenscliff Headland, Queenscliff, NSW* (J&K, December 2010) report include a notation on Section 149 (5) certificates as per Notation 1 of this Council report.
 - B. properties at 2 Queenscliff Road, 15A Crown Road, 17B Crown Road and 7 Pavilion Street include a further notation on Section 149 (5) certificates as per Notation 2 of this Council report.
-

REPORT

BACKGROUND

A rock fall occurred on Queenscliff Headland between December 2009 and January 2010. Large rocks fell from mid way up the cliff face onto the rock platform in front of 2 Queenscliff Road. Following the incident Council installed warning signs on the rock platform to warn the public of the potential risk. In February 2010 a second land slip occurred on the headland. During a period of heavy rainfall a 'wash out' occurred on the northern side of the headland, alongside the public access path between Bridge Road and the southern end of Freshwater Beach.

In response to these two land slip events Council engaged a consultant to undertake a geotechnical risk assessment of the foreshore cliff lines at Queenscliff Headland. The assessment was undertaken for properties around the headland from 48A Queenscliff Road to approximately 27 Bridge Road. The assessment included the crest of the cliff, the cliff face and the toe or rock platform below. This area included portions of properties lining the crest of the cliff face.

The final report produced for this assessment, *Geotechnical Assessment of Existing Foreshore Cliff Lines at Queenscliff Headland, Queenscliff, NSW* (J&K, December 2010), includes updated information on erosion hazards within the study area. As the report has provided risk information on individual properties and may be used during development assessments, it is appropriate that Council inform the community of this new information through an update of the Section 149 (5) Certificate notations.

Hazard information is generally noted on Section 149 (2) certificates once the information is considered reliable, and the information can be used to apply development controls. Council may, in a Section 149 (5) planning certificate, include advice on such other relevant matters affecting the land of which it may be aware. Accordingly the following notations are proposed:

Notation 1

This notation will apply to all properties that are the subject of the *Geotechnical Assessment of Existing Foreshore Cliff Lines at Queenscliff Headland, Queenscliff, NSW* (J&K, December 2010) report:

"A geotechnical assessment of the foreshore cliffs at Queenscliff Headland carried out on Council's behalf recommends the following in respect of this property:

All existing subsurface drains, sewers and any other water carrying pipelines must be subject to ongoing and regular maintenance by the respective owners. This should include checking for leaks and damage to the water carrying pipelines by a plumber or similarly qualified professional and appropriate maintenance and repair completed without delay. Such maintenance should be carried out at no more than five yearly intervals and include provision of a written report confirming scope of the work completed and identifying any required remedial measures. Council's Natural Environment Unit can be contacted for further information. "

Notation 2

Four properties 2 Queenscliff Road, 15A Crown Road, 17B Crown Road and 7 Pavilion Street will include Notation 1 and the following additional notation:

"The assessment identified specific potential geotechnical hazards at this property. Property owners are advised to seek further geotechnical advice. Council's Natural Environment Unit can be contacted for further information."

CONSULTATION

A letter was sent on 25 May 2010 to the owners and occupiers of all properties subject to the report notifying them that a geotechnical risk assessment was being prepared and that they may be requested to provide the consultant with access to their property to assist with the assessment process.

A letter will be sent to the owners of land subject to the Queenscliff report which will provide information on the recommendations identified within the report relevant to their property.

TIMING

The proposed changes to the Section 149 (5) notations will be made as soon as practicable in accordance with the Operational Management Standard titled 'Section 149 – Council Management Procedures' (PAS OMS-010).

POLICY IMPACT

Updates to the Section 149 (5) notations will be carried out in accordance with the Operational Management Standard titled 'Section 149 – Council Management Procedures' (PAS OMS-010).

FINANCIAL IMPACT

Nil

ITEM 8.6	REQUEST TO WAIVE THE FEE FOR THE PUB TO PUB EVENT SUNDAY 26 AUGUST 2012
REPORTING MANAGER	GROUP MANAGER PARKS RESERVES & FORESHORES
TRIM FILE REF	2012/269131
ATTACHMENTS	NIL

REPORT

PURPOSE

To consider the Rotary Club of Brookvale's request to waive the booking fees for the Pub to Pub Charity Run and Walk to be held 26 August 2012.

REPORT

Council has received a written request from the Rotary Club of Brookvale (Club) to waive the booking fees for the 20th Pub to Pub Charity Run and Walk to be held 26 August 2012. It is anticipated up to 4500 people will participate in this event which starts at Dee Why Beach and concludes in Newport.

The Club indicates that all proceeds will be distributed to charitable and community organisations including the Surf Lifesaving Clubs, State Emergency Service and Rural Fire Service, all of whom help run the event. Council has supported this event in previous years. The Club will bump in portable toilets on Saturday 25 August and the event will be held Sunday 26 August. The booking fee for the use of Dee Why Beach, James Meehan Reserve and other reserves along the route is \$1,025.

Any fee waiver would be conditional on the Club recognising Council as an event supporter and providing a post event report.

This request is in accordance with the PL 011 Grants - Grants and Sponsorship Policy, Clause 12, whereby sponsorship may involve the provision of financial or in-kind support outlining that financial sponsorship:

"...will involve a financial contribution from the grants program where there is a direct cost to Council in providing the service - fees are waived or income foregone..."

It also states that Sponsorship:

"...is valued at the price which would have been charged if financial or in-kind assistance was not available..."

In this instance, the booking fees along the route of the Pub to Pub Charity Run and Walk are valued at \$1,025. It is recommended that Council waive the full amount of the booking fees, and that this be funded from Council's existing grants and subsidies budget.

The Warringah Traffic Committee will be considering the traffic management plan for this event at its next meeting.

FINANCIAL IMPACT

Council will not receive any income from this event and there are sufficient funds available in the grants and subsidies budget 2012/13 to fund the Rotary Club's request of \$1,025.

POLICY IMPACT

This is in accordance with PL 011 Grants - Grants and Sponsorship Policy.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council waive the booking fees of \$1,025 for the Rotary Club of Brookvale's 2012 Pub to Pub Charity Fun Run and Walk event to be in held in Warringah on 26 August 2012.

ITEM 8.7	RESCISSION OF POLICIES - BUSINESS WITH BURMA AND REGULATION OF RECREATION CAR PARKING AREAS ON RESERVES
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/269469
ATTACHMENTS	1 Conducting Business with Burma 2 Regulation of Recreation Car Parking Areas on Council Reserves

EXECUTIVE SUMMARY

PURPOSE

To seek rescission of two Council policies – Conducting Business with Burma (PL 760 Burma), and Regulation of Recreation Car Parking Areas on Reserves (ENV-PL 650)

SUMMARY

On 19 October 2010, Council resolved not to deal with companies that conduct business with Burma until democracy is restored and human rights violations cease. A number of recent political developments in Burma have resulted in the United Kingdom, European Union and United States governments announcing that they will suspend sanctions against Burma, with the exception of an arms embargo. The Australian Federal Government has made a similar announcement.

In view of these highly significant developments it is recommended that Council rescind its resolution formally.

On 22 May 2012, Council adopted a policy on Beach Parking Permits (PL 010 Parking). This updated an existing policy but its scope was expanded to enable the rescission of the policy on Regulation of Recreation Car Parking Areas on Reserves (ENV-PL 650). The sole recommendation in the May report was to adopt the new policy, and a recommendation to rescind Policy No. ENV-PL 650 was omitted.

FINANCIAL IMPACT

There is no significant financial impact in the rescission of the policies.

POLICY IMPACT

The rescission of the policy on Conducting Business with Burma brings Council into line with Federal Government policy.

The rescission of the policy on Regulation of Recreation Car Parking Areas on Reserves removes conflict with the new policy on Beach Parking Permits (CS-PL 01).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the following policies be rescinded:

- A. Doing Business with Burma (PL 760 Burma)
 - B. Regulation of Recreation Car Parking Areas on Reserves (ENV-PL 650)
-

REPORT

BACKGROUND DOING BUSINESS WITH BURMA (PL 760 BURMA)

On 19 October 2010, Council resolved that:

Warringah Council will not, as far as possible, purchase goods or services provided by companies who conduct their business with Burma, or with Burma, until democracy has been restored there and human rights violations have ceased.

A copy of the policy is at Attachment 1. Since that resolution there have been a number of political developments in Burma which have culminated in the holding of democratic elections and significantly the release of Aung San Suu Kyi, Burma's pro-democracy leader who had been held under house arrest for a number of years. Miss Suu Kyi has reportedly won a seat in the Burmese parliament this year as have a number of members of her party. Earlier this year, several hundred political prisoners were reportedly freed.

In April 2012, the United Kingdom and the European Union announced that they will be suspending sanctions against Burma, with the exception of an arms embargo. The United States made a similar announcement in May 2012. The Australian Federal Government announced in June 2012 that Australia will lift its remaining sanctions against Burma to encourage further democratic reforms, but that the arms embargo would remain. The Foreign Minister, Senator Carr, is reported to have said that coercion is no longer helpful to the reform process in Burma and that the challenge is to foster it, which is better done through engagement, but that sanctions can be reimposed if necessary.

In view of these highly significant developments in Burma and the consequent suspension or lifting of sanctions against Burma by the Australian and other major international governments, it is recommended that Council rescind its resolution formally.

BACKGROUND REGULATION OF RECREATION CAR PARKING AREAS ON RESERVES (ENV-PL 650)

On 22 May 2012, Council adopted a policy on Beach Parking Permits (PL 010 Parking). This updated an existing policy but its scope was expanded to enable the rescission of Policy Regulation of Recreation Car Parking Areas on Reserves (ENV-PL 650), see attachment 2.

Clause 10 c) of Policy No. CS-PL 01 states

This policy replaces Policy No. ENV-PL 650 – Regulation of Recreation Car Parking Areas On Reserves.

Although the proposed rescission of Policy No. ENV-PL 650 was highlighted in the report, the sole recommendation in the May report was to adopt the new policy, and a recommendation to rescind Policy No. ENV-PL 650 was omitted.

In view of Council's adoption of Policy No. PL 010 Parking, it is recommended that Council rescind Policy No. ENV-PL 650 formally.

TIMING

The effect of rescission will be immediate.

POLICY IMPACT

The adoption, amendment and rescission of Council policies is governed by Council's policy on Policy Development and Management (PL 910 Policy). This policy provides that a resolution of Council is needed to rescind a policy, but is silent on the question of placing a rescission proposal on public exhibition.

In any event the policy recognises Council may exercise discretion in placing a draft policy on exhibition if *“the benefit likely to be realised from the exhibition would justify the costs of the exhibition and the delay in adopting the amendments or new policy”*. Given recent political developments in Burma and the change in the Federal Government policy, it is considered appropriate to rescind the policy on Conducting Business with Burma (PL 760 Burma) with out placing it on exhibition.

The rescission of the policy on Regulation of Recreation Car Parking Areas on Reserves removes conflict with the new policy on Beach Parking Permits (PL 010 Parking). Notice was given about the change as part of the exhibition of the draft Beach Parking Permits policy December 2011.

FINANCIAL IMPACT

The financial impact of the rescission of the policy on Conducting Business with Burma is minimal for Council, however future opportunities may arise to purchase competitively from suppliers doing business with Burma. Costs may reduce, and opportunities may increase, for suppliers wishing to do business with Council who have previously needed to investigate their supply chains for connections to Burma.

The financial impact of the rescission of the policy on Regulation of Recreation Car Parking Areas on Reserves is nil.

Warringah Council Policy

Policy No. PL 760 Burma

Business with Burma

1 Purpose of Policy

The purpose of the policy is so that Warringah Council will not, as far as possible, purchase goods or services provided by companies who conduct their business in Burma, or with Burma, until democracy has been restored there and human rights violations have ceased.

2 Principles

This policy has arisen as the result of Notice of Motion no 56/2010, adopted by Warringah Council at its meeting on 19 October 2010. The resolution as adopted is:

That:

Warringah Council will not, as far as possible, purchase goods or services provided by companies who conduct their business in Burma, or with Burma, until democracy has been restored there and human rights violations have ceased.

It is noted that the Australian Government Department of Foreign Affairs and Trade (DFAT) website identifies that the main imports to Australia from Burma are clothing, fish, crustaceans and vegetables (see additional information and references under section 8 Legislation and references below).

3 Authorisation

This Policy was adopted by Council on 19 October 2010

It is effective from 19 October 2010.

It is due for review on 19 October 2012.

4 Amendments

This Policy has not been amended.

5 Who is responsible for implementing this Policy?

All Group Managers

6 Document owner

Deputy General Manager Community

7 Related Council Policies

None

8 Legislation and references

http://www.dfat.gov.au/geo/burma/burma_brief.html: The Australian Government's policy is neither to encourage nor to discourage trade and investment with Burma. Australia maintains a ban on defence exports to Burma.

Australia's trade with Burma is relatively low. In 2009-10, Australian merchandise imports from Burma totalled \$25.6 million. For the same period, Australian merchandise exports to

Policy No. PL 760 Burma

Burma amounted to \$59 million. The majority of two-way trade was in wheat, seafood products and clothing

Published estimates of Burma's foreign trade are unreliable due to the size of the black market and border trade

<http://www.dfat.gov.au/geo/fs/burm.pdf>: The DFAT website advises that data is not available on the trade in services (eg services imported) with Burma (2009).

The DFAT website also gives the following information:

Australian merchandise trade with Burma, 2009:

	<i>Total share:</i>	<i>Rank:</i>	<i>Growth (yoy):</i>
<i>Exports to Burma (A\$m):</i>	59 0.0%	69th	84.3%
<i>Imports from Burma (A\$m):</i>	26 0.0%	77th	21.5%
<i>Total trade (exports + imports) (A\$m):</i>	85 0.0%	78th	59.4%

Major Australian imports, 2009 (A\$m):

Clothing	\$14m
Fish	\$4m
Crustaceans	\$3m
Vegetables	\$1m

9 Definitions

None



Warringah Council Policy

Policy No. ENV-PL 650

Regulation of Recreation Car Parking Areas on Reserves

1. The purpose of this policy is

to regulate recreation car parking areas on reserves.

2. Policy statement

Warringah Council will control, regulate and optimise use of the limited car parking spaces that are available on beaches and reserves.

Preference will be given to ratepayers and residents of Warringah when parking at such locations.

Non-residents will be charged a parking fee as a contribution to the maintenance of beaches and reserves and associated facilities and services.

3. Principles

This policy is to be applied in accordance with the relevant provisions of:

- the Local Government Act 1993
- the Motor Traffic Regulations 1993; and
- the regulations summarised in *Section 8 - ED-PR 242* of the Environment and Development Manual.

4. Amendments

ENV-PL650 (Regulation of recreation car parking areas on reserves) supersedes policy number 5.3.02.

This policy was last amended on 7 August 2006.

5. Authorisation

The Regulation of Recreation Car Parking Areas on Reserves policy was authorised by Council on 12/3/96

This policy is due for review on 31 December 2003.

Policy No. ENV-PL 650

6. Who is responsible for implementing this policy?

Group Manager Customer Support Services and Group Manager Development and Compliance Services

7. Document owner

Deputy General Manager Community

8. File number

9. Legislation and references

For legislation related to the Regulation of Recreation Car Parking Areas on Reserves policy see:

- the Local Government Act 1993 Sections 608, 632 and 650
- the Motor Traffic Regulations Act

9.1 Definitions

None.

ITEM 8.8	ADOPTION OF DRAFT WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2012
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/276821
ATTACHMENTS	1 Draft Warringah S.94A Development Contributions Plan 2012 (Excluded from Agenda)

EXECUTIVE SUMMARY

PURPOSE

To inform Council of the outcome of the public exhibition of the draft *Warringah Section 94A Development Contributions Plan 2012* (draft S.94A Plan) and to recommend that Council adopt the Plan.

SUMMARY

At its meeting of 22 May 2012 Council resolved to place the draft S.94A Plan on public exhibition for a period of 35 days to invite public comment on the draft S.94A Works Program and the updated S.94 Works Program.

The draft S.94A Plan was placed on public exhibition from 26 May to 29 June 2012. No public submissions were received in relation to the draft S.94A Plan.

This report is to inform Council of the outcomes of the public exhibition period and to recommend that Council adopt the Plan.

FINANCIAL IMPACT

The draft S.94A Development Contributions Plan 2012 has total cost of \$4,851,178 for the 2012/13 financial year. The Plan incorporates \$2,204,945 million worth of S.94 projects covering the 2012/13 financial year. Formal adoption of the Work Programs will enable the expenditure of S.94 and S.94A funds over the time period proposed within the Plan.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. Council adopt the recommended changes following public exhibition of the draft amended *Warringah Section 94A Development Contributions Plan 2012*.
 - B. Following adoption of the Section 94A Plan, the Minister be notified in accordance with Section 94EA (4) of the *Environmental Planning and Assessment Act 1979*.
 - C. The necessary steps be undertaken to ensure that the Plan commences on 1 August 2012.
-

REPORT

BACKGROUND

On 22 May 2012, Council resolved to place the draft S.94A Plan on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 (Regulation 2000).

This report is to inform Council of the outcome of the exhibition period and to recommend that Council adopt the draft S.94A Plan.

Public Exhibition

Clause 26(4) of the Regulation 2000 requires Council to exhibit draft Development Contributions Plans for a minimum period of 28 days. The draft S.94A Plan was exhibited for 35 days from 26 May to 29 June 2012 at the following locations:

- Dee Why Library, St. David Avenue, Dee Why
- Belrose Library, Glen Street, Belrose
- Warringah Mall Library, Brookvale
- Forestville Library, Darley Street, Forestville
- Terrey Hills Community Library, Booralie Road, Terrey Hills
- Civic Centre, Dee Why
- Council's website at www.warringah.nsw.gov.au

During the exhibition period, Council did not receive any public submissions in relation to the draft S.94A Plan.

Internal Consultation

The draft S.94A Plan was internally exhibited for 35 days from 26 May to 29 June 2012. As a result of the internal consultation period modifications have been made to the draft Plan. The changes address administrative issues as well as updates to projected program budgets. Proposed amendments to the draft S.94A Plan are discussed below.

Draft Plan ChangesAdministrative Changes

The following administrative amendments were made to the draft S.94A Plan following consultation and liaison with Council's capital projects delivery teams:

- Project numbers were modified to better reflect Council's internal budgeting systems. The proposed changes to the project numbers will provide clarity and ease of reference between Council's internal budgeting processes and the S.94A Plan.
- A reference to 'Table 1' in Part 5 of the Plan has been amended to 'This Part'.
- Additional reference material has been included in 'Part 7 - References of the Plan'. Additional reference material includes:
 1. *Warringah Bike Plan 2010* which informs the delivery of bike paths within the Warringah Local Government Area (LGA).
 2. *Warringah Pedestrian Access and Mobility Plan 2011* which informs the delivery of footpaths within the Warringah LGA.

3. *Warringah Playground Strategy 2007* which informs the delivery of playgrounds within the Warringah LGA.

Works Program Changes

Further revision and re-scoping of the S.94 and S.94A Works Program has occurred to better align with the Community Strategic Plan and Council's budget.

The Work Programs have been included in Parts 5 and 6 of the draft S.94A Plan. The S.94 and S.94A Work Programs have been updated to reflect projects commencing in the 2012/13 financial year. Projects occurring in outlying financial years are subject to change as part of an annually scheduled review of the S.94A Plan. The draft S.94A Plan incorporates approximately \$4.8 million worth of projects covering the years 2012/13. The Plan incorporates approximately \$2.2 million worth of S.94 projects covering the 2012/13 financial year.

A full copy of the draft S.94A Plan, incorporating the recommended amendments listed above to the exhibited Plan, has been included as the attachment booklet to this report.

Implementation

If adopted by Council, the draft S.94A Plan will come into effect on Wednesday 1 August 2012. All development applications and applications for complying development certificates that satisfy the relevant criteria and that are lodged on or after this date will be subject to the provisions of the amended S.94A Plan.

To ensure that all legislative requirements are met, Council must undertake the following:

- Section 94EA (4) of the *Environmental Planning and Assessment Act 1979*, requires Council to, as soon as practicable after approving a Contributions Plan, provide the Minister with a copy of the S.94A Plan. If adopted by Council, this notification is to take place within one (1) week of adoption.
- Clause 31 of the *Regulation 2000*, requires that Council must also give public notice of its decision in a local newspaper within 28 days after the decision is made. The S.94A Plan then comes into effect on the date that the public notice of its approval is given in a local newspaper, or on a later date as is specified. This notice is to be published in the *Manly Daily* on **28 July 2012**, stating a commencement date of **1 August 2012**.

Conclusion

The draft S.94A Plan has been developed in full compliance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. Nothing arises from the public exhibition of the draft *Warringah S94A Development Contributions Plan* that requires re-exhibition of the Plan or prevents the Plan from being adopted by Council.

Therefore, this report recommends that Council adopt the draft *Warringah S94A Development Contributions Plan 2012* with the suggested modifications as detailed in this report.

CONSULTATION

In accordance with Clause 26(4) of the *Regulation 2000* the draft S.94A Plan was exhibited for 35 days from 26 May to 29 June 2012. Council did not receive any public submissions in relation to the draft S.94A Plan.

TIMING

Subject to Council approval the draft S.94A Plan will commence on 1 August 2012.

POLICY IMPACT

Nil

FINANCIAL IMPACT

The draft S.94A Plan has total cost of \$4,851,178 for the 2012/13 financial year. The Plan incorporates \$2,204,945 million worth of S.94 projects covering the 2012/13 financial year. Formal adoption of the Work Programs will enable the expenditure of S.94 and S.94A funds over the time period proposed within the Plan.

ITEM 8.9	LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL CONFERENCE 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/280523
ATTACHMENTS	1 Local Government of NSW 2012 Conference Motion - Councillor Harris

EXECUTIVE SUMMARY

PURPOSE

To determine councillor attendance and Motions to be submitted at the Local Government Association of NSW Annual Conference 2012 to be hosted by Dubbo City Council from 28 to 30 October, 2012.

SUMMARY

The Local Government Association of NSW (LGA) is an association of councils representing metropolitan and large regional councils. At the annual conference, delegates have the opportunity to discuss and set policy for the coming year.

Warringah is entitled to five voting delegates. All motions must be adopted by Council and must be received by the Association by close of business Wednesday 15 August 2012.

As the conference is being held soon after the Local Government Elections on 8 September 2012, and only 5 days after the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

FINANCIAL IMPACT

Funds are available in the 2012/2013 budget for the attendance of up to five councillors at the conference. Overall cost of attendance including conference registration, travel and accommodation is estimated at approximately between \$2,450 and \$2,550 per person.

POLICY IMPACT

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

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. Council determines whether to support the Motion submitted by Cr Dr Conny Harris as a Motion of Warringah Council to the Local Government Association of NSW Annual Conference 2012.
- B. Council determines any further Motions to be put forward by Warringah to the Local Government Association of NSW Annual Conference 2012.

-
- C. The Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to five delegates to attend the Local Government Association of NSW Annual Conference 2012 to be hosted by Dubbo City Council from 28 – 30 October 2012.
-

REPORT

BACKGROUND

The Local Government Association of NSW (LGA) is an association of councils representing metropolitan and large regional councils. At last years annual conference, over 600 delegates from member councils discussed and set policy for the following year.

This year's conference will be hosted by Dubbo City Council from 28 to 30 October 2012.

Councils are invited to submit motions to be put to the conference. All motions must be adopted by Council before they are submitted. The Association requires that any Motions to be debated at the conference be submitted by close of business on 15 August 2012.

Any motions put forward at the conference should fall under one of the following subject headings:

1. **Services** (human services, environmental services, library services, cultural programs, recreation programs, health protection and promotion, development approvals, environmental regulatory activity etc)
2. **Infrastructure** (issues relating to transport, roads, bridges, footpaths, open space, water and sewerage facilities, waste facilities and services, recreation facilities, arts facilities, civic buildings etc)
3. **Finance** (revenue raising, government funding, cost shifting, emergency services levy, waste levy, carbon tax, economic development etc)
4. **General** (land use planning, development approvals, environmental regulatory activity, workforce planning and development, industrial issues, etc)

Councils are entitled to nominate voting delegates on a population basis and such delegates are to be sitting members. Warringah is entitled to five voting delegates.

As the conference is being held soon after the Local Government Elections on 8 September 2012, and only 5 days after the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

The draft program has not yet been finalised, however will be available at <http://www.lgsa.org.au/events-training/local-government-association-nsw-annual-conference> shortly. The conference venue is Dubbo Regional Theatre and Convention Centre.

Notices of Motion for Consideration

Councillor Harris has submitted a Notice of Motion for Council to consider submitting to the Conference relating to State Government Communication with Local Government (attached).

TIMING

The Local Government Association of NSW Annual Conference 2012 to be hosted by Dubbo City Council will be held from 28 to 30 October, 2012.

POLICY IMPACT

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

FINANCIAL IMPACT

Funds are available in the 2012/13 budget for the attendance of up to five councillors at the conference. The cost of attendance per person is expected to be between approximately \$2,450 and \$2,550.

This includes:

Registration fee (approximate)	\$1,300-1,400
Travel expenses (if driving) or flights (return)	\$400
Accommodation (three nights)	\$600
Out-of-pocket expenses (including some meals)	\$150
Total	\$2,450-\$2,550

Local Government of NSW 2012 Conference Motion**Submitted by Councillor Dr Conny Harris****Name of Council:**

Warringah Council

Subject Heading:

General

Title:

State Government Communication with Local Government

Motion:

That the Local Government Association calls on the State Government to either communicate with Local Governments rather than ROCs as ROCs are not made up of elected representatives or; that ROCs are required to be restructured to give elected representatives exclusive voting rights.

Note from Council:

Nil

ITEM 8.10	BIKE FUTURES CONFERENCE 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/280571
ATTACHMENTS	1 Preliminary Bike Futures Conference Program 2012

EXECUTIVE SUMMARY

PURPOSE

To determine councillor attendance at the Bike Futures conference 2012 being held at the Melbourne Cricket Ground (MCG) in Melbourne from 17 -19 October 2012.

SUMMARY

The 2012 Bike Futures conference is the fourth annual conference organised by Bicycle Victoria and will bring together national and local leaders, planners, designers and builders.

The conference, endorsed by the Australian Institute of Traffic Planning and Management, is being organised by Bicycle Victoria as a Bicycle Network event. Bicycle Victoria is Australia's biggest and strongest bicycle organisation, and the Bicycle Network is the banner under which Bicycle Victoria undertakes national initiatives.

As the conference is being held soon after the Local Government Elections on 8 September 2012, and prior to the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

FINANCIAL IMPACT

Funds are available in the 2012/2013 budget for councillor attendance at the Bike Futures conference 2012. Overall cost of attendance including conference registration, travel and accommodation is estimated at approximately \$2,000 per person.

POLICY IMPACT

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

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to two councillors to attend the Bike Futures Conference in Melbourne, to be held from 17-19 October 2012.

REPORT

BACKGROUND

The Bike Futures conference 2012 is the fourth annual conference organised by Bicycle Victoria and will bring together national and local leaders, planners, designers and builders.

The conference, endorsed by the Australian Institute of Traffic Planning and Management, is being organised by Bicycle Victoria as a Bicycle Network event. Bicycle Victoria is Australia's biggest and strongest bicycle organisation, and the Bicycle Network is the banner under which Bicycle Victoria undertakes national initiatives.

Keynote speakers at the conference include:

- Johan Diepens: the Founder and Executive Director of Mobycon. As a leader and/or counsellor of projects he has a broad experience in a range of topics. A strategist and trendwatcher, Johan wants his company to play a role in the development of smart solutions and cooperation in mobility.
- Koen van Waes: a traffic planner for the city of 's-Hertogenbosch for 5 years. Before that he worked as a traffic planner for the region of Eindhoven and a consultancy agency.
- Professor Ross Garnaut, AO: Vice-Chancellor's Fellow and a Professorial Fellow in Economics at the University of Melbourne as well as a Distinguished Professor of the Australian National University.

Key topics at this year's conference for discussion include:

- New and innovative bicycle treatments - both from home and from overseas
- Separation: when to do it and how to do it well
- How to turn local streets into bike arterials
- How to approach bike planning for a major destination hotspot: hospitals, shopping centres and other precincts
- What you need to do to prioritise which facilities to build
- Bikes in and alongside public transport corridors
- Developing different infrastructure for different rider types
- Benefit-cost ratios for bikes - making the case and breaking down the political barriers
- How to plan and build the network to access public transport
- Increased mobility through integrated transport planning
- How effective are 'Cycling Demonstration' towns: case studies from QLD, NZ and the UK
- How to make effective use of data: from the census to direct rider feedback
- How to secure funding at local, state and federal levels
- Bike plans and strategies: how to do them well with showcasing of good practice
- Restricting motor vehicle speeds in neighbourhoods: barriers and impacts
- Signage for bikes both on- and off-road: case studies of effective implementation

- How to use rider perceptions of the network to aid planning and implementation
- How to implement and evaluate successful behaviour change programs
- Bike parking for residents, employees and shoppers: guidelines and best practice
- Using the level of service approach to bike facilities evaluation.

Other emerging topics may include:

- Finding win-win for walkers and cyclists: the last kilometre - how to do it well
- Best practice design for bike lanes and paths
- Federalism and funding: how to make effective use of resources
- The relationship between risk and bike infrastructure
- The benefits of integrating bike infrastructure in city and suburban planning
- Wayfinding and signage for bikes - the Do's and Don't's
- Mainstreaming of bikes in transport planning: learnings and strategies to date.

A preliminary program has been attached.

As the conference is being held soon after the Local Government Elections on 8 September 2012, and prior to the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

CONSULTATION

N/A

TIMING

The 2012 Bike Futures conference 2012 organised by Bicycle Victoria will be held from 17 to 19 October, 2012.

POLICY IMPACT

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

FINANCIAL IMPACT

Funds are available in the 2012/2013 budget for councillor attendance at the Bike Futures conference 2012. The cost of attendance per person is expected to be approximately \$2,000.

This includes:

Registration fee	\$995
Air fare (return)*	\$400
Accommodation (two nights)	\$500
Out-of-pocket expenses (including some meals)	\$100
*note carbon credits are available with some airlines	
Total	\$1,995

Program

Please view the Preliminary Program below. This will be updated frequently as more information comes to hand.

Wednesday 17th October

TIME	ACTIVITY/SESSION
2:00pm	Bike Tours commence
4:30pm	Bike Tours conclude
6:30pm	Conference Welcome Function commences - Bicycle Network Office
8:00pm	Conference Welcome Function concludes

Thursday 18th October

TIME	ACTIVITY/SESSION
8:00am - 9:00am	Registration and exhibition opening
9:00am - 9:15am	Opening Address
9:15am - 10:00am	Keynote Address Johan Diepens , Mobycon
10:00am - 10:30am	Morning Tea
	STREAM A STREAM B
10:30am - 11:45am	
11:45am - 1:00pm	
1:00pm - 2:00pm	Lunch
2:00pm - 2:15pm	Plenary Session Ross Garnaut , University of Melbourne and Australian National University
	STREAM A STREAM B
2:15pm - 3:30pm	
3:30pm - 4:00pm	Afternoon Tea
	STREAM A STREAM B
4:00pm - 5:15pm	
5:15pm	Day 1 Sessions Concludes
7:00pm - 11:00pm	Bike Futures Dinner presented by RACV

Friday 19th October

TIME	ACTIVITY/SESSION
8:00am - 9:00am	Registration and exhibition open
9:00am - 9:05am	Welcome back and Address
9:05am - 9:50am	Keynote Address Koen van Waes , City of 's-Hertogenbosch
9:50am - 10:30am	Morning Tea and Poster Session
	STREAM A STREAM B
10:30am - 11:45am	
11:45am - 1:00pm	
1:00pm - 1:45pm	Lunch
	STREAM A STREAM B
1:45pm - 2:45pm	
2:45pm - 3:15pm	Afternoon Tea
3:15pm - 4:00pm	Plenary Session and Q & A
4:00pm	Day 2 Concludes
4:30pm	Informal Drinks

ITEM 8.11	NSW COASTAL CONFERENCE 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/280641
ATTACHMENTS	1 NSW Coastal Conference Preliminary Program 2012

EXECUTIVE SUMMARY

PURPOSE

To determine councillor attendance at the 21st NSW Coastal Conference being held in Kiama, hosted by Kiama Municipal Council between 6-9 November 2012.

SUMMARY

The conference has been held annually for the past 20 years and has grown to become one of the most successful coastal industry events held in Australia. This year is the conference's 21st year. The conference attracts around 300 delegates - who are interested in or working within the field of coastal and estuary management research, education and service provision and policy; - as well as representatives from government, user groups and community volunteer organisations.

The theme for the 2012 conference is NSW Coastal Management - Coming of Age?

As the conference is being held soon after the Local Government Elections on 8 September 2012, and only 14 days after the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

FINANCIAL IMPACT

Funds are available in the 2012/2013 budget for councillor attendance at the NSW Coastal conference 2012. Overall cost of attendance including conference registration, travel and accommodation is estimated at approximately \$1,920 per person.

POLICY IMPACT

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

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to three councillors to attend the NSW Coastal Conference in Kiama, to be held from 6-9 November 2012.

REPORT

BACKGROUND

The Conference has been held annually for the past 20 years and has grown to become one of the most successful coastal industry events held in Australia. The conference attracts around 300 delegates - who are interested in or working within the field of coastal and estuary management research, education and service provision and policy; - as well as representatives from government, user groups and community volunteer organisations.

In recent years conferences have been held in Tweed Heads (2011), Batemans Bay (2010), Ballina (2009), Wollongong (2008) and Yamba (2007).

The conference is being held over a three day period which comprises of plenary sessions, concurrent sessions, field trips (addressing some of the local coastal, estuary and marine management issues), networking events and the Annual NSW Coastal Management Awards.

A pre-conference technical workshop will also be held, addressing estuary management on Tuesday 6th November.

As the conference is being held soon after the Local Government Elections on 8 September 2012, and only 14 days after the incoming council's first scheduled Ordinary Meeting of Council, it is recommended that the incoming Mayor use their delegated authority to nominate councillor attendance at this conference.

The theme for the 2012 NSW Coastal Conference is *NSW Coastal Management - Coming of Age?*

The conference topics include:

- **Innovations in the management of coastal hazards**
- **Marine and estuarine environments** – science and management
- **Outside the box** – multidisciplinary approaches to coastal management
- **The fine print** – planning, legal, policy issues
- **Getting the message across** – innovative approaches to education, media and engagement
- **Acting local** – people making a difference on the ground

TIMING

The NSW Coastal Conference 2012 to be hosted by Kiama Municipal Council will be held from 6-9 November, 2012.

POLICY IMPACT

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

FINANCIAL IMPACT

Funds are available in the 2012/2013 budget for councillor attendance at the conference. The cost of the attendance per person is expected to be approximately \$1920.

This includes:

Registration fee (includes all sessions and social functions)	\$840
Pre conference workshop (x1)	\$130
Travel (approximately 260 kms return via car)	\$200
Accommodation (three nights)	\$600
Out-of-pocket expenses (including some meals)	\$150
Total	\$1,920

Preliminary NSW Coastal Conference Program 2012**Tuesday 6th November 2012**

9.30am- **Optional Pre-Conference Estuary Technical Workshop (optional extra)**
5.00pm

Date: Tuesday 6th November 2012

Venue: The Pavilion, Kiama

Time: 9:00am – 5:00pm

Cost: \$130 pp (not included with the Conference Registration)

In conjunction with the NSW Coastal Conference an Estuary Technical Workshop is being offered. The workshop topics will be presented by recognised experts in their fields. The presentations will provide technical information and interesting case studies illustrating the application of relevant techniques in managing estuaries.

The topics and presenters include:

Dr Will Glamore (*Water Research Laboratory*) - A short introduction to hydrodynamic modelling

David Hanslow (*NSW Office of Environment and Heritage*) - Estuarine inundation (first pass, second pass...)

Dr Peter Scanes (*NSW Office of Environment and Heritage*) - Estuarine ecosystem health assessment.

The workshop is sponsored by the NSW Office of Environment and Heritage



5pm-6pm **Optional Early Registration with an Arrival Drink**

Trade display set up and poster set up

Trade Marquee, The Pavilion Kiama

Enjoy an evening at your leisure to experience the local restaurants

Day 1 - Wednesday 7th November 2012

8.00am	Registration
8.45am-9.55am	Session 1 - Plenary
	Welcome from the Host Council
	Conference Opening
	Local South Coast Presentation
	Keynote Address
10.50am-	Morning Tea
11.20am	
11.20am-	Session 2 - Concurrent
12.45pm	
12.45pm-1.45pm	Lunch and Poster Session
1.45pm-3.10pm	Session 3 - Concurrent
3.10pm-3.40pm	Afternoon Tea
3.40pm-5.05pm	Session 4 - Concurrent
5.05pm	**Close of Day One**
6.30pm – 9.00pm	Welcome Reception
	The Sebel Harbourside, Kiama

Day 2 – Thursday 8th November 2012

8.30am	Registration (for 1 Day delegates)
9.00am-10.00am	Session 5 – Plenary
	Welcome to Day 2
	Presentation Bids for 2013 Host Councils
	Presentation from Silver Sponsor on behalf of all NSW Coastal CMA's
	Keynote Address
10.05am-	Morning Tea & Poster Display
10.30am	
10.30am-	Session 6 - Concurrent
12.25pm	
12.25pm-1.25pm	Lunch and Poster Display
1.35pm-5.00pm	Session 7 - Local Field Trips
5.00pm	**Close of Day Two**
7pm for 7.30pm	Conference Dinner & Annual NSW Coastal Management Awards
	The Pavilion, Kiama

Day 3 - Friday 9th November 2012

8.30am	Registration (for 1 Day delegates)
9.00am-10.55am	Session 8 – Concurrent
10.55am-	Morning Tea
11.20am	
11.20am-	Session 10 - Plenary
12.45pm	Keynote Address
	Announcement for 2012 host council; poster prize winner announced.
	Summary and Wrap Up of Conference
12.45pm-1.45pm	Lunch
	Close of the Conference

ITEM 8.12	COUNCIL MEETING - 7 AUGUST 2012
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/280649
ATTACHMENTS	1 Division of Local Government Circular 12-19 - Caretaker Provisions

REPORT

PURPOSE

To cancel the additional Ordinary Council Meeting scheduled for 7 August 2012.

REPORT

At the Council Meeting on 26 June 2012, Council resolved in part as follows:

"That:

- A. *An additional Council Meeting be scheduled for Tuesday 7 August 2012 to allow all necessary council business to be resolved prior to the caretaker period."*

This was due to the potential provisions set to be in place during the caretaker period prior to the Local Government Elections being held on 8 September 2012. Subsequent to the 26 June 2012 Council Meeting, the Division of Local Government released Circular to Council 12-19 – 2012 Local Government Elections – Caretaker Provisions (attached).

This circular gives councils formal dates and guidelines regarding the caretaker period. After its release Council has noted that during the caretaker period Council decision making is affected to a lesser degree than first thought. As such, it is not anticipated that two Ordinary Council Meetings will be required for the month of August 2012, and it is recommended that the Ordinary Council Meeting scheduled for 7 August 2012 be cancelled.

The caretaker period for the September 2012 ordinary Local Government Elections commences on Friday 10 August 2012 and ends on Saturday 8 September 2012.

FINANCIAL IMPACT

Staff time associated with the provision of a further Council Meeting in August 2012 will not be required.

POLICY IMPACT

The changes to the established meeting cycle are in accordance with GOV-PL 130 – the Warringah Council Code of Meeting Practice.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Ordinary Council Meeting scheduled for 7 August 2012 be cancelled.

**Premier & Cabinet**
Division of Local Government

Circular to Councils

Circular No. 12-19
Date 25 June 2012
Doc ID. A285099

Contact Governance Team
02 4428 4100

SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS – CARETAKER PROVISIONS

Purpose

With the upcoming local government elections in September 2012 this circular provides a summary of the new caretaker provisions pursuant to the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Issue

- Like Commonwealth and State Government, local councils are expected to assume a caretaker role during the election period to ensure that major decisions are not made which would limit the actions of an incoming council.
- On 22 June 2012 amendments were made to the *Local Government (General) Regulation* to mandate what were formally caretaker conventions.
- Clause 393B requires that the council, the General Manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the four weeks preceding an ordinary election (caretaker period):
 - Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
 - Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.
 - Appointing or renewing the appointment of the General Manager or terminating their employment. (This does not include the appointment of an acting or temporary General Manager).
- In particular cases these functions may be exercised with the approval of the Minister.

Division of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
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2

- The caretaker period for the September 2012 ordinary local government elections commences on Friday 10 August 2012 and ends on Saturday 8 September 2012.

Action

- General Managers are asked to bring this circular to the attention of all councillors and senior staff.



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

ITEM 8.13	STRATEGIC REFERENCE GROUP RECOMMENDATIONS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/282491
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To report to Council the recommendations that have been put forward from the Strategic Reference Groups (SRG).

SUMMARY

In May 2012 the Recreation & Open Space, Environmental Sustainability, Infrastructure & Development and Community and Culture SRG met and put forward a number of recommendations to Council. This report reviews the recommendations and provides supplementary information from staff about the recommendations and provides a recommendation of the Deputy General Manager Environment where necessary.

In some instances staff have either already carried out a recommendation or the recommendation has or will be included in a future Council report in which case a recommendation from the Deputy General Manager has not been provided as no further action from staff or Council is required.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That the Recreation and Open Space Strategic Reference Group's support for minor amendments to the Strategic Reference Group structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the ward pre-requisite for members in the guidelines be NOTED.
 - B. That the Environmental Sustainability Strategic Reference Group's support for minor amendments to the SRG structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the flexibility for workshops and formal meetings be NOTED.
 - C. That the Infrastructure and Development Strategic Reference Group's support for minor amendments to the Strategic Reference Group and Community Committee structure and guidelines including: a move to bi monthly meetings; maintaining current meeting times; that the preference of ward membership remains; amendment to the order of business on the agenda; the definition of 'community members' and; staff attendance at selected Community Committees be NOTED.
-

REPORT

BACKGROUND

The four Strategic References Groups met between 2 and 14 May and put forward a total of 14 recommendations to Council, these recommendations are split as per the below table:

Meeting	Number of recommendations
Recreation and Open Space SRG – 2 May 2012	3
Environmental Sustainability SRG – 7 May 2012	7
Infrastructure and Development – 10 May 2012	2
Community & Culture SRG – 14 May 2012	3

Staff have provided supporting information to explain the recommendation then, where necessary, a recommendation from the Deputy General Manager Environment is included. As indicated in the supporting information, if a recommendation has already been carried out or is underway then a recommendation from the Deputy General Manager Environment is not provided as Council does not need to resolve to carry out any further actions.

Recreation and Open Space SRG – Recommendations of Meeting 2 May 2012**1 Item 5.6 – Preliminary Findings from Stage 1 of the Narrabeen Lagoon Dredging Project**

That Council SRG members support the preliminary finding and the cautionary approach to dredging of the Lagoon

Supporting Information from Staff

The Recreation and Open Space Strategic Reference Group recommendation has been included in the Council report on this project that is being considered at the 24 July 2012 meeting.

The recommendation aligns with the overall direction of the project, and reflects existing positions of Council on this project as reflected in the draft Narrabeen Lagoon Plan of Management, and Mayoral Minute 20/2011.

The recommendation also supports the findings of the community consultation undertaken during Stage 1 of this project. The results suggest that there is adequate support within the broader community for selective dredging to improve recreational access, however the majority of the community emphasise that environmental considerations must be balanced with recreational uses, with environmental protection identified as the important priority.

As reflected in Deputy General Manager's recommendations in the Council report of 24 July 2012, Stage 2 of the project is proposed to be undertaken in a way that reflects the resolutions of the Strategic Reference Groups.

As the SRG's recommendation has been included in the Council report on this matter, no further action is required for this recommendation.

2 Item 5.3 – Report on Potential Synthetic Sport Fields Sites in Warringah

That the below draft recommendations to Council be supported by the SRG members:

Draft Recommendations from the Report on Potential Synthetic Sport Field Sites in Warringah

- 1. Council actively measure participation rates and sports field use*
- 2. That Council continue to investigate and implement other strategies to meet sporting demand in addition to synthetic surfaces*
- 3. That the following sites, listed in order of appropriateness for a synthetic surface, be further investigated for feasibility:*
 - 1. French's Forest Showground for AFL/Cricket/rectangular field sports*
 - 2. Lionel Watts for AFL/Cricket/rectangular field sports*
 - 3. Aquatic Reserve for baseball/softball or AFL/Cricket/rectangular field sports*
 - 4. Forestville War Memorial Playing Fields for AFL/Cricket/rectangular field sports*
- 4. That Council allocate funding to undertake all necessary environmental investigation, financial analysis, community engagement and concept planning for selected sites, subject to completion of recommendation 1*
- 5. That the feasibility of the Aquatic Reserve site be referred for inclusion in Warringah Aquatic Centre Site Development Strategy which is currently in the process of being prepared*
- 6. That Council take a proactive approach to attracting external funding (grants, public private partnerships, etc) to fund the construction of synthetic surfaces*

Supporting information from Staff

Staff presented an update to the SRG on the direction of the upcoming report on Potential Synthetic Sport Fields Sites in Warringah which included the draft recommendations to Council. The final report to Council on this topic will be submitted for the October or November 2012 Council Meeting. The SRG's endorsement of the draft recommendations will be covered in this report therefore, at this time, no further action is required to carry out this recommendation.

3 Item 5.7 – SRG Review – Survey Results

That the SRG members support that:

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

Supporting information from Staff

The comments from the Recreation and Open Space SRG will be considered as part of the Strategic Engagement Framework review comprising the Strategic Reference Groups and Community Committees and the subsequent report to Council that is due in August 2012.

Recommendation for Deputy General Manager Environment (A)

That the Recreation and Open Space Strategic Reference Groups support for minor amendments to the Strategic Reference Group structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the ward pre-requisite for members in the guidelines be NOTED.

Environmental Sustainability SRG – Recommendations of Meeting 7 May 2012**1 Item 5.3 – Preliminary Finding from Stage 1 of Narrabeen Lagoon Dredging Project**

That the SRG supports the protection of environmentally sensitive areas of the lagoon as a priority and recommends the smallest possible disturbance and no net loss of potential seagrass habitat as an objective of the dredging project

Supporting information from Staff

The Environmental Sustainability Strategic Reference Group recommendation has been included in the Council report on this project that is being considered at the 24 July 2012 meeting.

The recommendation aligns with the overall direction of the project, and reflects existing positions of Council on this project as reflected in the draft Narrabeen Lagoon Plan of Management, and Mayoral Minute 20/2011.

The recommendation also supports the findings of the community consultation undertaken during Stage 1 of this project. The results suggest that there is adequate support within the broader community for selective dredging to improve recreational access, however the majority of the community emphasise that environmental considerations must be balanced with recreational uses, with environmental protection identified as the important priority.

As reflected in Deputy General Manager's recommendations in the Council report of 24 July 2012, Stage 2 of the project is proposed to be undertaken in a way that reflects the resolutions of the Strategic Reference Groups.

As Council will be considering the Narrabeen Lagoon Dredging at the 24 July 2012 meeting and the SRG's recommendation has been included in the report, this matter has been addressed and does not require any further action.

2 Item 5.4 – SRG Review

That the ES-SRG meetings:

- move to Bimonthly (6 per year)
- change to 2 hours with potential of 1/2 extension per meeting
- run from 6.30-8.30pm
- have the flexibility to have a workshop or a formal meeting

Supporting information from Staff

The comments from the Environmental Sustainability SRG will be considered as part of the Strategic Engagement Framework review comprising the Strategic Reference Groups and Community Committees and the subsequent report to Council that is due in August 2012.

Recommendation for Deputy General Manager Environment (B)

That the Environmental Sustainability SRGs support for minor amendments to the SRG structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the flexibility for workshops and formal meetings be NOTED.

3 Item 7.2 – Recommendation to SRG from Warringah Coastal Community Committee (WCCC) – Recommendation A

That the SRG notes the WCCC recommendations in relation to the Coastal Erosion Emergency Action Plan and that the comments of the WCCC have been incorporated by staff into the report to Council (dated 27 March 2012).

- *The Warringah Coastal Committee does support the staff recommendation to not install works to protect council public assets in the interim period until the required studies are completed*
- *That Council ensure that cost-benefit analyses are completed before coastal erosion protection works are considered in the future*

Supporting information from Staff

The comments of the Warringah Coastal Community Committee were incorporated into the report considered by Council at its meeting held 27 March 2012. The Minister for the Environment (Robyn Parker MP) certified Council's Coastal Erosion Emergency Action Subplan on 1 May 2012. As such the recommendation from the SRG has been completed and requires no further action.

4 Item 7.2 – Recommendation to SRG from Warringah Coastal Community Committee (WCCC) – Recommendation B

That the WCCC recommendations be forwarded to Council staff to be incorporated as part of the community consultation process in the development of the Birdwood Dune Landscape Masterplan:

- *That the Birdwood Dune issues, in terms of height, sight lines and vegetation, be prioritized within the landscaping master plan and addressed as an issue of high priority in the upcoming first stage of work on the Birdwood Dune landscaping*
- *That Warringah Council investigate State and Federal grant funding opportunities in order to address this issue, spearheading a project that could become a project of high significance in terms of environmental sustainability and leadership in coastal vegetation and beach erosion management*
- *That adequate funding allocated in the 12/13 budget to commence works on the dune-scaping and re-vegetation*

Supporting information from Staff

The Warringah Coastal Community Committee recommendations have already been provided to Council staff for incorporation into the community consultation process for the Development of the

North Narrabeen Beach Reserve and Birdwood Park Masterplan. As such no further action is required from Council at this time to carry out the SRG recommendations.

5 Item 7.2 – Recommendation to SRG from Warringah Coastal Community Committee (WCCC) – Recommendation C

That the WCCC recommendation below be forwarded to Council staff to be incorporated as part stormwater community consultation:

That as part of the Collaroy Stormwater replacement Council consider options to recycle water or to use local parks as retention and absorption basins (covered by community gardens or car parks)

Supporting information from Staff

This recommendation was provided to Council staff and subsequently included in the report to Council of 26 June 2012. The report advised:

“This is a beneficial aim, however the current project scope is limited to replacing the failing stormwater outlet rather than the broader Collaroy stormwater network. There will be further work done to try and minimise flooding upstream of Pittwater Road, and options for recycling, detaining etc can be considered as part of that work.”

Council subsequently resolved:

That Council

- A. adopts the Middle Beach option (replacement at the site of the existing outlet structure) as the location for the new Collaroy stormwater outlet and that its length be kept to the minimum required and
- B. provides a further briefing after the detailed preparation be presented to councillors.

As this recommendation was included and addressed in the report to Council on 26 June, no further action is required at this time.

6 Item 7.2 – Recommendation to SRG from Warringah Coastal Community Committee (WCCC) – Recommendation D

That the SRG does not support the following WCCC recommendation:

That all Coastal Committee recommendations be reported directly to Council in the interim

Supporting information from Staff

The recommendation from the Warringah Coastal Community Committee is not supported as it is not in accordance with the Charter of either the Warringah Coastal Community Committee or the Environmental Sustainability Strategic Reference Group. These Charters require that the recommendation of the Warringah Coastal Community Committee be reported to the Environmental Sustainability Strategic Reference Group and subsequently via the Minutes to Council. Further to this, the Warringah Coastal Community Committees recommendation and the subsequent recommendation by the Strategic Reference Group not to support the Coastal Committees recommendation will be noted within the SRG review report to Council.

7 Item 7.2 – Recommendation to SRG from Warringah Coastal Community Committee (WCCC) – Recommendation E

That the WCCC recommendation below be included as part of the SRG and CC Review:

That the Coastal Committee be awarded SRG status

Supporting information from Staff

The recommendation from the Warringah Coastal Community Committee was provided as a submission to the Strategic Reference Group and Community Committee Review which will be reported to Council at the August 2012 meeting.

Infrastructure and Development SRG – Recommendations of Meeting 10 May 2012**1 Item 5.2 – Update on Warringah Design Guidelines – Public Spaces STR-PR 350**

That if the current Infrastructure and Development SRG members do not get the opportunity to see the finalised guidelines as a result of the Local Government Elections, the adoption of the policy is held over until it is presented to a meeting of the Infrastructure and Development SRG meeting.

Supporting information from Staff

The Infrastructure and Development SRG was concerned that they would not see the final Warringah Design Guidelines prior to them being reported to Council due to the September 2012 Local Government Elections and consequent potential changes to SRG membership. The SRG guidelines advise that SRGs will continue to operate until the next general election of councillors, and at such time, the SRGs will need to be formally reconstituted (therefore this could mean a change in membership).

The draft guidelines will be listed for discussion and input sought from the Infrastructure and Development Strategic Reference Group members at the August Meeting.

The final guidelines will not be reported to Council prior to the Local Government Elections taking place therefore the SRG members concerns about not seeing the finalised Warringah Design Guidelines – Public Spaces STR-PR 350 has been addressed.

2 Item 5.3 – SRG Review – Survey Results

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)*

Supporting information from Staff

The comments from the Infrastructure and Development Strategic Reference Group will be considered as part of the Strategic Engagement Framework review comprising the Strategic Reference Groups and Community Committees and the subsequent report to Council that is due in August 2012.

Membership and the selection process was taken to the Strategic Reference Group workshop on 29 May 2012. The issue was not rated as one of the top issues and therefore was not given further consideration at this workshop.

Recommendation for Deputy General Manager, Environment (C)

That the Infrastructure and Development Strategic Reference Groups support for minor amendments to the Strategic Reference Group and Community Committee structure and guidelines including: a move to bi monthly meetings; maintaining current meeting times; that the preference of ward membership remains; amendment to the order of business on the agenda; the definition of 'community members' and; staff attendance at selected Community Committees be NOTED.

Community and Culture SRG – Recommendations of Meeting 14 May 2012**1 Item 5.1 – Update on Actions from Previous Meeting (Heritage Community Committee Summary of Minutes) – Recommendation A**

- 1) That Council request staff to develop a policy in relation to plaques.*
- 2) That existing plaques be publicised on the Council Website including a map of all plaques.*
- 3) That Council investigate whether heritage plaques in Dee Why fall within the budget of the Dee Why Town Centre working party.*

Supporting information from Staff

Council resolved at its meeting of 26 June 2012 to investigate a Heritage Plaques Policy and provide a further report on development of a policy. The provision of information to the community in relation to walks and the location of any clusters of such items would be a key aspect of the policy.

The Council resolved as follows

That Council be furnished with a short report on the development of a heritage plaques policy within 6 months or less as necessary in order to be considered for funding in 2013/14. The report will include the project scope, timing and cost of the development and implementation of such a policy. The Policy will address initiatives such as:

- *Suggested walks and/or drives based on themes - indigenous, European settlement, architectural, industrial, commercial, environmental, etc.*
- *Supplementary supporting information for use by the public, accessed via Council's website and distributable printed material*
- *Plaques installed at places of significance; places to include items listed in the WLEP Schedule 5 and sites where historically and culturally significant structures once stood and activities once occurred*
- *The plaques are to include enough information so that a casual observer is able to understand that the place is historically and/or culturally significant, and links to additional information*

The resolution of Council will be enacted and the results reported back to both the Strategic reference Group and Council later in 2012. This will enable funding of future activities to be considered for the 2013/14 budget. The report back to Council on Heritage Plaques will address and contain a community engagement and awareness plan to ensure that the wider community is made aware of such an initiative. This may include website promotion.

The Dee Why Working Group is considering broader strategic issues for the town centre and as such detailed matters such as heritage walks are outside the scope of the group at this time. Once the strategic directions for Dee Why are set, resources have been identified to develop a street-life improvement plan.

As recommendations 1 and 2 are covered within the Council resolution of 26 June 2012 and recommendation 3 is clarified above, there is no need for a further resolution of Council.

2 Item 5.1 – Update on Actions from Previous Meeting (Heritage Community Committee Summary of Minutes) – Recommendation

1. *The SRG supports the inclusion of Heritage information on the new design of the website.*
2. *The SRG notes that under the Business Paper, Updates on Actions from the previous meeting (Item 9.4 Draft Minutes of the Heritage Community Committee meeting held 15 August 2011, Item 3.11 – Cultural Policy) the review of the cultural plan is mentioned consequently the SRG wants to be informed about the extent of the review of the cultural plan.*

Supporting information from Staff

1. Council has been working through the content requirements for the next generation of Council's website. The new site will include a section on the heritage of Warringah. The recommendation from the Heritage Community Committee was included in the planning process and has been actioned.
2. An update from the new Arts & Cultural Development Officer will be coming to the August Community and Culture SRG meeting to provide an update on the Cultural Plan and this will included as a regular agenda item for the SRG.

As both recommendation points are being actioned there is no requirement for a further recommendation to Council.

3 Item 6.1 – Future of Glen Street Theatre

The SRG endorses the current direction of the theatre and supports the 2012-2013 Capital Budget for Glen Street Theatre, including accessibility in accordance with the new Code.

Supporting information from Staff

The SRG endorsed the Masterplan for the Glen Street Theatre site which proposes a three stage development: Stage 1 - Upgrade of foyer and landscaping of outside area of theatre to make the venue more accessible, create better public spaces as part of making Glen Street a destination; Stage 2 - Development of a café on the Glen Street side of the building as part of rejuvenating the site as a community hub in light of the stalemate with the development of the Glenrose Shopping Centre and Stage 3 - Relocation of the Belrose Library site to the Glen Street Theatre site, creating a cultural precinct.

This endorsement and support for the direction of Glen Street Theatre does not need any further action from Council or staff therefore no recommendation to Council has been made.

10.0 NOTICES OF MOTION

ITEM 10.1	NOTICE OF MOTION NO 26/2012 PROPOSED LEASE FOR SURF LIFE SAVING SYDNEY NORTHERN BEACHES INCORPORATED (SLSSNB)
TRIM FILE REF	2012/285539
ATTACHMENTS	1 Warringah Surf Rescue Building Plans

Submitted by: Councillor Vincent De Luca OAM

MOTION

That this Council resolves to:

- 1 Call upon the Minister responsible for Crown Lands to exercise his or her powers under section 34A of the Crown Lands Act to enter into or authorise Warringah Council to enter into a lease of the building known as the Warringah Surf Rescue Building, at Fisherman's Beach, and land adjacent to it (as per attached plans) with Surf Life Saving Sydney Northern Beach (SLSSNB) Inc on the following terms and conditions:
 - a. A term of 21 years.
 - b. Annual minimal rent (indexed each year pursuant to CPI) in recognition of the value of the contribution of volunteer surf lifesavers and the SLSSNB volunteer surf lifesaving services and ancillary rescue equipment.
 - c. The Branch to be responsible for the repair and maintenance of the interior of the building (excluding public toilets and "Marine Environmental Educational Facility" area).
 - d. The SLSSNB is to be responsible for the repair and maintenance of the exterior of the building (other than items of a capital expenditure nature) including the repainting of the building every 10 years, repairs of broken glass and windows, roofing, guttering and downpipes.
 - e. The SLSSNB to grant a sub-lease over an area on the ground floor (to be agreed, but not less than 45 square metres), and should a Development Application be approved for an extension of the building/ facilities, an area on the first floor (to be agreed) for use as a "Marine Environmental Educational Facility" incorporating the current "Reef Care/Fish Care" groups.
 - f. All other terms and conditions as per the most recent Surf Club leases (as applicable), including shared use of the Radio Room and surf rescue craft facilities by Warringah Council Lifeguard staff.
- 2 Requests Council's General Manager to write to the Minister with portfolio responsibility for Crown Lands advising of part (1) above.

BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM

Surf Life Saving Sydney Northern Beaches (SLSSNB) have used this respective building for approximately 30 years for surf rescue activities and to store surf rescue equipment. While Council staff have indicated consideration should be given to commercial purposes, such as a restaurant or café, I do not believe that to be in the public interest and the purpose for which SLSSNB seeks to

lease the building is an admirable objective in seeking to continue with surf lifesaving activities and storage as well as facilitate accommodation for a Marine Environmental Education Facility incorporating the current Reef Care/Fish Care Groups.

The respective land is owned by the Crown. Pursuant to section 34A of the Crown Lands Act (the Act), as outlined hereunder, the Minister with portfolio responsibility for Crown Lands may grant a lease or licence over any reserve, if he/she sees fit and after consulting with the relevant reserve manager (in this case Warringah Council). This provision of the legislation overrides the requirements of section 114(2) of the Act. This Notice of Motion, if passed, therefore indicates Warringah Council's opinion on the matter for the purpose of consultation.

34A Special provisions relating to Minister's powers over Crown reserves

- (1) Despite any other provision of this Act, the Minister may grant a lease, licence or permit in respect of, or an easement or right-of-way over, a Crown reserve for the purposes of any facility or infrastructure or for any other purpose the Minister thinks fit. Any such lease, licence, permit, easement or right-of-way is referred to in this section as a relevant interest.
- (2) The following provisions apply in relation to the granting of a relevant interest:
 - (a) The Minister is to consult the following persons or bodies before granting the relevant interest:
 - (i) The person or body managing the affairs of the reserve trust (if any) appointed under Part 5 as trustee of the Crown reserve that is the subject of the relevant interest,
 - (ii) If the Crown reserve is being used or occupied by, or is being administered by, a government agency—the Minister to whom that agency is responsible,
 - (b) if the Crown reserve is to be used or occupied under the relevant interest for any purpose other than the declared purpose (as defined in section 112A) of the reserve—the Minister is to specify, by notice published in the Gazette, the purposes for which the Crown reserve is to be used or occupied under the relevant interest,
 - (c) The Minister is not to grant the relevant interest unless the Minister:
 - (i) Is satisfied that it is in the public interest to grant the instrument, and
 - (ii) Has had due regard to the principles of Crown land management.
- (3) Failure to comply with subsection (2) (a) does not affect the validity of the relevant interest concerned.
- (4) The proceeds from a relevant interest are to be applied as directed by the Minister.
- (5) Without limiting subsection (4), any such direction by the Minister may include any of the following:
 - (a) A direction that the proceeds (or part of the proceeds) be paid to the Consolidated Fund or to the Public Reserves Management Fund constituted under the Public Reserves Management Fund Act 1987,
 - (b) In the case of a relevant interest granted in respect of a Crown reserve for which a reserve trust has been appointed as trustee under Part 5—a direction that the

proceeds (or part of the proceeds) be paid to the reserve trust or to another reserve trust,

- (c) In the case of a relevant interest granted in respect of a travelling stock reserve under the care, control and management of a livestock health and pest authority—a direction that the proceeds (or part of the proceeds) be paid to that livestock health and pest authority,
 - (d) In the case of a Crown reserve referred to in subsection (2) (a) (ii)—a direction that the proceeds (or part of the proceeds) be paid to the relevant government agency.
- (6) The provisions of:
- (a) Divisions 3 and 3A apply in relation to a lease granted under this section, and
 - (b) Division 4 apply in relation to a licence granted under this section, and
 - (c) Division 5 apply in relation to an easement granted under this section as though the easement was granted or created under that Division, and
 - (d) Division 6 apply in relation to a permit granted under this section as though the permit was granted under that Division.

Accordingly, in relation to the granting of a relevant instrument, a reference in Divisions 3–6 to Crown land includes a reference to a Crown reserve.

(6A) Nothing in this section affects the operation of section 35.

(7) In this section:

Crown reserve means land that is, or is part of, a reserve within the meaning of Part 5, and includes:

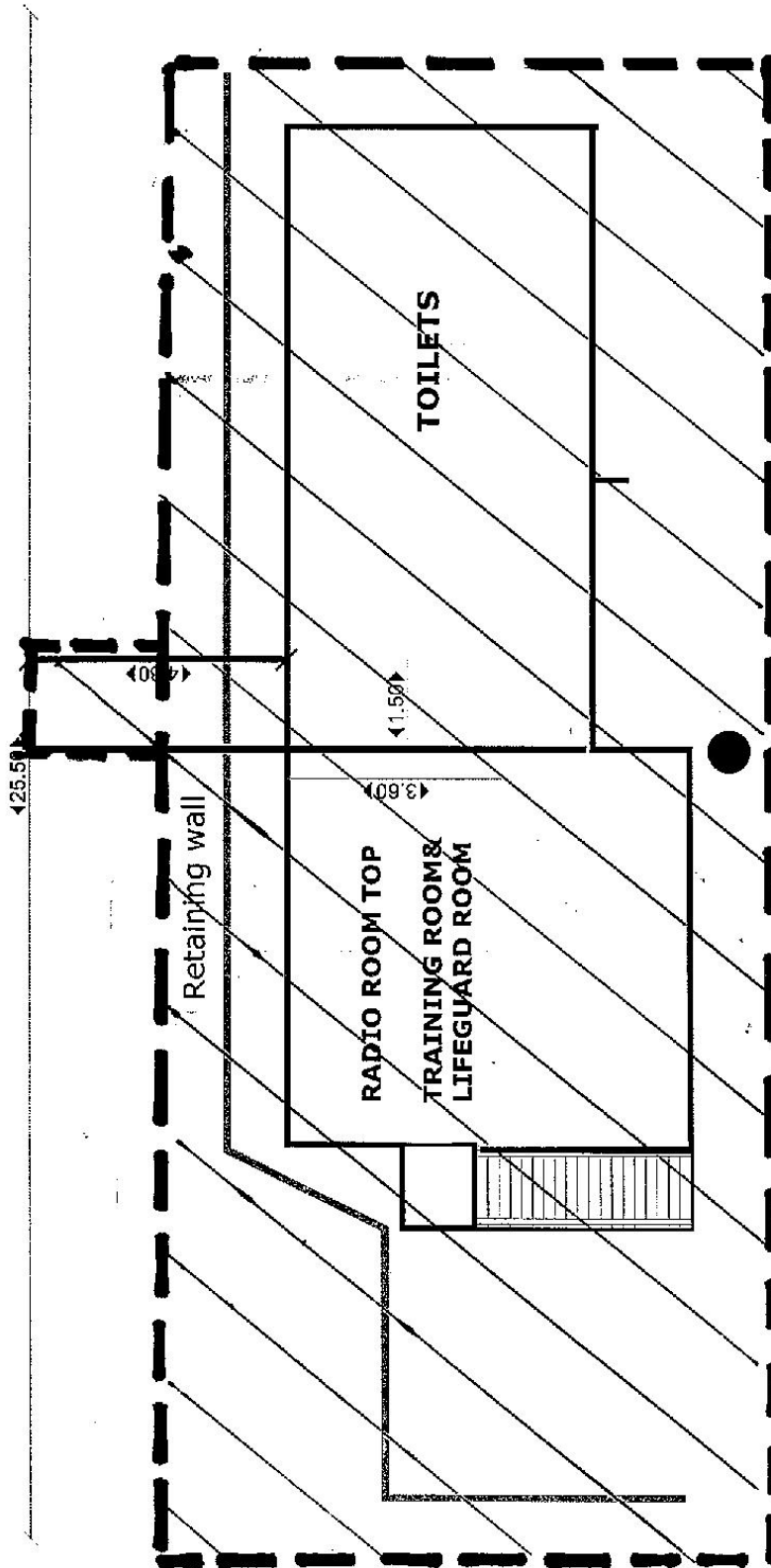
- (a) Land within a travelling stock reserve, or
 - (b) Land within any other reserves for public purposes under the control of trustees or other authorities.
- (8) For the avoidance of any doubt, the power of the Minister to grant a relevant interest in respect of a Crown reserve under this section includes the power to enter into an agreement for such a relevant interest.
- (9) A Crown reserve the subject of a special purpose lease within the meaning of Division 3A may be leased under this section, but only if the granting of a lease under this section is authorised by, and complies with, the terms of the special purpose lease.

The Plan of Management was adopted under the provisions of section 114 of the Crown Lands Act 1989. Warringah Council as the reserve trust manager has care, control and management over the area which includes the Building.

It must be noted from the outset that Plans of Management are not written as precise legal documents (such as legislation or delegated legislation) and the interpretation of them should not be approached as such.

It appears that the only absolute restriction on exclusive use of the Building is for commercial uses (section 5.4.1). The Plan of Management only explicitly seeks to restrict the exclusive use of the building by 'commercial uses'. Surf Life Saving is not a commercial operation nor would SLSSNB be undertaking commercial uses.

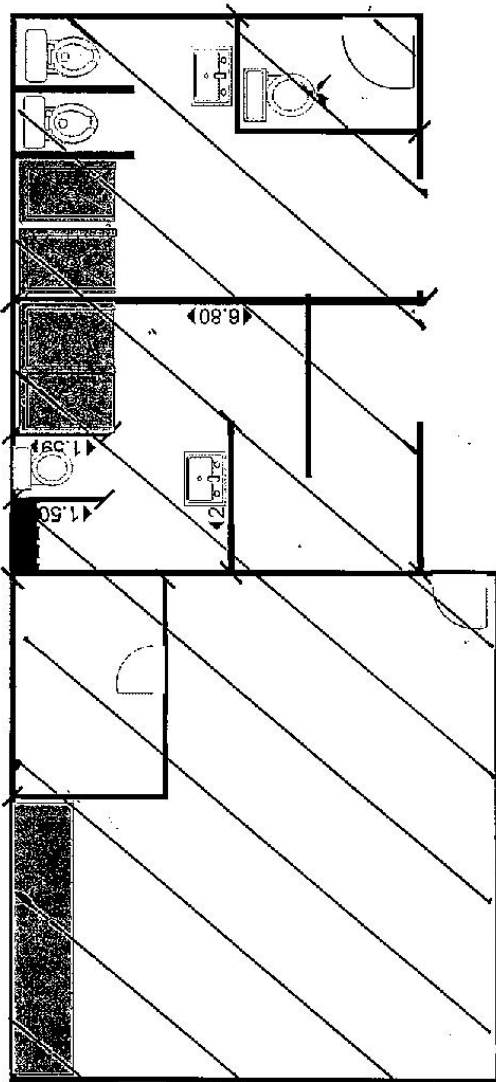
Staff have confirmed that this motion can be carried out within the current operational budget.



WARRINGAH SURF RESCUE CURRENT FOOTPRINT PLAN



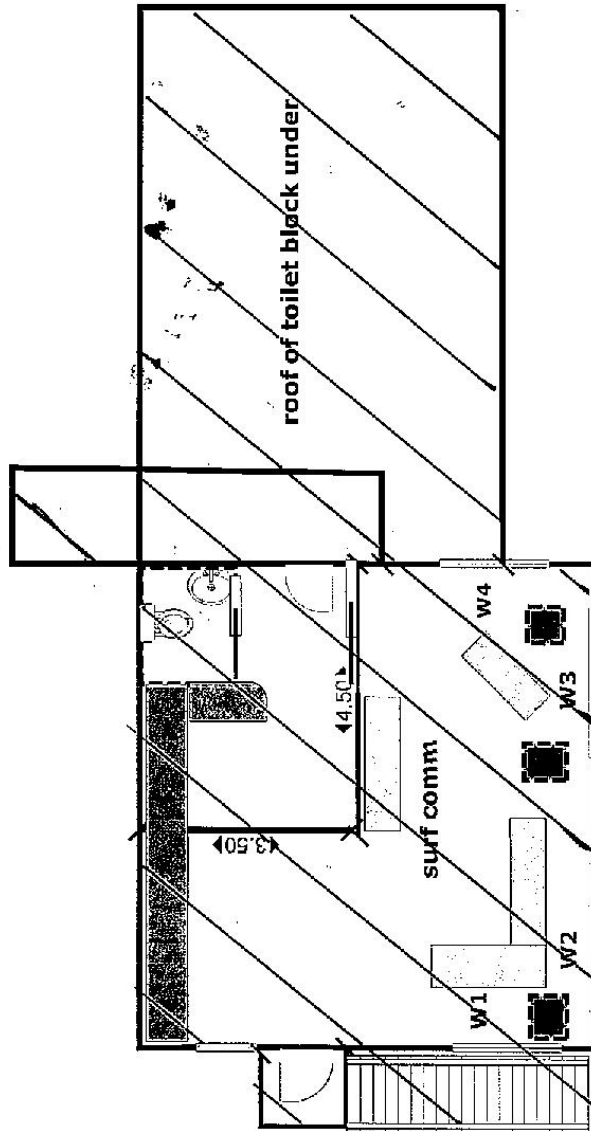
PROPOSED LEASE AREA FROM CROWN LANDS



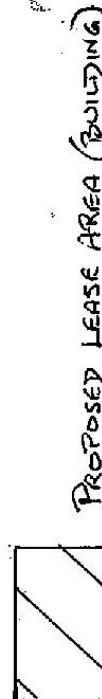
CURRENT GROUND FLOOR PLAN AND TOILET BLOCK



PROPOSED LEASE AREA (BUILDING)



CURRENT UPPER FLOOR LAYOUT PLAN - WARRINGAH SURF



12.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 12.1	RESPONSE TO QUESTION ON NOTICE NO 19/2012 TRAFFIC CONGESTION AND OBSTRUCTION INTERSECTION OF PITTWATER AND FISHER ROADS
TRIM FILE REF	2012/279843
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Could Council please investigate and liaise with if necessary the relevant NSW Government Department the synchronization of the traffic lights at Fisher and Pittwater Roads Dee Why, and the lights near Pacific Parade, where there is high congestion due to cars banking up and obstructing traffic due to the non-synchronisation of the respective traffic lights?

RESPONSE

Pittwater Road is a main road under the care and control of the Roads and Maritime Services (RMS). On 7 June 2012 Council staff wrote to the Network Leader Roads and Maritime Services requesting a review of the synchronisation of the traffic signals along Pittwater Road between Brookvale and Dee Why in the morning and afternoon peak hour periods. This matter was raised with the RMS Representative at the Traffic Committee meeting on 3 July 2012. We were subsequently advised that the matter has been referred to the RMS Network Operations Unit who are still investigating the matter and should respond soon.

ITEM 12.2**RESPONSE TO QUESTION ON NOTICE NO 20/2012
CONTINUING MALFUNCTIONING STREET LIGHTS HARBORD
AND ABBOTT ROADS****TRIM FILE REF****2012/279845****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Could Council please liaise with Ausgrid so it permanently fixes the continuing malfunctioning street lights at the intersection of Harbord and Abbott Roads?

RESPONSE

The location was subject to a night time inspection 21 May 2012 with Ausgrid and Council staff. A further formal request was lodged with Ausgrid the next day.

ITEM 12.3**RESPONSE TO QUESTION ON NOTICE NO 21/2012
INSTALLATION OF TRAFFIC LIGHTS AND REMOVAL OF
PARKING OUTSIDE COLLAROY CINEMA AND SHOPS****TRIM FILE REF****2012/279848****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

What public consultation has or will be undertaken regarding the installation of traffic lights outside the Collaroy Cinema and shops prior to a decision being made on this proposal?

RESPONSE

The Collaroy Accessibility Precinct Masterplan for an upgraded beach precinct at Collaroy Beach is currently on exhibition for public comment. The Masterplan identifies the possible future traffic light installation.

As part of developing the Masterplan, Council investigated the impacts of installing an additional signalised pedestrian crossing across Pittwater Road. As part of the study, Council's traffic consultant interviewed business owners to hear their views. Their views were mostly neutral in considering the improved access to the car park and the associated loss of onstreet parking. A small number of business owners did not support the proposal or were concerned at the loss of short term parking.

Council staff are currently negotiating with Roads and Maritime Services (RMS) regarding the exact location of the proposed pedestrian crossing with a view to ensure the impact on existing parking is minimised. Council staff will consult with local business and property owners once a suitable arrangement is agreed to by RMS, including any available options to offset any loss of parking with alternate parking arrangements. If necessary, the results of the consultation could be reported back to Council.

The public exhibition period closes on Tuesday 31 July 2012.

Business owners concerns about parking are noted and the owners are encouraged to make a submission on the Collaroy Precinct Masterplan to ensure their concerns are fully considered.

A report on the results of the Masterplan consultation will be submitted to Council in August.

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

RECOMMENDATION

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

- Item 13.1 RFT 2012/030 - Turf Cricket Wicket and Outfield Maintenance Tender
- Item 13.2 RFT 2012/031 - Line Marking of Sports Fields
- Item 13.3 RFT 2012/035 - Construction of Cromer Park Field 3, 4 and 5

Matters to be Discussed During Closed Session - Section 10D

- Item 13.1 RFT 2012/030 - Turf Cricket Wicket and Outfield Maintenance Tender
- Item 13.2 RFT 2012/031 - Line Marking of Sports Fields
- Item 13.3 RFT 2012/035 - Construction of Cromer Park Field 3, 4 and 5

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

- Item 13.1 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
- Item 13.2 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
- Item 13.3 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

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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