

# 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 22 MAY 2012**

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



Rik Hart  
General Manager

(2012/06)

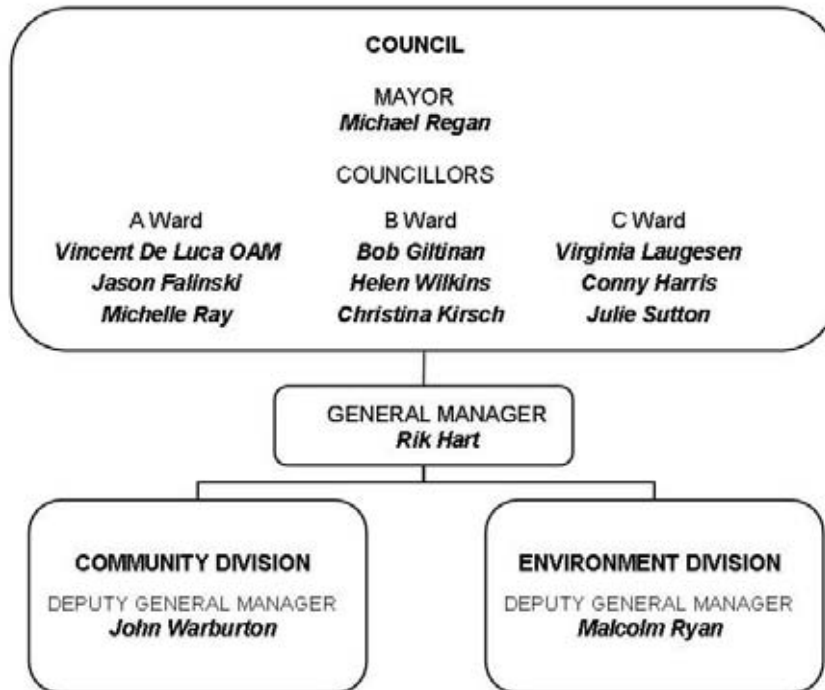


Warringah Council



# Warringah Council Organisational Structure

warringah.nsw.gov.au



## Our Vision : Our Values

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### 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 22 May 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 Council Meeting held 24 April 2012

2.2 Minutes of Extraordinary Council Meeting held 1 May 2012

**3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

**4.0 PUBLIC FORUM**

**5.0 MAYORAL MINUTES**

5.1 Mayoral Minute No 4/2012

Freshwater Dining Pods - Call to the Community for Expressions of Interest

*Report to be distributed separately*

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- 14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**



## **2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 APRIL 2012**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council of 24 April 2012, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

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### **2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 1 MAY 2012**

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#### **RECOMMENDATION**

That the Minutes of the Extraordinary Meeting of Council of 1 May 2012, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

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## 6.0 GENERAL MANAGER'S REPORTS

<b>ITEM 6.1</b>	<b>MINUTES OF THE SHOROC INC BOARD MEETING HELD 2 MAY 2012</b>
<b>REPORTING MANAGER</b>	<b>GENERAL MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/227138</b>
<b>ATTACHMENTS</b>	<b>1 Minutes of the SHOROC Inc Board Meeting - 2 May 2012 (Excluded from Agenda)</b>

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### REPORT

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#### **PURPOSE**

To report the decisions of the SHOROC Incorporated Board Meeting of 2 May 2012 (Attachment) for the Council's information.

#### **REPORT**

The Board of SHOROC Incorporated met at Brookvale on Wednesday 2 May 2012. Submitted herewith are the minutes from the SHOROC Incorporated Board Meeting for the Council's consideration.

#### **FINANCIAL IMPACT**

Nil

#### **POLICY IMPACT**

Nil

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#### **RECOMMENDATION OF GENERAL MANAGER**

That the Minutes of the SHOROC Incorporated Board Meeting of 2 May 2012 be noted and the recommendations contained therein be ADOPTED.

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<b>ITEM 6.2</b>	<b>MONTHLY FUNDS MANAGEMENT REPORT APRIL 2012</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2012/229193</b>
<b>ATTACHMENTS</b>	<b>1 Application of Funds Invested</b> <b>2 Council's Holdings as at 30 April 2012</b> <b>3 Investment Portfolio at a glance</b> <b>4 Monthly Investment Income vs. Budget</b> <b>5 Economic Notes</b>

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**REPORT**

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**PURPOSE**

To report the balance of investments held as at 30 April 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 April 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 April 2012 is \$4,514,750 which compares favourably to the budgeted income of \$4,002,785 a variance of \$511,965.

**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 (April 2012) continues to be strong having exceeded the benchmark, 6.10%pa vs 4.83%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.

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**RECOMMENDATION OF GENERAL MANAGER**

- A. That the report indicating Council's Funds Management position be received and noted.
  - B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.
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Application of Investment Funds	Description	Value (\$)
<b>Restricted Funds:</b>		
Externally Restricted	Section 94 Old Plan	25,713,742
	Section 94A Plan Contributions	5,932,050
	Sports fields, ESSR, Domestic Waste, Infrastructure Levies & Unexpended Grants	15,917,530
Internally Restricted Reserves	Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Beach Parking.	8,800,309
Unrestricted Funds	Funds Allocated to meet Current Budgeted Expenditure	24,488,778
<b>Total</b>		<b>80,852,409</b>

There has been a decrease in the investments held of \$6,817,721, which is in line with budgeted movements at this time of year.

#### Reconciliation of Cash Book

Description	Value (\$)
Council's Cash Book balance	235,125
Kimbriki Bank balance	1,906,800



**Investments Funds Report - As at 30-Apr-12**

Maturity date	Face Value	Current Yield	Borrower	Standard & Poor's Rating	Current Value
<b>Floating Rate Note Investment Group</b>					
15-Mar-13	2,000,000	6.6600	HSBC Bank Australia Subordinated Debt	A	1,987,308
23-Apr-14	1,000,000	5.1600	Deutsche Bank AG London Sub Notes	BBB+	965,289
	<b>3,000,000</b>				<b>2,952,597.26</b>
<b>Floating Rate Note Investment Group - Held to Maturity</b>					
18-Jun-13	1,000,000	5.5300	Suncorp Metway	A+	1,000,000
	<b>1,000,000</b>				<b>1,000,000</b>
<b>Mortgage Backed Securities Investment Group</b>					
<b>Weighted Avg Life *</b>	<b>Face Value</b>				
22-Aug-14	1,864,670	4.7950	Emerald Series 2006-1 Class A	AAA	1,584,030
	<b>1,864,670</b>				<b>1,584,030</b>
<b>Term Investment Group</b>					
8-May-12	3,000,000	5.9000	Bank of Queensland	A-2	3,000,000
10-May-12	2,000,000	6.1000	National Australia Bank Ltd - Govt Business	A-1+	2,000,000
18-May-12	2,000,000	6.3700	ING Bank (Australia) Limited	A-1	2,000,000
28-May-12	3,000,000	5.8000	National Australia Bank Ltd - Govt Business	A-1+	3,000,000
30-May-12	2,000,000	5.8700	National Australia Bank Ltd - Govt Business	A-1+	2,000,000
31-May-12	2,000,000	6.4000	Members Equity Bank Melbourne	A-2	2,000,000
1-Jun-12	1,000,000	6.4000	Members Equity Bank Melbourne	A-2	1,000,000
8-Jun-12	1,000,000	6.3000	Bank of Queensland	A-2	1,000,000
8-Jun-12	2,000,000	5.8100	St. George Bank Limited	A-1+	2,000,000
8-Jun-12	2,000,000	5.9500	Members Equity Bank Melbourne	A-2	2,000,000
19-Jun-12	1,000,000	5.8500	Bank of Western Australia	A-1+	1,000,000
22-Jun-12	2,000,000	5.8000	Bank of Western Australia	A-1+	2,000,000
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
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
18-Sep-12	1,000,000	5.9000	Bank of Queensland	A-2	1,000,000
26-Sep-12	1,000,000	5.7500	Members Equity Bank Melbourne	A-2	1,000,000
10-Oct-12	1,000,000	5.9000	Members Equity Bank Melbourne	A-2	1,000,000
26-Oct-12	2,000,000	6.0000	ING Bank (Australia) Limited	A-1	2,000,000
12-Nov-12	2,000,000	5.9700	ING Bank (Australia) Limited	A-1	2,000,000
19-Nov-12	1,000,000	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-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
	<b>59,000,000</b>				<b>59,000,000</b>
<b>Term Investment Group &amp; Cash Deposit Account</b>					
<b>Rollover Date</b>	<b>Face Value</b>	<b>Current Rate</b>	<b>Borrower</b>	<b>Rating</b>	
Cash Account	17,130	3.7000	CBA (Brookvale Oval Flood Lighting)	A-1+	17,130
Cash Account	4,759,154	4.7500	CBA (Business Saver)	A-1+	4,759,154
Cash Account	1,003,766	4.7500	CBA Business Saver Narabeen Lagoon	A-1+	1,003,766
18-Jun-12	1,000,000	5.0000	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-May-12	506,327	4.5456	CBA Money Market Kimbriki 10162612	AA-	506,327
	<b>16,315,781</b>				<b>16,315,781</b>
	<b>81,180,452</b>				<b>80,852,409</b>
<b>Closing Balance:</b>					<b>80,852,409</b>

\* *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*





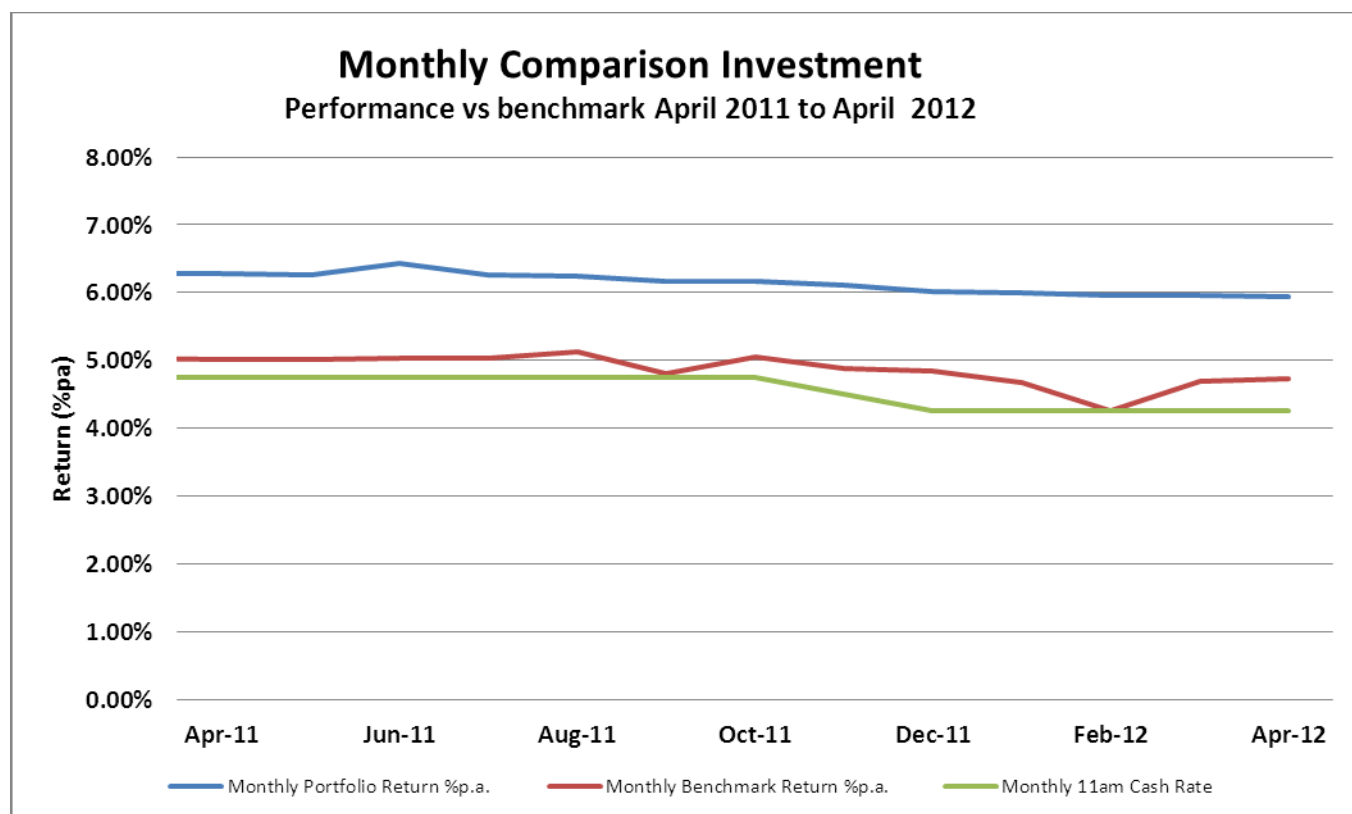
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
<b>Investment Policy Compliance</b>		
Legislative Requirements	✓	Fully compliant
Portfolio 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	5.95%	4.70%	4.25%
3 Months	5.97%	4.55%	4.25%
6 Months	6.03%	4.74%	4.38%
FYTD	6.10%	4.83%	4.50%
12 Months	6.17%	4.89%	4.56%

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

\*\* This benchmark relates to Cash Fund holdings



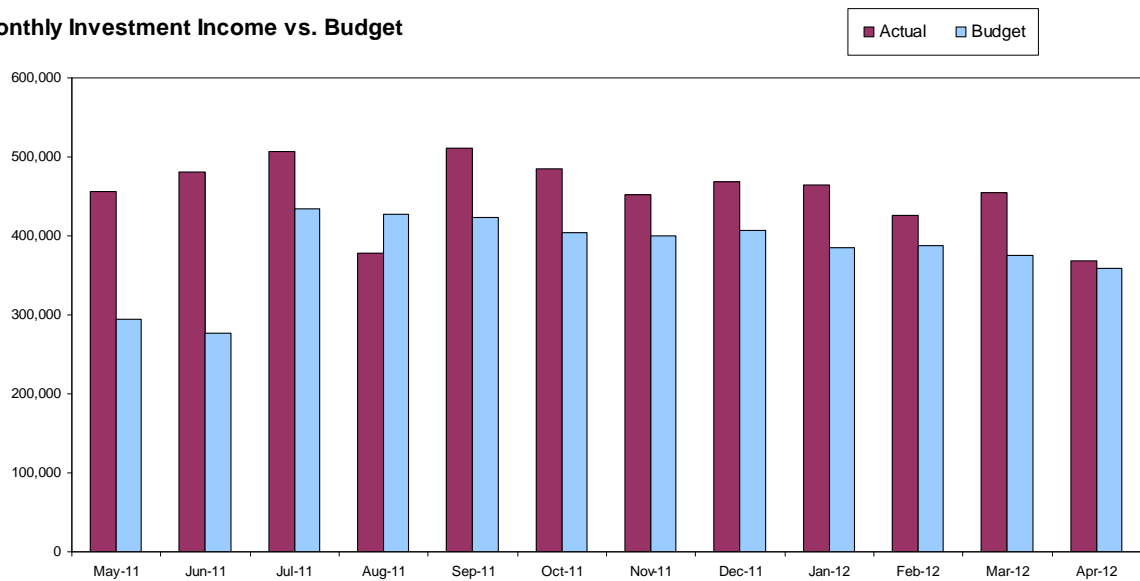


**Monthly Investment Income\* vs. Budget**

	<b>\$ April 12</b>	<b>\$ Year to Date</b>
Investment Income	415,768	4,551,059
Adjustment for Fair Value	(47,634)	(36,309)
Total Investment Income	368,133	4,514,705
Budgeted Income	359,405	4,002,785

\*Includes all cash and investment holdings

**Monthly Investment Income vs. Budget**



In April we have reflected a fair value decrease of \$47,634 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:**

- Anti-austerity parties made strong gains in Greek elections while French voters elected its first Socialist President in 17 years and the Dutch government collapsed after failing to pass deficit reduction policies. The backlash against austerity threatens to derail recent progress made to resolve the European debt crisis.
- S&P downgraded Spain from A to BBB+, its second downgrade this year, citing concerns about a deteriorating fiscal position and increasing likelihood that the government would have to provide support to its banks.
- Concerns are increasing that momentum in the US economy has stalled with GDP increasing by 2.2% in Q1 2012, against expectations of a 2.5% rise, and down from 3% in Q4 2011. Employment figures for April (115,000 new jobs, against expectations of 160,000) also disappointed. A growing US economy would normally post approximately 400,000 new jobs a month.

### **Domestic issues:**

- Inflation surprised to the downside falling to 2.2% in Q1, at the bottom end of the RBA's target band.
- The unemployment rate held steady at 5.2% in May, with 44,000 jobs being created. Both results were ahead of market expectations.

### **Interest rates:**

- The RBA lowered Australia's official cash rate by 0.50% to 3.75% following its April meeting. It indicated that "a reduction of 50 basis points in the cash rate was...judged to be necessary in order to deliver the appropriate level of borrowing rates."

## **Investment Portfolio Commentary**

Council's investment portfolio outperformed its benchmark in April. Without marked-to-market influences, Council's investment portfolio currently has an overall yield of 5.95%pa. This is based on the interest rates due on existing investments and excludes the underlying changes to the market value of the securities/deposits.

On a marked-to-market basis, taking into account all movements in capital, the portfolio returned 5.56%pa for the month versus the benchmark's 4.74%pa return.

Despite the surprise 0.50% cut in interest rates, financial institutions are still offering strong investment rates in selected tenures. For example, a BBB rated institution is offering 5.95%pa for a 2 year deposit, a rate which is more than 2.50% over the corresponding swap rate. It is recommended that Council take advantage of this rate provided that funds can be invested for this period of time.



<b>ITEM 6.3</b>	<b>CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER - COMPLAINT RE CONFLICT OF INTEREST ISSUE</b>
<b>REPORTING MANAGER</b>	<b>GENERAL MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/233714</b>
<b>ATTACHMENTS</b>	<b>1 Report by Annette Simpson - Conduct Reviewer 2 Terms of Reference and Letter of Appointment 3 Summary of telephone complaint Linda Tattershall 4 Summary of telephone interview with Lynne Rae 5 Transcript of interview with Councillor Bob Giltinan</b>

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### **EXECUTIVE SUMMARY**

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#### **PURPOSE**

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

#### **SUMMARY**

In February 2012, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor Giltinan. In particular, the complaint is made against Councillor Giltinan in relation to an alleged conflict of interest issue.

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, Ms Annette Simpson, was duly appointed. Ms Simpson made enquiries into the complaint and has now submitted her report into the matter. Attached for Council's consideration is a copy of the report (see Attachment 1).

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

#### **FINANCIAL IMPACT**

Nil

#### **POLICY IMPACT**

Nil

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#### **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.

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**REPORT**

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**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 February 2012, a complaint was made to the Internal Ombudsman alleging a breach of Council's Code of Conduct by Councillor Giltinan. In particular, the complaint is made against Councillor Giltinan in relation to an alleged conflict of interest issue. 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 Giltinan to a Sole Conduct Reviewer. A Conduct Reviewer, Ms Annette Simpson, was duly selected.

The Conduct Reviewer made enquiries into the complaint. The Conduct Reviewer has now concluded her enquiries and has submitted her report into the matter. Attached for Council's consideration is a copy of the report (Attachment A). 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.”*

(Emphasis added)

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

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

**FINANCIAL IMPACT**

Nil

**POLICY IMPACT**

Nil



**REVIEW OF COMPLAINTS AS TO THE CONDUCT  
OF COUNCILLOR BOB GILTINAN.**

**April 2012**

**Annette Simpson Dip Law MLLR  
Conduct Reviewer**

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• Manly Daily Articles x 2	
• Media Release re Expressions of Interest	
• Minutes of Meeting of Warringah Council Tuesday 13 December 2011	
• Minutes of Meeting of Warringah Council Tuesday 14 February 2012	
• Warringah Council Code of Conduct Version 8d, 8 September 2009	

## REVIEW OF COMPLAINTS AS TO THE CONDUCT OF COUNCILLOR BOB GILTINAN.

I have been requested by Mr Andrew Patterson, Internal Ombudsman of Warringah Council to review, and determine whether to make enquiries, on a complaint made by Ms Linda Tattershall and Ms Lynne Rae against the conduct of Councillor Bob Giltinan<sup>1</sup>. I have been advised by Mr Patterson that Ms Tattershall and Ms Rae are being treated as co-complainants. I have been retained as a Conduct Reviewer in accordance with the procedures set out in Sections 12, 13 and 14 of the Warringah Council's Code of Conduct.

The complaint from Ms Rae was in the form of emails addressed to Mr Patterson as Internal Ombudsman<sup>2</sup>. The complaint alleges that Councillor Bob Giltinan is in breach of the Council Code of Conduct in that he voted on a Council motion for rezoning of local property from recreation to residential use, and later a rescission motion on the same rezoning issue. Ms Rae alleges that Councillor Giltinan should have declared an interest and not voted on either motion because he has a conflict of interest or a perceived conflict of interest because of his involvement in a sport and recreation venue in the Council area. Ms Linda Tattershall made a phone complaint to Mr Patterson on the same basis.<sup>3</sup>

In reviewing this complaint I determined to make enquiries and so approached both Ms Rae and Ms Tattershall by phone and email for clarification and have put the complaints before Councillor Giltinan in a telephone conference<sup>4</sup>.

I have been requested, as Conduct Reviewer, to '*canvass all aspects of the alleged conflict of interest, real or perceived, and pecuniary or otherwise, the nature of the declaration and/or lack thereof, as well as the appropriateness of Councillor Giltinan voting on the matters.*' I am requested by Council to assess the complaint, determine whether to make enquiries, and report back to the Council on my findings.

### The Complaint:

Ms Rae's written complaint is as follows (3 emails):

*'I strongly believe that Cr Giltinan has a conflict of interest in this matter and should not be participating in the voting process. Cr Giltinan's Tennis and Squash Centre directly benefited from the closure of the Evergreen Recreation Centre (Courtsportz)*

<sup>1</sup> Tab 2 Terms of Reference

<sup>2</sup> Tab 2 Ms Rae's emails

<sup>3</sup> Tab 3 Summary of Ms Tattershall's complaint

<sup>4</sup> Tab 3 Transcript

*when it closed in December 2010. As reported in the Manly Daily on 19 November 2010 Courtsportz transferred all competitions, coaching, school activities and court hire to Giltinan's Tennis and Squash Centre.....Councillor Giltinan was quoted as saying that 'while it was sad to see a centre close, it had actually provided a boost to other facilities'...as such, I believe that Cr Giltinan cannot vote in an impartial and fair manner in this matter. As Cr Giltinan has not responded to my email and the rescission motion is next week I would appreciate if the matter could be investigated as a matter of urgency. Accordingly I request that if Cr Giltinan is found to have a conflict of interest in matters concerning item 8.4 of the Minutes of the Warringah Council meeting on 13 December 2011, or any other matters regarding the application to rezone the Evergreen Recreation Centre/Courtsportz located at 26 Campbell Avenue, Cromer, that this be noted and acted upon'. (Note: the copy of the email provided to me is undated).*

*'I wish to draw your attention to a direct conflict of interest concerning PEX2011/0001 the application to rezone the Evergreen Recreation Centre/CourtSportz located at 26 Campbell Avenue, Cromer from recreational to low density housing. The Application to rezone the land will be the subject of a rescission motion at the Council meeting on 14 February 2012.*

*On 1 February 2012 I emailed Cr Bob Giltinan concerning a potential conflict of interest. I have received no reply to date to the email I have copied below:*

*'Dear Mr Giltinan*

*I am writing to you about the rescission motion regarding the rezoning of Courtsportz that is due to be heard at the Council meeting on Tuesday 14 February 2012.*

*I respectfully ask whether you intend to vote in this matter on the night.*

*It could be perceived that you have a pecuniary conflict of interest because you run a competing tennis centre in the area and have most certainly benefited from the additional business obtained in the past year since Courtsportz closed its doors. I understand that many of the schools that were using Courtsportz are now using Giltinans for their sports and you yourself have said that the closure of Courtsportz has benefitted other facilities.*

*As a Warringah Councillor the community needs to know that the voting process is transparent and anybody involved in running a competing business should, in all fairness, preclude themselves.'*

*'I refer to my previous email to you and am concerned that Cr Bob Giltinan did not declare a pecuniary interest in a rescission motion relating to the rezoning of the Courtsportz site. He is quoted in the applicant's supplementary report (1) as saying 'got an immediate surge from Courtsportz patrons because Courtsportz was so close. This increase in bookings augmented a poor squash business up to that point'. The supplementary report relates to the Evergreen Estate Rezoning Application – Sports*

*courts planning and management aspects – (Supplementary information) Parkland Environmental Planners. September 2011.*

*I note that the Warringah Council Policy No. GOV-PL 905 (Conflict of interest) also refers to a perceived as well as a pecuniary conflict of interest....' (email dated 16 February 2012)*

Ms Tattershall telephoned Mr Patterson direct prior to the 14 February 2012 rescission motion meeting to reinforce the complaint by Ms Rae.

The Council records disclose that at the first meeting for rezoning of the Courtsportz site on 14 December 2011 Councillor Giltinan made no declaration, and at the second Council meeting on 14 February 2012 for the rescission motion that he declared a '*less than significant, non pecuniary interest*'. Councillor Giltinan voted on both motions.

## Review & Assessment

The Warringah Council's Code of Conduct for Councillors, Members of Staff and Delegates of Council is dated 8 September 09. For the purpose of this conduct review, the following sections of the Code are particularly relevant:

### Sections 6.2(c)

*'You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that is improper or unethical'*

### Section 7.1

*'A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty'*.

### Section 7.2

*'You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interest and take the appropriate action to manage the conflict in favour of your public duty.'*

### Section 7.3

*'Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation'. (Note; this section could more correctly be described as a guideline for identifying conflicts)*

### Section 7.5

*'It is essential that you properly address conflict of interest issues that may arise. You must:*

- *Try to understand the concept and practical implications of conflict of interest issues,*
- *Accept that a failure to resolve an actual or reasonably perceived conflict of interest is unacceptable in local government*
- *Take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests'.*

#### Section 7.6

*'Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty'.*

#### Section 7.7

*'Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes'.*

#### Section 7.10

*'A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)'.*

#### Section 7.11

*'Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:*

- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (s449),*
- Councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451),*
- Designated persons immediately declare, in writing, any pecuniary interest. (section 459).*

#### Section 7.14

*'Non pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature'*

There are other associated sections under the heading '*Conflict of Interest*', but those are primarily for definition purposes and do not incur a breach. For instance section 7.9 defines a '*pecuniary interest*', and 7.14 defines '*Non-pecuniary interests*'.



Section 7.9

*'A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person'*

Sections 7.17 – 7.23 are grouped under the sub heading *'Managing non-pecuniary conflict of interests'*, and provide an indication of the best practice in managing a conflict or perceived conflict of interest by an affected person. Sections 7.21 – 23 provide for mandatory conduct upon the identification of a non-pecuniary conflict of interest and its disclosure. For instance 7.22 provides that *'if you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances'*. This section requires firstly to identify a possible conflict, disclose it, decide that it is less than significant, and finally to provide an explanation for that decision.

The relevant legislative provision is the NSW Local Government Act 1993. Chapter 14, Part 2 of the Act covers the *'duties of disclosure'* by Councillors, staff and delegates.

Sections 7.1 and 7.9 of the Code are relevant in the present investigation.

In this case two complaints have been made by members of the public and in the view of each complainant Councillor Giltinan has a conflict of interest because of the nature of his employment. Both of these complainants utilised the facilities of Courtsportz until it closed and were aware that Councillor Giltinan leases and runs a similar sports facility in a different area of the municipality. Both complainants commented that it was their respective views that the Courtsportz land should not have been rezoned for residential development but retained as land either zoned for sports facilities/venues or open space. In my conversation with Ms Tattershall she was very clear in her opinion that the property owner had been handed a financial windfall because of the rezoning from recreational to residential, and she appeared very concerned at this prospect.

The co-complainants have drawn my attention to articles in the Manly Daily<sup>5</sup> in which the Councillor has been reported as stating that other sports venues in the area will benefit from the closure of a direct competitor. Mr Giltinan leases and runs one of these competitor venues. It has been reported that when Courtsportz closed down, some part of its regular commitments such as school bookings and sports competitions were transferred to other local venues including that of Councillor Giltinan. On the face of it therefore the conclusion might be drawn that Councillor Giltinan benefitted, along with the proprietors of other similar venues, by the closure of the Courtsportz facility. There is no way of knowing the extent of that benefit, if any. Clearly the operators of Courtsportz did not believe there was a sufficient financial gain in continuing to operate the venue and no other person or persons took over the facility after its closure.

It was between the rezoning application and the rescission motion that Councillor Giltinan was approached by email by Ms Rae and by phone by Ms Tattershall advising him that in the

<sup>5</sup> Tab 4 Manly Daily articles x 2

view of each of them, he had a conflict of interest. Ms Rae states she was advised by Councillor Giltinan that he '*definitely*' did not have a conflict of interest.

I interviewed Councillor Giltinan by telephone. He stated as background that at the time the rezoning application was before Council his lease from the Council of his business, Giltinan's Tennis & Squash, was running on a month to month basis, the original contract having expired some 3 years ago. He stated that he is presently '*under tender*' and therefore does not have any tenure in his business; that at the time of the vote on the rezoning of the Courtsportz land he '*had no intentions of putting in a submission for this place where I am currently because the tenure that they were putting out was totally...it was impossible to make any money on it....we have no guarantee that we'll be here by the end of this year*'. He stated that it was only the fact that '*Tennis Australia and Tennis NSW contacted me after the vote, when they saw that that (the Courtsportz venue) was gone, they said we cannot afford to have you leave the place...we want you running it, so we want to come in and help you to make it viable for you...so that's the only reason that I decided after the vote that I would put in an expression of interest..*'<sup>6</sup> In response to the comment that his Centre had benefitted from an influx of Courtsportz patrons, he stated that to the best of his knowledge there was only one person, a tennis player, who had transferred to his establishment upon the closure of Courtsportz. He also added that at the time of the rezoning application Courtsportz had already been closed for '*several months*'. Councillor Giltinan's comment on the lack of transfers to his business would appear to be inconsistent with the article in the Manly Daily which cites the former proprietor of Courtsportz saying that the venue will '*transfer all competitions, coaching, school activities and court hire to Giltinan's Tennis and Squash Centre*'.<sup>7</sup>

Councillor Giltinan, when asked whether he considered he had a pecuniary conflict of interest at the time of the rezoning application stated that '*..the main thing is it was closed and I didn't make the decision on the first time where I didn't make it pecuniary, but then I got a couple of calls from people who said well, why don't you, it can be seen that you have, and I said well I don't, I have no (interest) because it's impossible, it was found to be impossible to make it a tennis and quash centre at a profit*'.<sup>8</sup>

It is the Councillor's stated view from speaking to the Courtsportz people and other interested persons that it is almost impossible to make any money on a tennis and squash centre that is situated on private land. He said he had come to the conclusion that with the land cost of about \$9 million and another \$2 – 3 million to set the closed complex up again as a tennis and squash centre it was '*impossible for anybody to even think about it..*'<sup>9</sup> He stated that he understood from a conversation with the Mayor that he had approached several sporting associations to explore any interest in restarting a sports venue on the Courtsportz land but there was absolutely no interest. Councillor Giltinan stated he was quite confident at the time of the rezoning application that the land would never be used as a sports venue again because of the cost and lack of interest, and because of those views did not believe he did have a conflict of interest at the time of the rezoning application, whether real or pecuniary.

<sup>6</sup> Tab 3 Transcript

<sup>7</sup> Tab 4 Manly Daily article dated 20 November 2010

<sup>8</sup> Tab 3 Transcript

<sup>9</sup> *ibid*

He states that at the time of the rezoning motion, he spoke to the General Manager of the Council and the Mayor and other people, none of whom expressed the view that he had a conflict of interest in the matter. However by the time of the rescission motion he states he had reconsidered his position and had put in a tender for a further lease of the complex from the Council, and so declared a non-pecuniary interest because

*'a couple of people from council said well, why don't you just declare it and then there's no problem because some people in the community could perceive that you have a conflict of interest, so all you have to do is declare it on the night, you can still vote, and you're in the clear in case someone thinks that you have ... (and) ... I didn't realize it the first time because I just thought 100 percent that I didn't have an interest because I knew it could never be Tennis and Squash.'*<sup>10</sup>

Councillor Giltinan's final comment at interview was to state that if he had not been 100% certain that he didn't have an interest he would have simply

*'just sat back - it makes no difference to me, they were up there all the time and I never ever considered them competition to me. This centre here was going well and there was no one that was going to leave here to go to Courtsportz, and as I say, when they closed down it was months and months before we voted on it after it had closed down and everyone that was playing tennis had gone somewhere else - they were all well and truly situated at another club.'*<sup>11</sup>

Councillor Giltinan's comments pose a difficult question. The conflict arises at the time of a vote on a particular issue. In the present case, the Councillor states that because the Courtsportz complex had been closed for many months and patrons (if any) who had transferred from that venue to the Giltinan venue had done so some time prior to the vote, that there was no conflict of interest in that any possible benefit had already accrued.

It was, and is, his strongly held view that all avenues had been explored as to whether the land in question land would ever have future use as a sports complex because of the non-viability (financially) of such an operation on private land. The conclusion reached was that neither Courtsportz, nor the land zoned recreational/sports was or could be, in competition to him. In addition, his own lease for the Giltinan Squash and Sports Centre had run out some years previously and he was on a month to month lease giving him a very short term view, especially given the fact that he states his decision at that point in time was not to retender whenever the Council commenced the process.

In an email to me Ms Rae commented that Councillor Giltinan had *'... a vested interest in seeing that the recreational facility remained closed.'* In my view that is not the correct method of applying the Code of Conduct. From the evidence before me there is nothing to suggest that Courtsportz would reopen and the Council had no power to enforce that entity to reopen for business or another similar business to take over. The question to be asked in applying the Code is whether at the time of the rezoning application Councillor Giltinan had a real or perceived conflict of interest.

<sup>10</sup> Tab 3 Transcript

<sup>11</sup> *ibid*

Although Councillor Giltinan uses the word '*tender*' when referring to the present situation regarding the land he leases from Council, that does not accurately describe the real situation. The lease of what is presently Giltinan's Tennis & Squash expired some years ago. Some months ago the Council sought tenders for the lease of the business and Councillor Giltinan submitted a tender, however prior to the tender process being finalized, the Council withdrew the tender notice. It decided, rather than going to tender, to seek '*expressions of interest*<sup>12</sup>' for a more long term and sustainable use of the recreational land. In effect it seeks creative proposals for the land within the zoning. Mr Giltinan has submitted an '*expression of interest*' which in no way equates to a tender, and it is likely he is in competition with others who have submitted such documents. Expressions of interest were called on 13 December 2011, with the final date for submissions being 16 February 2012.

The question that needs to be posed is what, if the land had not been rezoned, was the chance of another operator stepping forward to take over operation. If that possibility was remote or slight, a '*reasonable and informed*' person would not perceive a conflict to exist.

Taking all the evidence into consideration I do not believe that Councillor Giltinan did have a conflict of interest, whether real, perceived, or pecuniary. He was not in competition with the former venue on the land the subject of the rezoning application because it had closed some twelve months prior to the vote, and a benefit to him, if any, had accrued many months prior to the rezoning application vote in Council. If the land was not a viable proposition as a sports complex on private land, which the operators of Courtsportz clearly believed according to the Manly Daily articles which quoted the operators as commenting as such, and no other potential operators had come forward in the twelve months since the closure, then it could be assumed that the land and its then zoning did not pose a real as distinct from theoretical threat as a potential competitor to either Councillor Giltinan's business or any other similar businesses in the Warringah area. The rezoning, therefore, would have no effect as far as this issue was concerned.

Looking at the situation from the position of the perception of a '*reasonable and informed*<sup>13</sup>' person, it is again my view that there is no conflict of interest. Even taking the imperative on Councillors to consider the perception of the community in the strictest sense, it is my view that if a conflict was perceived by those persons who were not aware of all of the circumstances in making such an assessment, it would be so slight as to be of no significance.

Having taken the above view, Councillor Giltinan's declaration at the rescission motion was probably not necessary, but in the circumstances a prudent course of action. He had, at that point in time, decided to enter into the retendering process for his own business. Although my earlier comments with respect to the rezoning application vote also relate to his situation at the time of the rescission motion, ie that because of the long closure of the Courtsportz Centre and the probability that the future was not promising for the establishment of another sports complex on the land, that he was not in competition and therefore had no interest in the matter, there may have been a perception that he had a less than significant non-pecuniary interest.

<sup>12</sup> Tab 4 Media Release re Expressions of Interest

<sup>13</sup> Tab 4 Warringah Code of Conduct s7.1

The code specifies a reasonable and informed person as being someone who might perceive a conflict of interest. The two complainants appeared reasonable in their respective complaints, as do the emails from Ms Rae. From my conversations with Ms Tattershall I formed a similar impression. However I do not consider that when regard is had to all the facts, that they were aware of the information that was required to be taken into consideration in making the assessment of whether the Councillor breached the Warringah Code of Conduct in his actions on the rezoning application and the rescission motion.

In forming my own opinion, I have had the benefit of all the information available. I have accepted the comments and explanations provided by Councillor Giltinan, as there is nothing to suggest they are inaccurate.

Page 5 of the Code of Conduct sets out the questions a person should ask him or herself if he or she suspects a real or perceived conflict of interest; viz

- *Do you have a personal interest in a matter you are officially involved with?*
- *Is it likely you could be influenced by a personal interest in carrying out your public duty?*
- *Would a reasonable person believe you could be so influenced?*
- *What would be the public perception of whether or not you have a conflict of interest?*
- *Do your personal interests conflict with your official role?*
- *What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?<sup>14</sup>*

It would appear from the evidence that if the above questions were posed by Councillor Giltinan the responses of a reasonable and informed person might be

- No, because although the land the subject of the rezoning application did some twelve months previously support a directly competitive sports complex, that competitor had closed and any redirected business had already occurred. In addition the Councillor's own lease was on a month to month basis only and had been for some years; that he had decided at that stage not to retender, and so had no significant interest either short or long term. It is also the most possible case that the land, although zoned recreational, was unlikely to be used in the future as a sports complex because of financial considerations.
- Unlikely, whether real or perceived influence.
- Unlikely, whether or a real or possible conflict,
- more likely than not the perception of no possible or real conflict,
- Unlikely that personal interests would conflict or there exist a perceived conflict,
- Unlikely that there is a conflict or perceived conflict, however it might be prudent at the rescission motion to declare a less than significant non

<sup>14</sup> Tab 4 Warringah Code of Conduct Part 5

pecuniary interest given the Councillor's decision to retender for his present business.

It could also be argued that as Council owns the land on which Councillor Giltinan has his sports venue and it is leased through a tender process, then the Council itself has a conflict of interest as it receives a significant financial benefit from the lease of land for a recreational purpose and the rezoning of land on which a competitor operated could be perceived as anti-competitive.

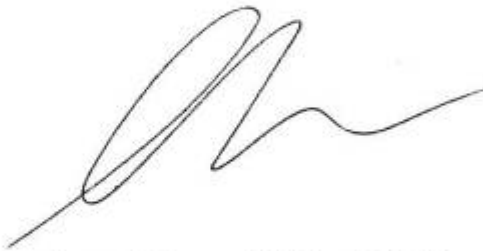
#### **In Summary:**

- Councillor Giltinan voted on a rezoning application on land formerly leased by Courtsportz.
- At the time of the vote, Councillor Giltinan leased from the Council a similar sports venue, although at that time Courtsportz was not a business competitor.
- Councillor Giltinan was also running his own business, leased from the Council, on a month to month basis, his contract having finished some years previously. At that point in time Councillor Giltinan had determined not to retender for the contract when the Council decided to call for tenders. On the day prior to the rezoning application hearing Expressions of Interest were called for the use of the property leased by Councillor Giltinan.
- The land the subject of the Application was zoned recreational, however based on the evidence and on the balance of probabilities, it was unlikely that another operator would come forward to invest in and rebuild the Courtsportz complex to run the venue as a financial concern.
- The rezoning application was successful, however some time later it was the subject of a rescission motion.
- At the time of that motion, Councillor Giltinan had determined to retender on his own business because of approaches made to him by sporting organisations and the Council had either called for tenders or was in the process of making those arrangements. Councillor Giltinan either had or was preparing to submit an Expression of Interest in the property for which submissions closed two days later.
- Councillor Giltinan voted on the rescission motion after declaring a *'less than significant non pecuniary interest'*.

**Findings:**

Having reviewed and assessed the available evidence I note the following:

- Based on the evidence I believe that Councillor Giltinan did not breach the Warringah Council Code of Conduct in that he did not have a conflict of interest at the time of either vote.
- In my view the declaration at the time of the rescission motion was simply an action that a prudent Councillor would take in the circumstances.



**Annette Simpson Dip Law, MLLR  
Conduct Reviewer**

19 April 12





OFFICE OF THE INTERNAL OMBUDSMAN

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01 March 2012

Our reference: IO2012/01203

Ms Annette Simpson  


Dear Ms Simpson,

**Re: Warringah Council – Conduct Review Committee - Referral of a complaint to Sole Conduct Reviewer**

I write further to our recent correspondence in relation to engaging you as a Sole Conduct Reviewer for a Code of Conduct complaint received by Council. The General Manager, Mr Rik Hart, has asked me to deal with this matter on his behalf.

A complaint, in the form of emails from Ms Lynne Rae, has been received, at my Office. A second resident, Ms Linda Tattershall, has also telephoned me to reinforce the complaint. I am therefore treating Ms Rae and Ms Tattershall as co-complainants in this matter. Accordingly, I would be grateful if you could, in due course, correspond with both of them in relation to your review.

The complaint was first sent to my office on 08 February 2012, and is subject to file IO2012/01203. The complaint alleged that Councillor Bob Giltinan had a conflict of interest in relation to a matter before Council at its 13 December 2011 meeting, the matter being the rezoning of land at 26 Campbell Avenue, Cromer. The complaint also highlighted that the matter was going before Council again, as a rescission motion, at the imminent 14 February 2012 meeting.

I spoke to Ms Tattershall before the 14 February meeting and advised that she and/or Ms Rae might wish to raise the matter with Councillor Giltinan before the meeting occurred. I understand they did so.

Council records (attached) show that at the 13 December 2011 meeting, Councillor Giltinan made no declaration in relation to the agenda item involving 26 Campbell Avenue (Item 8.4), and he proceeded to vote on the matter.

Council records (attached) for the 14 February 2012 meeting show that Councillor Giltinan declared a "less than significant, non pecuniary interest" (declared at Item 3.0) in relation to the rescission motion involving 26 Campbell Avenue (Item 11.2 on the agenda). He then proceeded to vote on the rescission motion.

The complaint canvasses both the nature of Councillor Giltinan's alleged conflict of interest, and specifically that he had a pecuniary interest, as well as his voting on the matters before Council. Therefore the review needs to canvass all aspects of the alleged conflict of interest (real or perceived, and pecuniary or otherwise), the nature of

the declaration and/or lack thereof, as well as the appropriateness of Councillor Giltinan voting on the matters.

The General Manager has determined, pursuant to his authority under the Code of Conduct, that these matters should be referred to a Sole Reviewer for assessment and determination.

Accordingly, I am referring the complaint to you for your review, any enquiries you deem necessary, and report back to Council. I am attaching the following documents:

- Copy of complaint emails dated 08 February & 16 February 2012 (Tab 1)
- Excerpts from minutes of Council meeting on 13 December 2011 (Tab 2)
- Excerpts from minutes of Council meeting on 14 February 2012 (Tab 3)
- Code of Conduct (Tab 4)
- Conduct Review Committee Charter (Tab 5)

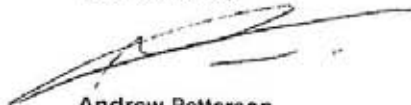
Once you have received this material and had an opportunity to peruse it, please let me know so that I can discuss the matter further with you and offer any advice that would be useful in relation to the Conduct Review process.

I will advise both co-complainants that the matter has now been referred to yourself and that you may well be in touch with them to seek further information.

If at any stage you have any questions about the process or require any other assistance, please contact myself on 9942 2508.

Thank you for agreeing to assist Council with this matter.

Yours sincerely,



Andrew Patterson  
Internal Ombudsman

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**Andrew Patterson**

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**From:** Andrew Patterson on behalf of Internal Ombudsman Mailbox  
**Sent:** Friday, 17 February 2012 12:05 PM  
**To:** Andrew Patterson  
**Subject:** FW: Cr Bob Giltinan Conflict of Interest - PEX2011/0001 - 26 Campbell Avenue Cromer

**Andrew Patterson**  
**Internal Ombudsman**  
Warringah Council  
Ph: (02) 9942 2508

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**From:** Lynne Rae [mailto: [REDACTED]]  
**Sent:** Thursday, 16 February 2012 11:29 AM  
**To:** Internal Ombudsman Mailbox  
**Subject:** Re: Cr Bob Giltinan Conflict of Interest - PEX2011/0001 - 26 Campbell Avenue Cromer

Dear Internal Ombudsman

I refer to my previous email to you and am concerned that Cr Bob Giltinan did not declare a pecuniary interest in a rescission motion relating to the rezoning of the Courtsportz site. He is quoted in the applicant's supplementary report [1] as saying: "Got an immediate surge from Courtsportz patrons because Courtsportz was so close. This increase in bookings augmented a poor squash business up to that point."

[1] The supplementary report relates to the Evergreen Estate Rezoning Application - Sports courts planning and management aspects - (Supplementary information) Parkland Environmental Planners, September 2011.

I note that the Warringah Council Policy No. GOV-PL 905 (Conflict of Interest) also refers to a perceived as well as a pecuniary conflict of interest.

I would appreciate your reply in regards to this query and whether or not the matter is still being investigated.

Yours sincerely

Lynne Rae  
[REDACTED]

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**From:** [REDACTED]  
**To:** internalombudsman@warringah.nsw.gov.au  
**Subject:** Urgent - Re: Cr Bob Giltinan Conflict of Interest - PEX2011/0001 - 26 Campbell Avenue Cromer  
**Date:** Wed, 8 Feb 2012 09:53:09 +1100

Dear Internal Ombudsman,

I wish to draw your attention to a direct conflict of interest concerning PEX2011/0001, the application to rezone the Evergreen Recreation Centre/CourtSportz located at 26 Campbell Avenue, Cromer from recreational to low density housing. The application to rezone the land will be the subject of a rescission motion at the Council meeting on 14 February 2012.

On 1 February 2012 I emailed Cr Bob Giltinan concerning a potential conflict of interest. I have received no reply to date to the email I have copied below:

*"Dear Mr Giltinan*

1/03/2012

~~I am writing to you about the rescission motion regarding the rezoning of Courtsportz that is due to be heard at the Council meeting on Tuesday, 14 February 2012.~~

*I respectfully ask whether you intend to vote in this matter on the night.*

*It could be perceived that you have a pecuniary conflict of interest because you run a competing tennis centre in the area and have most certainly benefited from the additional business obtained in the past year since Courtsportz closed its doors. I understand that many of the schools that were using Courtsportz are now using Giltinans for their sports and you yourself have said that the closure of Courtsportz has benefited other facilities.*

*As a Warringah Councillor the community needs to know that the voting process is transparent and anybody involved in running a competing business should, in all fairness, preclude themselves.*

Your sincerely  
Lynne Rae



I strongly believe that Cr Giltinan has a conflict of interest in this matter and should not be participating in the voting process. Cr Giltinan's Tennis and Squash Centre directly benefited from the closure of the Evergreen Recreation Centre when it closed in December 2010. As reported in the *Manly Daily* on 19 November 2010. Courtsportz transferred all competitions, coaching, school activities and court hire to Giltinan's Tennis and Squash Centre.

<http://manly-daily.whereilive.com.au/sport/story/christmas-heartbreak-having-to-close-centre/>

Also reported in the *Manly Daily* on 18 March 2011, Cr Giltinan was quoted as saying that "...while it was sad to see a centre close, it had actually provided a boost to other facilities".

<http://manly-daily.whereilive.com.au/news/story/clubs-plan-causes-a-racquet/>

As such, I believe that Cr Giltinan cannot vote in an impartial and fair manner in this matter.

As Cr Giltinan has not responded to my email and the rescission motion is next week I would appreciate if the matter could be investigated as a matter of urgency.

Accordingly, I request that if Cr Giltinan is found to have a conflict of interest in matters concerning item 8.4 of the Minutes of the Warringah Council meeting on 13 December 2011, or any other matters regarding the application to rezone the Evergreen Recreation Centre/CourtSportz located at 26 Campbell Avenue, Cromer, that this be noted and acted upon.

Please do not hesitate to contact me on  if you require further information. Please acknowledge receipt of this email.

Yours sincerely,  
Lynne Rae



**Warringah Council - Referral of a complaint relating to the conduct of Councillor Bob Giltinan.**

The following is a dot point summary of a telephone call held between the Conduct Reviewer Annette Simpson and complainant Ms Linda Tattershall on the above matter. The conversation was held at about 3pm on Sunday 18<sup>th</sup> March 2012.

- Ms Tattershall does not reside within the Warringah Council boundaries. For some time she has played squash with a squash group, playing at the Evergreen Recreation Centre/CourtSportz prior to its closure.
- The co-complainant Ms Lynne Rae is also a member of the squash group, and Ms Tattershall directed me to speak to Ms Rae for further information.
- Ms Tattershall expressed concern at the closure of the complex itself as it is her view that there are few such venues in the area. She also expressed her concern that the owner's application for rezoning of the property for residential development was passed by the Council, giving the owner a '*windfall*' and the residents a loss of a sports/recreation venue.
- Ms Tattershall advised that she, and others in her squash group, attended both the Council hearing of the rezoning application and the eventual unsuccessful Rescission Motion. She advised that Councillor Giltinan did not declare an interest in the first application, and proceeded to vote on that matter, and at the second Council hearing, the Rescission Motion, he also proceeded to vote.
- It is her view that Councillor Bob Giltinan has a pecuniary interest in the issue, and therefore, according to the Warringah Council Code of Conduct, ought to have declared that interest and not voted on either the initial Application for rezoning of the property, or the latter Rescission Motion.
- Ms Tattershall's reasons for holding this view is that she is aware that Councillor Giltinan leases from the Council, and runs, a competing sports establishment in the immediate area and therefore might benefit from any Council decision to rezone the property the subject of the Council hearing. The rationale is that the Councillor has one less competitor because upon the land being rezoned no other sports complex will establish in place of CourtSportz and because he most likely benefited financially from patrons of the defunct CourtSportz transferring to Councillor Giltinan's establishment.
- Ms Tattershall telephoned Warringah Internal Ombudsman, Mr Andrew Patterson, prior to the vote on the Rescission Motion and advised her concerns with respect to the alleged conflict of interest on the part of Councillor Giltinan. She states she was advised that she should contact the Councillor about her concerns.
- Ms Tattershall states that she advised Councillor Giltinan that she was phoning him to discuss the issues because she believed he had a pecuniary interest in the forthcoming

Council discussion and vote on the Rescission Motion. She states that the Councillor said that he '*definitely didn't*' have a pecuniary interest; that he talked about the Council and said he was in favour of development. Ms Tattershall stated that she asked whether he had gained more players at his own sports complex because of the closure of the CourtSportz facility and he responded that '*one or two might have turned up*'.

- Ms Tattershall advised that '*a lot*' of squash players had lodged objections to the original rezoning application by the owners of CourtSportz.



Annette Simpson  
Conduct Reviewer

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**Annette Simpson**

**From:** Linda Tattershall [REDACTED]  
**Sent:** Monday, 26 March 2012 12:53 PM  
**To:** Annette Simpson  
**Subject:** Re: Summary of Complaint  
**Dear Ms Simpson**

Just one point to amend, I incorrectly told you that we called ourselves "Save Our Court Sports", I should have said "Save Our Sports Courts". Apart from that minor amendment, I am satisfied that the final copy of the dot points document you attached reflects the substance of our conversation as an accurate representation. I apologise for inadvertently returning your email without any comments previously.

Regards  
Linda Tattershall

----- Original Message -----

**From:** [Annette Simpson](#)  
**To:** 'Linda Tattershall'  
**Sent:** Wednesday, March 21, 2012 11:22 AM  
**Subject:** RE: Summary of Complaint

Dear Ms Tattershall,

thanks for making the amendments. I am now attaching the final copy, with your amendments, and some adjustments on my part. If you are satisfied that this reflects the contents of our discussion on Sunday would you please advise me so that I can make a notation on the final copy. Your email confirming your agreement with the document will form part of the final report, as will the document itself.

Thanks again,

Regards,

Annette Simpson

Annette Simpson Dip Law MLLR(Syd)  
Mediator & Arbitrator

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Linda Tattershall [REDACTED]  
**Sent:** Wednesday, 21 March 2012 12:36 AM  
**To:** Annette Simpson  
**Subject:** Summary of Complaint

Dear Annette

I am returning your dot point summary with some amendments and comments. If I can be of further assistance, please let me know.

28/03/2012





Telephone call to Ms Lynne Rae with respect to her complaint about Councillor Bob Giltinan.  
Approximately 10am 20 March 2012.

- She is a ratepayer in the Warringah Municipality.
- She thought the Councillor should have excused himself from the votes in the Council Motions relating to the rezoning of the land formerly used by Courtsportz, and the later Rescission Motion on the same matter.
- Ms Rae stated she really had nothing else to add to the information/complaint she had already sent to the Internal Ombudsman.
- She said that the Councillor could be '*perceived as giving tennis players from the other site (Courtsportz) spaces..*' and that the Councillor '*...so gained financial interest..all people who used to play at the Dee Why courts went..or some of them...went*' to the sports venue run by Councillor Giltinan.
- Ms Rae stated that he was quoted in the Manly Daily as saying that he had gained business as a result of the closure of the Dee Why venue, the subject of the rezoning application.
- I requested Ms Rae to provide the date of her first email to Mr Patterson, Internal Ombudsman, complaining about the conduct of Councillor Giltinan, and she undertook to send me the original email with the date. (the email provided to me formed part of a string of emails and did not have a date).
- Ms Rae also undertook to check if she had a copy of the articles she quotes in the Manly Daily as they appear to be no longer on the Manly Daily Website because they are over a year old.



**Annette Simpson**

**Conduct Reviewer**

20.3.12



*Transcriber: Brand Secretarial (VM)  
2 Earle Street, Cremorne 2090  
9909 1599  
brandsec@bigpond.com*

**CLIENT: ANNETTE SIMPSON  
PROJECT: WARRINGAH COUNCIL  
INTERVIEW: CR BOB GILTINAN  
DATE: 26.3.2012  
DURATION: 18 minutes**

**This is a recording of a conversation by telephone between and Annette Simpson and Cr Bob Giltinan. Today is 26th March 2012. The time is 11.30am.**

**I'm interviewing the councillor in respect to some complaints that have been made about his voting on a rezoning application for land which was zoned, at the time, for sport and recreation.**

**How long have you been a councillor?**

Three years – this is our last year, it finishes in September. There's another election in September, that will be four years.

**You know what the complaint is – I'll just reiterate it. They're saying that they're querying the fact that you didn't raise a conflict of interest, real or pecuniary, or pecuniary or otherwise, about this land given that you run a sports venue yourself and that you didn't raise anything at the first council meeting where the land was actually rezoned for residential. Then there was a second meeting a couple of months later for a recision motion where you did in fact declare a less than significant non-pecuniary interest. So that's what we're talking about and if you'd like to answer that I'll be very happy. Okay, all set to go.**

**You know this is being recorded?**

Yes that's fine – I know that this conversation between Annette Simpson and myself is being recorded.

Q1

Okay.

A1

Well, one of the points was that I'm under tender at the moment and have been for quite some time, so I don't have any tenure over the place here myself. Initially when I voted on it I had no intentions of putting in a submission for this place where I am currently because the tenure that they were putting out was totally, um, well it was impossible to make any money on it.

Q2

What do you mean you're under tenure?

A2

My place is under tender at the moment – Giltinan's Tennis & Squash is under tender by the council.

Q3

So the lease is coming due, is it?

A3



Yes, the lease was up three or four years ago and they've been mucking me around, so we have no guarantee that we'll be here by the end of this year.

Q4

So when is the lease up? Was it up three or four years ago?

A4

The lease was up like three years ago.

Q5

So what are you working on, a basis of just month to month?

A5

Just month to month, yes.

Q6

Okay, sorry to interrupt but I needed to get that straight.

A6

That's alright. And so the main reason was – initially, as I say, when I voted that I had no intentions of making a bid. It was only that Tennis Australia and Tennis NSW contacted me after the vote, when they saw that that was gone, they said we cannot afford to have you leave that place, it's one of the best tennis centres in NSW and we want you running it, so we want to come in and help you to make it viable for you. So that's the only reason that I decided after the vote that I would put in an expression of interest. However, Court Sports was closed down several months before this happened, before the first vote, so all the people from Court Sports had already converted to all the other tennis centres, and to the best of my knowledge the only person, tennis player, that came from Dee Why to here was a lady who lived in Brisano Place, which is right where these buildings are going to take place. Other than that, all the others went to the other two tennis centres which are only like five minutes' drive from Dee Why, whereas here it's not far from Dee Why but the trouble is the traffic is horrendous and sometimes it can take you twenty minutes to half an hour to get from Dee Why Court Sports to where I am at Giltinan's. So all the people, as I say, they've got a five minute drive to Collaroy Tennis, a five minute drive to another tennis centre at Oxford Falls that's right next to them. So that's where they all went.

But as I say, the main thing is it was closed and I didn't make the decision on the first time where I didn't make it pecuniary, but then I got a couple of calls from people who said well, why don't you, it can be seen that you have, and I said well I don't, I have no ?? [04:58] because it's impossible, it was found to be impossible to make it a tennis and squash centre at a profit. The people that were working that came into council and talked about it said it was just impossible to make any money on a tennis and squash centre that's on private land. So it came to the conclusion that you had to – because it was a \$9 million bid to buy the land and then it would have cost another two to three million to set it up as a tennis and squash centre again, because it had been absolutely wrecked. So we're looking at maybe \$11-12 million of outlay to try and get it back at \$20 an hour. It was just impossible for anybody to even think about it. In fact, the people from Next Generation came and saw me when they knew this was up for tender, because they're used to putting in like \$20-25 million into a place like mine or Court Sports, and I said to them why don't you go up to Court Sports, you can buy that for \$9 million and you can put your leisure centre on there and you own it, and they said it's just not a place we'd even think about putting a leisure centre there, it's out of the way and no one knows it's there.

Q7

Where was it, or is it?



A7

It's in Campbell Parade in Dee Why, but it's not a place where a lot of traffic goes past. As he said, it's just a waste of time. But like where we are it has cars and buses all day and everything, he said here is the ideal spot.

However, after saying all that, there were several sporting associations that apparently the mayor approached to see if there was an interest but they all fell through and said no, they weren't interested in doing anything. And the people from Brisano Place that lived right on the tennis centre were happy to see it gone because they said they've had enough of tennis balls being bashed around and lights on at ten and eleven o'clock at night. And the main thing was, it was passed for like 34 three-bedroom homes and they were all in favour of that because they thought that they were looking at maybe units coming in there and blocking their sun etc, but when it came to pass that it was going to be 34 three-bedroom homes – the chap did a survey of the area there and he came to council and spoke on it – just off the top of my head it was like 125 people in the vicinity right there and 116 or a hundred-and-something like that said they were all in favour of the building going ahead.

Q8

Yes, there's no question, as I understand it, about the fact that it wouldn't be liked by the people next door. I think it was just the fact that they saw that you had an interest and voted.

A8

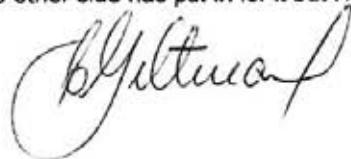
Well I said to the lady, I have no interest because it can never be Tennis & Squash again, it's impossible for the place to be Tennis & Squash again, and it's the absolutely ideal spot to build these homes that Warringah is crying out to build. It's out of the way and you're not affecting anyone, it's not a built-up area there, it just seemed like the ideal spot to go. But I guess the main reason is that it's impossible for it to ever be a tennis and squash centre. If it had become a football stadium or centre or something, well so be it, it wouldn't have ?? [08:12] me again. So I just thought that there was no – and I spoke to the general manager and the mayor and everybody else and they all didn't think that I had a conflict of interest in the matter. And I spoke to some of the other councillors, I said do you think I have, and they said no, of course you haven't. I said well, I don't think I have – it can't be tennis and squash, and if there was a chance it could have been tennis and squash well certainly I couldn't have voted, and then as it turned out I knew on the night that I did vote, on the final vote, I knew it was going to be 7 to 3 before we sat down. I knew there were definitely seven that wanted it to be rezoned, so it didn't matter whether I voted or not, because I was thinking of just not voting at all, and then people said well that's ridiculous, you're a councillor and you have to vote, you can't just run away from these sorts of things, you've got to let the people know what your intentions are. I said well fine, I'm happy to vote on it.

Q9

At the time of the rezoning though, from what I gather from what you've just said, you'd made a decision – the recision motion I mean – you made a decision to renew the lease where you are – is that right?

A9

Oh now – now I've put in an expression of interest for the place here and apparently there's four of us that have. So now it goes out to a tender – I think it comes up to the council meeting at the end of next month and then they decide who they're going to – I would imagine that the four will be invited to tender. I know a mate of mine put in for it but he wants to knock down five of the tennis courts and put Futsal in, and another one wants to increase the squash and reduce the tennis a little bit, and another chap from over the other side has put in for it but I'm not sure what his



intentions are. But there's only the four of us, so I guess it gives me a 25 percent chance of retaining it.

Q10

Yes, that's exactly right...

A10

I mean, as far as – like, I mean, I'm not being big-headed here Annette, but you can call anybody in council or call the likes of the Tony Abbotts or the Mike Bairds or anyone of this world, and ask them – just say Bob Giltinan, would he do something that's against – and they'll all tell you the same answer, I'm certain.

Q11

What my interest was, when I looked at it, was the non-declaration for the first time, but the declaration for the second time...

A11

*(Phone ringing)* ... sorry, what was that?

Q12

When I looked at it obviously my first interest was that you didn't declare for the first one but you did declare for the second one, for the decision.

A12

That was only because a couple of people from council said well, why don't you just declare it and then there's no problem because some people in the community could perceive that you have a conflict of interest, so all you have to do is declare it on the night, you can still vote, and you're in the clear in case someone thinks that you have.

Q13

Yes, always a wise move, isn't it?

A13

Yeah, well I didn't realise it the first time because I just thought 100 percent that I didn't have an interest because I knew it could never be Tennis & Squash. That was the only reason.

Q14

And as I understand it, you're only on a month-to-month lease where you were, with some uncertainty – is that right?

A14

Yes, yes.

Q15

Because the conflict is, of course, the competition. If you look at it, someone could perhaps think to themselves well, he's knocking out competition because he's knocking out another possible competition on a recreation site. Do you see what I mean?

A15

Yeah, yeah – but as I say, that had all been discussed by the mayor and there was just nobody that was even interested because they knew there was no money that could be made on a private leisure centre where you had to fork out \$9 million to buy it. It just wasn't going to happen, you know, it was impossible...

Q16

I understand it was ?? [12:05] ... is that right? *(phone ringing)*...

A16



Just one second – I'll grab this ... *(takes phonecall)* ... just my wife checking up on me...

Q17

That's what I was looking at, but what you've told me now was that you had some uncertainty at the time, you're on a month-to-month lease, so in fact there may have been, you may have gained some financial benefit but really you couldn't see it because you're only on a month-to-month lease anyway?

A17

Yes, I'm only on a month-to-month and there's no saying – and at the time, as I say, the first time I had no intention of putting for this again. The expressions of interest are just outrageous. Like the woman that's got these courts around the road from me, she looked at it and she said to me my God Bob, that's just insanity, you couldn't make one cent. I said I know I couldn't, how they could put out a tender like that at council is just outrageous. And she said well, it is, and everybody who has looked at it as well. There was a tennis centre that went over the southern side about three months ago, there were 36 applicants. Here it is, this is probably the best tennis centre in NSW basically and there's four people put in for it and two of them want to change it from tennis to something else.

Q18

That tells you something, doesn't it?

A18

Yeah, when they've looked at the tender they just think they've got to be kidding haven't they, and they are. It's absolutely absurd, the expression of interest they put out.

Q19

They think they can't make a buck, and let's face it, you don't go in just for fun...

A19

Well that's it. The thing is, this place here, how they work it out I've no idea, but I'm down as a commercial operation, whereas every other tennis centre on the northern beaches is a community and they give them new tennis courts, new wiring, they do everything, the council, all the time, and here they haven't put one cent into the place in the 17 years I've been here. I've had to do the lot. I'm making a wage and I'm here 90 hours a week. It's just absurd. But it's my life and my dad died here working with me to get it back to how – you know, it was an absolute tip when we walked in and it had always been the best tennis centre in NSW basically, and the only reason that I want to stay is the fact that my dad died working here with me. We worked for two solid years just making it the place it is again now. But as far as making money on the place, well I'm afraid, you know – like again today, it's just been washed out, we had the women playing, it's all been washed away again. The weather's been atrocious and if they can't play then obviously we don't get any money coming in.

Q20

Well that's right – if they don't play, they don't pay.

A20

And tennis again, as I say, when I first arrived here on the North Shore some 20-odd years ago, tennis was the number one sport by far on the Northern Beaches – now it doesn't come in the top six.

Q21

Is that right?

A21



egg. fun for sun

That's what's happened to tennis and that's the way it is, you know – it's just too hard a sport, like the kids these days, they don't like to sweat basically. They prefer to sit in front of the television, they can get instant fun just pressing a little digit or a little thing. And it's a game that's, as I say to the parents, it's something that takes about 12 months for a child to be able to enjoy it, and they're just not prepared to do that. It's not like you put a soccer ball out there and ten kids can go and knock a soccer ball around and have instant fun. But they can't with tennis, you've got to have the eye and not a lot of kids have it, there's probably only going to be about five of them that have any chance of being a half-reasonable tennis player because they don't have the eye and hand coordination, a lot of the kids, to enjoy it. That's what I'm saying, whereas as I say, a soccer ball – you can put 20 kids on one court and throw a soccer ball and they'll have a bit of fun kicking it around.

Q22

Well I suppose that's right, it's not the same, is it?

A22

That's what we're faced with. And there's so many other things to do, which is a great thing I suppose, on the Northern Beaches, there's so many different sports they can play, which is wonderful, but tennis has just completely died to what it used to be.

Q23

That is a real shame...

A23

It probably won't die right out. It's too good a sport for that, but certainly...

Q24

That's what I did when I was a kid – played tennis...

A24

Yes.

Q25

Is there anything more? I think I've got everything I need here now...

A25

No, I don't think so. I mean, as I say, I'm 100 percent certain I had no conflict and that's why I voted on it. Otherwise I would have just sat back – it makes no difference to me, they were up there all the time and I never ever considered them competition to me. This centre here was going well and there was no one that was going to leave here to go to Court Sports, and as I say, when they closed down it was months and months before we voted on it after it had closed down and everyone that was playing tennis had gone somewhere else – they were all well and truly situated at another club.

Q26

Alright – thanks very much for your time. I'll get this transcribed and email it to you – [bob.giltinan@warringah.nsw.gov.au](mailto:bob.giltinan@warringah.nsw.gov.au) – is that alright?

A26

That's it, yes, that'll get me.

Q27

I'll do that and send a covering letter asking you to sign it and send it back to me.

Q27

No problem.

Q28





Thank you very much.  
A28  
My pleasure.

**END INTERVIEW – END TRANSCRIPT**





<b>ITEM 6.4</b>	<b>COUNCILLORS REPORT FROM ATTENDANCE AT THE BIKE FUTURES ANNUAL CONFERENCE MELBOURNE</b>
<b>REPORTING MANAGER</b>	<b>GENERAL MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/233710</b>
<b>ATTACHMENTS</b>	<b>1 Attachment Report by Cr Harris - Bike Futures Annual Conference</b>

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## REPORT

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### PURPOSE

To present Councillor Dr Harris' report following her attendance at the Bike Futures Annual Conference held 12-14 October 2011 in Melbourne.

### REPORT

Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbusement 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 Bike Futures Annual 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-imbusement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

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### RECOMMENDATION OF GENERAL MANAGER

That the report by Councillor Dr Harris regarding the Bike Futures Annual Conference be noted.

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**Report from Councillor Dr Conny Harris****Bike Futures Annual Conference****12-14 2012, Melbourne – Victoria**

Bike Futures Annual Conference report by Conny Harris

**Attendance**

The conference was attended by Boris Bolgoff and me, which allowed for some discussions and comparison with Warringah situations / localities regarding places we had visited on the bike tour or heard about during the presentations.

**Bike Tour**

The bike tour was scheduled for the beginning of the Conference which was overall very well received as it helped later on during those presentations which addressed the Melbourne bike facilities. In past years the tour had been right at the end of the Conference.

Boris and I participated in the same tour: ' On-road Separation and Innovation'. Bicycles and helmets were available from Melbourne's public bicycle pool. The bicycles look rather heavy and are very sturdy however riding on them is surprisingly 'energy-easy'. The bike tours are all about 10km and Melbourne is flat territory.

The tour started at the Docklands, where the tram had been relocated and the arrangement was carefully crafted to give all users a nice waterfront experience. Water-pavers with bollards for sitting - pedestrian zone – bicycles – trams - cars. Old tram tracks had to be negotiated by cyclists and a better solution was planned. The different separation techniques were not different from what can be seen in the City of Sydney, with either contra flow bike paths on one side only or separate bike tracks on either side of the road. The difficulties with streets joining from the side when a contra flow was used were really interesting to experience.

The difference in safety feeling when riding along the side of the road when the bicycle path was only minimal or less than the official minimal width compared to a comfortable width where even overtaking was possible, was also worth while experiencing.

**Conference DVD and Presentations**

A DVD about the Conference has been sent out and I am happy for anybody interested to borrow it. It includes most of the presentations and is more comprehensive than my notes.

Really impressive and enjoyable presentations were given by: Gil Penalosa, Gordon Price from Canada, Tim Papandreou from San Francisco and Nicolas Elliot from City of Moreland.

**Afternoon for Councillors**

The Conference did for the first time include an afternoon for councillors. I think this will become a very valuable session in the future, when content and time frame are better established. Hearing from other councillors about issues helped me in judging our progress regarding bicycle infrastructure development. Hearing how some councils allocate \$ 20 per ratepayer to their bicycle fund was particular impressive.

**Accommodation**

To keep the cost to a minimum I stayed at the Youth hostel on Flinder's street. It was an enjoyable experience and sharing a room is an interesting experience. The hostel has a lovely roof top garden!

**Further comments**

I recommend attendance at this Conference, which will be held again in Melbourne from 17-19 Oct 2012 to councillors, members of the traffic committee and anyone with an interest in bicycle facilities, as bicycle riding is becoming more and more popular in Warringah.

<b>ITEM 6.5</b>	<b>COUNCILLORS REPORT FROM ATTENDANCE AT THE COASTAL COUNCILS CONFERENCE</b>
<b>REPORTING MANAGER</b>	<b>GENERAL MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/229928</b>
<b>ATTACHMENTS</b>	<b>1 Report by Cr Harris on Coastal Councils Conference in Tweed Head</b>

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## REPORT

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### PURPOSE

To present Councillor Dr Harris' report following her attendance at the Coastal Councils Conference held 8-11 November 2011 Tweed Heads.

### REPORT

Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbusement 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 Coastal Councils 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-imbusement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

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### RECOMMENDATION OF GENERAL MANAGER

That the report by Councillor Dr Harris regarding the Coastal Councils Conference 2011, Tweed Heads be noted.

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***Report from Councillor Dr Conny Harris*****Coastal Councils Conference in Tweed Head****8-11 November 2012**

In attendance were also Cr Christina Kirsch and Cr Helen Wilkins and from staff Todd Dickinson, Daylan Cameron and Jodi Crawford.

Having the opportunity to talk with staff under Todd's supervision was a most valuable addition, and whilst we do have in theory the chance to have other meetings and discuss coastal issues, here it happens on its own.

A large part of the Conference is divided into 3 streams and swapping over between streams is possible any time. A field trip is an integral part of this conference and the venue chosen for the first evening function was another site worth experiencing. In hindsight it is really valuable to not only listen to a presentation but to go and see what was discussed. Following are selected parts of what I attended and keynotes.

The 20th conference (in 23 years)

**Barry Longland, Mayor of Tweed Shire Council** included in his welcome the importance of coastal management risk lines and forecasted we were to see their big coastal erosion problem that evening at Kingscliff beach. (See photos by Cllr Kirsch)

He further emphasised that decision makers look to this conference for future planning and the benefits we have by providing input at workshops and question time.

**Derek Rutherford** on behalf of the Minister announced \$7.5 mill for new and continued projects about coastal erosion.

**Phil Watson - Principal coastal specialist, OEH (Office of Environment and Heritage), NSW Dep of Premier and Cabinet**, gave a 20 year retrospective addressing challenges and opportunities, major projects, the first coastal hazard policy in 1988, which was also the first year of a coastal councils conference.

The CZM (coastal zone management) for the Tweed River entrance, clearing sand, bypassing the river mouth and relocating it on its northern side. This is the biggest project of its nature in operation since 2001 and it is between two states: Qld and NSW.

2011 ministerial announcement of coastal risk, prior only voluntary CZM plans

**Professor Bruce Thom, Chair of the Coasts and Climate Change Council** alerted us that no money from treasury for ongoing funding for coastal management has been provided (for the next financial year?).

He mentioned that he feels that since the abolition of the coastal council group in 2003, no independent oversight over coastal policy decisions exists and the growing need for this with pending future predictions.

Strong strategic direction in CZM, sea level rise adaption planning, limiting triggers, addressing infrastructure, funding mechanisms, offshore sand extraction, planning for managed withdrawal, research data and information should be focused on by this group.

The fact that we had a rather limited loss of houses since 1990 compared to 50 yrs prior should not make us feel safe.

Lower Curong becomes a toxic mess without proper water allocation.

Tweed River entrance sand bypassing project:

Mass movements of sand sludge. Unnatural 'pulsing' of sand occurs seasonal. In July the beach is replenished, in November erosion dominates.

### **K. Rogers, NSW Office of Environment & Heritage**

'Investigating mangrove and saltmarsh vulnerability and resilience to sea-level rise in south-eastern Australia':

Found an elevation of the surface by means of salt marsh and mangrove plantation!

Her 10 year data documented that total elevation was greater than SLR. Mangrove result in greater elevation than salt marshes. Further the high submission scenario leads to huge submerged areas around 2060. Prior there is even and little submergence.

**Dr Elizabeth Botha, CSIRO**, examined sea grass mapping.

Satellite surveys used, better are on ground surveys but that is time expensive.

Variation of quality Acc to grade of spatial ... Very expensive for fine resolution which is needed to identify different genera/ species.

North facing salt marshes are disappearing a still very preliminary result .

Fish migration at Coral Ave Crossing: the need for community involvement and stakeholder participation was here highly successful.

**Dawn Walker about Fingal Head**, a small coastal community, beautiful, threatened by development managed to get their area listed as a 'National trust conservation area'

Would that be a suitable conservation method for an area here?

83 days green turtle eggs incubation period

Caring for our coast:

Assessment criteria is done in \$ not in time by people spent on the project or laughter or other indicators of having had a good time, which should be question.

Legislation differences between coastal risk areas and bushfire prone areas need reviewing.

Mandatory rather than voluntary SLR policy strategy needed.

SLR does not appear in other Australian legislation

Victory has coastal council, or better perhaps 3 regional boards as is in Victoria, that was dismissed in NSW and we should bring bring them back.

**Peter.horton@worleyparsons.com**

SEPP Infrastructure may be of more relevance than the Coastal Protection Act 1979

Rocks can be good protection if mostly under sand buried

Sand bags ineffective most likely

Rock cheapest option and can be applied quickly during a storm

Of 230 properties 7 percent are at very high risk

And 3 SLSC are very high risk!!!

### **Angus**

Projections not predictions in SLR policy

Beach improvement program commenced 1976 after 1974 big storms

CMPs forced into DCPs , should have been included in LEPs.

Need for leasehold land if rezoning and a revolving CZM leasehold conversion capital fund.

### **Tsunami**

8 earth slides

5 volcanic

75 earthquakes

2 meteorological

Greatest exposure to subduction zones along the Pacific Ring

New Hebrides, Tonga lesser high areas.

Port Kembla highest peak, whereas Port Botany much less and wide mild wave would occur.

### **Ross River Fever**

Mosquito needing habitat destruction by removing standing water

More water accessing the site, better drainage.

Local government is in QLD required to do mosquito control. Brisbane spends annually over 1mill on mosquito control.

Monosulphide accumulation depletes black sludge around mangroves if you disturb it you remove all the oxygen

Extra flushing and drainage did not work as only top was provided with fresh water.



<b>ITEM 6.6</b>	<b>COUNCILLORS REPORT FROM ATTENDANCE AT THE WASTE 2012 - WASTE AVOIDANCE AND RESOURCE RECOVERY CONFERENCE</b>
<b>REPORTING MANAGER</b>	<b>GENERAL MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/226386</b>
<b>ATTACHMENTS</b>	<b>1 Report by Cr Harris - Waste 2012 - Waste Avoidance and Resource Recovery Conference</b>

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## REPORT

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### PURPOSE

To present Councillor Dr Harris' report following her attendance at the Waste 2012: Waste Avoidance and Resource Recovery Conference held 1-3 May 2012 at Coffs Harbour, NSW.

### REPORT

Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbursment 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 Waste Avoidance and Resource Recovery 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-imbursment of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

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### RECOMMENDATION OF GENERAL MANAGER

That the report by Councillor Dr Harris regarding the Waste 2012: Waste Avoidance and Resource Recovery Conference be noted.

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***Report from Councillor Dr Conny Harris*****Waste 2012: Waste Avoidance and Resource Recovery Conference****1-3 May 2012, Coffs Harbour**

Real issues/ creative ideas/ practical solutions report by Conny Harris

A conference very worth while visiting, with lots of interesting information often presented in three parallel run sessions, participants and presenters from all over Australia and overseas ( Buthan!) and only the price tag and the food choices for vegetarians were disappointing.

Full program and reports will be available at <http://www.impactenviro.com.au/waste2012/>

Snippets I thought of as interesting:

**AWTs: (alternative waste technology)**

Australia has 25 AWTs operating successfully, with 65% being in NSW /SA and 1.5 mill tonnes of waste annually processed.

Regional areas are faster to introduce AWTs than urban areas.

14 AWTs are fed source separated organics and 11 AWTs are fed mixed organics. Only one facility runs without kerbside organics collection.

A needs analysis for resource recovery infrastructure commissioned by the Office of Environment and Heritage is with the minister at the moment. It highlights that 5 MRFs (?mixed resource facility) and one MRF with organics are planned and 77% of waste are predicted to go through an AWT and that planned and existing facilities will not be enough to meet the 2014 target.

**Composting:**

The smallest composting facility receives 6500 t organics annually.

MAF (mobile aerated floor ) composting practiced in 9 facilities in Australia. Pipes underneath the compost to circulate and pump air through the composting heap. Speeds up the process and meets benchmarks for odour and leachate. Good for smaller composting facilities in rural areas and cheap.

Compost for unrestricted application is allowed to contain particles of glass, metal and rigid plastics to less than 0.5% and plastics as light flexible film to 0.05%. Restricted application of compost applies to compost with particles of < 1.5% and 0.2% of the above contaminants.

**Reducing contamination rates in recycling bins:**

Results from Bankstown trial show that successful waste education requires a step by step approach. Explanation of why something is done helps but following through requires gentle targeted feedback, rechecking, personal consultation and if continued withdrawal of service.

**Zero waste strategies:**

Different definition of waste need to be taken into account. SA and San Francisco have this aim and have banned plastic bags. Stressed importance of awareness that waste reduction without the aim for zero waste can have potentially dangerous outcome.

**Size of recycling bins:**

A trial to stop losing recyclables by providing larger bins could not confirm this hypothesis.

**Rewarding residents who recycle:**

Very successful trial in Parramatta (conducted by a person who is now on Warringah staff! ) resulting in a 9% increase in recycling.

**Landfill mining:**

Taiwan has committed to mining all of its 404 landfill sites for energy, metal, glass.

For Australia especially rural areas are potentially worth while as they often contain a large amount of metal. In cities mining is limited by gas (odour) problems.

**Further comments:**

Regarding attendance at the conference I was impressed to sit next to a community member, councillor and staff member from Tenterfield and to find out that the community member's conference costs were fully paid for by the Tenterfield Council. Perhaps Warringah Council could consider doing similar especially when councillors are unavailable and we have committee member interested in attending.

Grants for styrofoam recycling machines are handed out and applications close early June. Can SHOROC apply?

Drop off centres to decrease contamination of waste are contemplated to be facilitated and the EPA is asking for submissions as to their need, whereabouts, and what to be collected there. Would it be of interest to Warringah to make a submission?



<b>ITEM 6.7</b>	<b>COUNCILLORS REPORT FROM CONFERENCES ATTENDED BETWEEN 2008 AND 2011</b>
<b>REPORTING MANAGER</b>	<b>GOVERNANCE MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/233628</b>
<b>ATTACHMENTS</b>	<b>1 Reports by Cr Regan - Conferences attended between 2008 and 2011</b>

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## REPORT

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### PURPOSE

To present Councillor Regan's reports following his attendance at a number of conferences attended between 2008 and 2011.

### REPORT

Council's Policy GOV-PL 120 - Policy for the Payment and Re-imbusement 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 Regan has submitted his reports regarding the following conferences, which can be found as attachment 1 to this report.

1. 25-29 October 2008: LGA Conference in Broken Hill
2. 19 November 2008: Inaugural Mayors' conference in Canberra (Australian Council of Local Government) (ACLG)
3. 8-11 December 2008: ALGA Summit on Constitutional Recognition in Melbourne
4. 21-24 June 2009: National General Assembly of Local Government in Canberra
5. 25 June 2009: Australian Council of Local Government in Canberra
6. 24-28 October 2009: LGA Conference in Tamworth
7. 18-19 February 2010: National Climate Change Forum in Adelaide
8. 14-17 June 2010: National General Assembly of Local Government in Canberra
9. 17-18 June 2010: Australian Council of Local Government in Canberra
10. 14-15 October 2010: Bike Futures Conference in Melbourne
11. 25-28 October 2010: LGA Conference in Albury
12. 19-22 June: National General Assembly of Local Government in Canberra
13. 17-18 August 2011: Destination 2036 conference in Dubbo
14. 23-26 October 2011: LGA Conference in The Shoalhaven

### 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-imbusement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

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**RECOMMENDATION OF GENERAL MANAGER**

That the reports by Councillor Regan regarding the conferences attended between 2008 and 2011 be noted.

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In accordance with Policy GOV-PL 120 – "*Policy for Payment and Re-imbusement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors*", Item 14, bullet point eight (as follows):

***"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."*

I submit the following report for the calendar years 2008, 2009, 2010 and 2011. It was an honour to represent the community of Warringah as their directly elected Mayor at 15 conferences during this time. In summary, my attendance at the various conferences benefitted the community here in Warringah in regards to:

- Discussions in the lead up to obtaining grant funding for the completion of the Narrabeen Lagoon circuit;
- Engaging in productive discussions about the establishment of a disability tourism precinct at Collaroy;
- Ensuring that the Warringah area was included in discussions regarding sea level rise and the impacts thereof;
- Engaging with elected representatives of other councils including those in the SHOROC region, to learn from their examples and to share the benefits of Warringah's experience;
- Engaging in broad discussions about professional fiscal management for all councils, and sharing with others Warringah's example of successful financial management;
- To learn best practice from industry leaders on issues such as Cycle-way management and alternative waste technologies;
- To ensure that the interests of Warringah ratepayers were protected in any discussions about broader reform within the Local Government sector in NSW;
- To personally seek commitments from Federal and State Ministers and Shadow Ministers about their positions on important issues to the people of Warringah; for example, the proposed new Level 5 hospital and the prescribed figures for population growth under the Metropolitan Strategy.

## 2008

### 1. October 25<sup>th</sup> – 29<sup>th</sup> 2008: LGA Conference in Broken Hill

The 2008 Local Government and Shires Association conference in Broken Hill was my first conference attended as Mayor. It was held shortly after the election of the new Council so for the first time in 5 years, Warringah was in a position to send elected delegates to this state conference. The conference provided an opportunity to meet other Mayors, GMs and Councillors and to gain an understanding of how the Local Government and Shires Association operates. For the SHOROC councils it provided an opportunity for the new Mayors and councillors to get to know each other.

The conference was attended by a number of high profile speakers including then Opposition Leader Barry O'Farrell, then Premier Nathan Rees and then Local Government Minister Barbara Perry. Both the Premier and the Local Government Minister reminded delegates that they had personally come from backgrounds of involvement with Local Government - the Premier as an employee of a council and the Minister as a local councillor. Unfortunately, neither seemed especially positive about any genuine reforms of the sector. Further, none were prepared to put forward an alternative position on rate capping other than adding another layer called i-part – whereby if a council wants to increase their rates by more than the cap, then it gets referred to i-part for independent assessment.

The motions were put forward relentlessly, and it was a learning experience in terms of meeting conduct and processes. Warringah Council did not have any motions on the paper as the conference came so quickly after the election and the Administrator had felt it would not be appropriate to put motions forward with a newly elected council coming in.

Delegates to the conference took part in the election of the LGSA executive, an important process as the successful team would represent our sector for the following two years. The conference provided a unique opportunity to network with other councils, to assess issues of importance across the local government sector and to ask important questions of our State leaders.

As Warringah Council had just come from a period of administration, there was a great deal of informal interest from other councils about how we were making the transition back to an elected council and I found the exchange of ideas and experiences to be enlightening.

## **2. November 19<sup>th</sup> 2008: Inaugural Mayors' conference in Canberra (Australian Council of Local Government) (ACLG)**

One of Kevin Rudd's election promises at the Federal election in 2007 was to work directly with Councils across Australia to address the question of constitutional recognition of Local Government. A significant step in that process was convening the first Australian Council of Local Government (ACLG) – where every Mayor across the nation was invited to Canberra to meet with the Prime Minister and Cabinet. Kevin Rudd spoke very passionately about the role of local councils and used the conference to announce the Federal Government's Regional and Local Infrastructure Program (RLCIP). This grants program formed an important part of the national stimulus package and provided many councils with much needed funds to carry out important infrastructure projects. Equally the cabinet meetings allowed us to have one on one conversations with the right people, and be invited back for more high level briefings with senior bureaucrats. This was especially important when talking about the funding for the Narrabeen Lagoon trail which we then formally applied for under RLCIP. We met with Minister Albanese and discussed the project in detail and I am confident this discussion had a direct impact on the success of our application under RLCIP. We subsequently received significant funds for the Narrabeen Lagoon multi use trail and we look forward to the completion of the project so the community can make the most of this wonderful facility.

The conference provided unique opportunities for us as Mayors to speak directly with Federal Ministers about issues affecting our individual councils but to also discuss issues that transcended council borders and affected all of us as a community. I was interested to note that after one of my meetings with Lindsay Tanner (formerly the Federal Minister for Finance), he floated that interest free loans would be considered as an alternative to grants – something that I and maybe others had raised with him. What we need is responsible management of funds from local government instead of the constant hand outs for new projects and nothing for basic renewal of existing assets where a Council like us can demonstrate a strong bottom line. Why build another new asset and create another liability if you can't maintain the existing. Crazy!

Another incident that provided direct relevance to our community here in Warringah occurred when an impatient David James (then Mayor of Pittwater) and I asked when the Federal Government was going to take the lead and set the official sea rise levels so that we can start planning our flood studies and give some confidence to local business and homeowners that councils are indeed planning for the future. Minister Wong and Minister Garret both agreed that it was a priority, particularly for both Councils given the vulnerability of Narrabeen Lagoon. But they also asked us to be patient as there was a lot of data to collate and test and additional priorities that were competing for attention. The Minister gave us a guarantee that within 12 months we would have that data and other tools important to local Councils to help with the local actions and planning. Further, she added that both herself and her department staff had nothing but praise for the staff of Warringah and Pittwater on this important issue and thanked them for their diligence. I can report she delivered on her promise within the 12 months.

### **3. December 8<sup>th</sup> – 11<sup>th</sup> 2008: ALGA Summit on Constitutional Recognition in Melbourne**

In order to progress the move towards constitutional recognition of Local Government, a conference was held in Melbourne to look at the issue in detail. Essentially the delegates were told that the way Local Government is funded from our State and Federal counterparts could be under threat if we don't amend the constitution to reflect that we are the third tier of Government in Australia. The conference hosted some fruitful discussions and an action plan was laid out and a working group established. This is an important issue not only for Warringah but for all communities across Australia to ensure that local Councils are appropriately and legally recognised.

## **2009**

### **4. June 21<sup>st</sup> – 24<sup>th</sup> 2009: National General Assembly of Local Government in Canberra**

This was the first opportunity for all 565 local councils across Australia to come together for a national conference since the ALP Federal Election victory of November 2008. The theme of the conference was "*Infrastructure, Climate Change and Financing*" and all speakers emphasised the fact that this was a challenging time for Local Government – not only in terms of the Global Financial situation but also in terms of our long term viability as a sector. The agenda included a number of important motions including a number from Warringah regarding the use of renewable energy and the protection of critical wildlife habitats.

It was at this conference that SHOROC submitted the historic E-waste motion, calling on the Federal Government to coordinate a national approach to introduce full regulation on extended producer responsibility for the collection of e-waste. It was important that all four Mayors were in attendance, to lobby and advocate for the motion, both formally and informally. The motion was warmly supported and was yet another example of Warringah and the SHOROC councils leading the way in local government initiatives.

Among other important functions of this national conference, the General Manager and I were given an opportunity to present the priorities of Warringah to our Federal representatives in Parliament, namely the Hon Tony Abbott and the Hon Bronwyn Bishop. The relationships built up with our federal colleagues in Canberra cannot be undervalued and we were received warmly and graciously as their guests in Parliament. It was a chance for all the SHOROC councils to sit down with our Federal MPs and reflect on what was happening at the time and what was being planned for our area. This conference provided us with direct access to MPs on both sides of the house which has been critical when discussing SHOROC priorities such as the Hospital at Frenchs Forest.

**5. June 25<sup>th</sup> 2009: Australian Council of Local Government in Canberra**

This conference was especially important when talking about the funding for both the Narrabeen Lagoon trail and for the disability precinct at Collaroy under the RLCIP program, with the second round of funding announced at this conference. From those two applications, we managed to get significant funds for the Narrabeen Lagoon multi use trail which unfortunately probably meant we never had a realistic shot at the Disability Precinct because we did so well out of round one. It stands to reason that out of fairness to other Councils who missed out all together, we would not necessarily be a priority for round two. However the process provided us with significant access to the Minister and to senior departmental staff, allowing us to discuss the disability precinct project and to gain their advice and support.

**6. October 24<sup>th</sup> – 28<sup>th</sup> 2009: LGA Conference in Tamworth**

The theme of the conference was “Tough Times; Smart solutions” and again it provided an invaluable opportunity for council representatives from across the state to exchange ideas about local government. The speakers included then Opposition Leader Barry O’Farrel, former Premier Bob Carr and then Planning Minister Kristina Keneally, who I had met only a few weeks before to discuss a controversial proposal for development in the Warringah area. All speakers again spoke of the challenges facing local government.

Warringah Council had a number of motions included on the agenda paper including a call for a linked bicycle path on the Northern Beaches and a demand that the State government launch an immediate investigation into the Private certification process – both motions were adopted by the conference.

And in follow up to the success at the National conference, SHOROC moved a similar motion regarding the collection of E-waste, this time calling on the State Environment Minister to also take a role in introducing extended producer responsibility.

**2010****7. February 18<sup>th</sup> – 19<sup>th</sup> 2010: National Climate Change Forum in Adelaide**

The then Minister for Climate Change and the Environment, Penny Wong, invited both myself and the former Mayor of Pittwater David James to Adelaide for the climate change conference and panel discussion. We were honoured to be part of the group of only 200 people that were invited to attend this forum which was hosted by both the Minister and Tim Flannery. Our relationship with Minister Wong began back in Canberra during the 1<sup>st</sup> Australian Council of Local Government meeting.

At the Adelaide summit, the Minister produced a draft report which went into detail about Narrabeen Lagoon and the predicted impacts of sea level rise on the surrounding area. The report outlined three possible methods of dealing with the predicted impacts and the approximate cost of each method. One of the suggested solutions was a permanent opening

of the Lagoon. Part of the exercise was to demonstrate very clearly that Local Government needs to work in partnership with the Federal and State governments. Around the room there were many industry leaders including insurance companies, representatives of CASA, scientists and politicians from all sides of the spectrum. There was even a very vocal climate change "denier" from one particular local council. After some probing questions, it turned out this Mayor actually did believe in climate change but as a natural occurrence rather than the result of human endeavours. His position therefore became that we should be looking very closely at adaptation measures as a priority, and reducing emissions as a secondary measure. I headed up one of the panel discussions for Local Government about the challenges ahead for councils. We focussed on the cost and experience of permanently fixing roads such as Pittwater Rd as opposed to emergency responses and planning, plus ongoing adaptation and mitigation. The conference prompted all of us to consider exactly what our role should be in the community discussion on climate change and in the implementation of firm actions.

**8. June 14<sup>th</sup> – 17<sup>th</sup> 2010: National General Assembly of Local Government in Canberra**

The theme of this national conference was "*Population, Participation and Productivity*" and came at a very tense stage in Australian politics, taking place in the days immediately before Kevin Rudd was replaced as Prime Minister. We heard from many high profile speakers including Senator Penny Wong, Senator Bob Brown, the Hon. Anthony Albanese, the Hon. Warren Truss and journalists such as Malcolm Farr and Kerry O'Brien. It was pleasing to hear both the Government and the Opposition make firm commitments towards constitutional recognition of local government. We were reminded about the need for good firm partnerships, both with other level of governments but also with NGOs, research groups and yes, maybe even with private enterprise. One of the most engaging presentations however, came from our very own Malcolm Ryan. Mr Ryan spoke about e-planning and community consultation and was very warmly received by the audience. I was approached by a number of delegates afterwards wanting to know more about the processes we have in place at Warringah and it was yet another example of the professionalism and innovation of the staff here at Warringah.

**9. June 17<sup>th</sup> - 18<sup>th</sup> 2010: Australian Council of Local Government in Canberra**

This year's conference took on a slightly different format to previous years, with an open forum providing direct access to Federal Ministers and Parliamentary Secretaries. I took the opportunity to ask about the potential for Commonwealth funding for the new Northern Beaches hospital. The then Health Minister responded by repeating their previous commitment of \$5million towards investigations and reports. I and the other SHOROC Mayors found this response unsatisfactory and indicated that we will be looking to engage in further discussions with them about a greater involvement and contribution from the Federal government. The then Prime Minister Kevin Rudd announced a third round of funding under the Regional and Local Community Infrastructure Program, adding \$100 million to the pool of funds. This third round brought the total amount of funds that the Federal Government had made available to local councils to \$1Billion – all money directly invested into local government authorities to build and modernize community infrastructure. And Warringah has benefitted from all three rounds with funds going



towards the Narrabeen Lagoon multi-use trail, the upgrade of Dee Why pool, water recycling projects at the Aquatic Centre and works at our public libraries.

**10. October 14<sup>th</sup> – 15<sup>th</sup> 2010: Bike Futures Conference in Melbourne**

The 2010 Bike Conference in Melbourne was a meeting I looked forward to for various reasons. Our Council has an unfunded bike plan. Unfunded but with a few years of guaranteed expenditure running over the \$1 million mark. As a person who is interested in seeing the plan succeed, I also have to balance it with the reality of our budget constraints and the fact that in all our surveys of the community, it barely rates a mention as a priority. However, I am a big believer in the attitude of “build it and they will come”- if we provide the infrastructure, positive results for the community can and will be achieved. One such example of this is the community garden concept. Despite much orchestrated opposition to the garden, I think it has been a worthy and reasonably successful endeavor.

The bike conference provided a great opportunity to see what others are doing in the sector, especially the presenter from Portland in America. It became very clear that the biggest stumbling block for us in NSW is the RTA. The Victorian equivalent has taken a more liberal approach in looking at the use of bikes and integrating them onto roads safely. Two ideas that took my interest were:

(a) narrowing the width of car lanes in various streets which had the dual impact of creating 1m wide bike lanes but also slowing local traffic down to the speed limits set. The onus was on the local Council to do a self assessment on safety and take into account a number of factors and if these details could be demonstrated, then the Authority would support the Council in its move to narrow the road lanes to accommodate bikes. Simple as that.

(b) putting bike lanes into the gutter and pushing cars out a metre and then separating the road with either a small raised barrier, or a type of road divider not dissimilar to the dividers on the side of a highway that when a car crosses them, it reminds the driver they are drifting or have crossed into the break down lane. This method has since become a common site throughout the city of Sydney and appears to work well.

Another simple but effective idea was bike racks as public art. I can see that working well in Dee Why, Brookvale and Freshwater straight away. I was also reminded of the need for us to work directly with local schools that want to encourage their students to use bike paths more frequently. This needs to take priority and hopefully a committee that Councillor Harris and I subsequently set up after the conference in relation to pedestrians, bikes and cars will help assist with that process.

The other idea to come out of this conference and has already been actioned is a local bike event. Initially, SHOROC had embraced the idea of an event with a head to head concept, but I am of the opinion that for parents with kids, maybe the best idea would be a smaller one, perhaps from Warringah Mall to Dee Why beach. A serious ride with adults could easily take place from North Head in Manly to Palm Beach but I think for Warringah, we would do well to keep it local so let's look to the future with the Narrabeen multiuse trail nearing completion or even the circuit at Manly Dam. I believe that will provide us with the best

results to grow the events, and grow awareness in the Bike Plan and fine tune it to meet the ever changing needs of our community. In any event, the Bike Conference was one of the better conferences I have attended and confirmed my view that we should be concentrating on the recreational aspects of the bike plan and not the commuter ones. We should definitely prioritise the school routes though as that can have a very positive influence on so many aspects of our community from reducing car traffic, to encouraging a healthy lifestyle for our children and raising general awareness of the plan by our community.

#### **11. October 25<sup>th</sup> – 28<sup>th</sup> 2010: LGA Conference in Albury**

The timing of this conference was not ideal, coming just 5 months before the NSW State election. I found the debates over motions to be extremely politicized, with some of the guest speakers including the Premier and the Opposition Leader actually being heckled and booed. In my opinion, this was far from local government at it's best. On the last morning of the conference, there was an interesting panel discussion with representatives of all the major parties on stage. I took the opportunity to ask the then Shadow Minister for Local Government whether the Coalition had any plans to amend the prescribed population targets contained in the latest Metropolitan Strategy, specifically in regards to Warringah. The Shadow Minister was effectively given the opportunity to say the figures would be decreased or scrapped altogether but he did not take it. Instead he indicated to the audience that the figures would be maintained. This was an important statement to obtain directly from the Shadow Minister given the discussion that was taking place locally at the time regarding our Council's Housing Strategy.

## **2011**

#### **13. June 19<sup>th</sup> – 22<sup>nd</sup>: National General Assembly of Local Government in Canberra**

The theme of this year's conference was "Growing With Our Community – Place, Position, Partnership" and there was a great deal of emphasis on the importance of good relations between councils and their community. We heard how councils took on a unique role during last year's floods in Queensland and how local leaders were able to create community resilience in the face of such tragedy. I think there are a number of lessons that can be learnt here for us in Warringah about emergency response and preparedness. There was an interesting presentation about the public perception of Local Government and this tied in well with a discussion about Constitutional Reform and the need for Local Government to be appropriately recognized in legislation. The conference again gave the SHOROC Mayors an opportunity to meet as a group with our Federal Members of Parliament. This year, the topics for discussion were predominantly the construction of the Northern Beaches Hospital and the ongoing complementary role of Mona Vale Hospital, the implementation of a Bus Rapid Transit system on the Northern Beaches and a number of regional road improvements including Mona Vale Road, Wakehurst Parkway and the intersections of Warringah Road with Wakehurst Parkway and Forest Way. The meeting also gave us an opportunity to hear the Oppositions policies on a range of issues.

**14. August 17<sup>th</sup> -18<sup>th</sup> 2011: Destination 2036 conference in Dubbo**

The newly elected State Government invited representatives from all 152 Local Councils to attend a forum in Dubbo to discuss the future of Local Government. More than 350 delegates attended for what was a productive and thought-provoking conference. We were reminded that over the next few decades there were going to be many changes to our populations, our technology and our economy and that Local Government needed to take a leadership role in preparing our communities for this transition. I think it's fair to say that there was a lot of fear at the time that the conference was paving the way for forced amalgamations but such fears proved to be unfounded. Having said that, the Government made no secret of the fact that the conference and the process that would follow afterwards was partly aimed at developing structures and approaches to local government in NSW that will "allow the sector to meet the needs and expectations of our communities of the future". This was highly relevant to Warringah and the other Northern Beaches councils where we are already working cooperatively and sharing some resources and looking at ways in the future of building on those partnerships. The conference allowed for a good exchange of views to take place and I look forward to seeing the Action Plan and outcomes discussed by communities across the state, but most importantly here in Warringah. I was encouraged by the words of the Minister for Local Government, Don Page who repeatedly told the group that the State Government is committed to work constructively with local government and to recognize local government as a partner.

**15. October 23<sup>rd</sup> – 26<sup>th</sup> 2011: LGA Conference in The Shoalhaven**

The annual conference provides a regular opportunity for networking with other Councils and of exchanging ideas about best practice in local government. The 2011 conference came two months after the "*Destination 2036*" conference so there was a great deal of discussion about the future of local government and the need for reform without compromising the interests of ratepayers. We heard from the Minister for Local Government Don Page as well as the Shadow Minister for Local Government Sophie Cotsis and the Greens spokesperson for Local Government David Shoebridge. Again, they all spoke about the importance of Local Government as well as the challenges that are facing our area over the coming years. Warringah Council's motion calling on the conference to support the Legislative Council's inquiry into Coal Seam Gas was well supported and adopted in full by the delegates. The keynote speaker was Bernard Salt who spoke to us about the role that local councils need to play in improving the lives of those who live in our community – that the 21<sup>st</sup> Century will require a new way of living sustainably and that councils need to take a leading role in the adaptation that is required. Finally, as Mayor of Warringah, I was extremely proud to support one particular guest speaker at the conference – Mr Graeme Philpotts, CEO of Stewart House. Last year marked the 80<sup>th</sup> Anniversary of Stewart House and it is a facility that we are rightly proud of here in Warringah. Graeme's presentation was warmly received by the audience and I was pleased to be able to demonstrate Council's support for this very worthwhile service provider.



## 7.0 COMMUNITY DIVISION REPORTS

<b>ITEM 7.1</b>	<b>POLICY NO CS-PL 01 BEACH PARKING PERMITS</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER COMMUNITY</b>
<b>TRIM FILE REF</b>	<b>2012/096140</b>
<b>ATTACHMENTS</b>	<b>1 Beach Parking Permit Policy</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To advise Council of the results of the exhibition of the Beach Parking Permit Policy CS-PL 01.

#### SUMMARY

The Beach Parking Permit Policy was publicly exhibited from 19 December 2011 until Monday, 16 January 2012. Written submissions were accepted up to 23 January.

One internal and three external submissions were received during the exhibition period.

The internal submission was in favour of the policy and to include a clause for rescission of the policy *Regulation of Recreation Car Parking Areas on Reserves – ENV-PL 650* along with minor changes of wording to clarify the Beach Parking Permit Policy.

Of the three external submissions received, two were from the members of the Rural Fire Service who were against the requirement to demonstrate a community and/or volunteer service at Councils' pay and display beach reserve car parks to be entitled to a free beach parking permit. An anonymous submission requested that volunteer organisations be entitled to free beach parking permits.

The Policy has had several amendments made as a consequence of the submissions. The Policy is attached to this report at Attachment 1.

Adoption of the amended policy is recommended.

#### FINANCIAL IMPACT

Nil impact.

#### POLICY IMPACT

Amendments made allows for the rescission of the policy *Regulation of Recreation Car Parking Areas on Reserves – ENV-PL 650*.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council adopt the Beach Parking Permit Policy CS-PL 01 as amended in response to the submissions received.

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**REPORT**

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**BACKGROUND**

Council resolved on 13 December 2011;

- A. That the Beach Parking Permit Policy be placed on exhibition for 28 days in accordance with Council's Community Engagement Policy.
- B. That following exhibition, any submissions received be reported to Council to consider amendments to the Beach Parking Permit Policy.

**CONSULTATION**

The Beach Parking Permit Policy was publicly exhibited from 19 December 2011 until Monday, 16 January 2012. Written submissions were accepted up to 23 January.

Advertisement was placed in the Manly Daily on 15 December 2011. The policy was also placed on Council's website and under "Your Say Warringah".

As well, Council's *Community & Culture* and *Recreation & Open Space* Strategic Reference Groups were notified by email on 20 December 2011 and invited to review the exhibited policy.

The submissions are addressed below.

**Submissions**

One internal and three external submissions were received during the exhibition period.

The internal submission was in favour of the policy and made recommendation for a provision to accommodate Council's management of temporary beach parking permits for Council sanctioned events along with minor changes of wording to clarify the Beach Parking Permit Policy.

The amendments have been made which allows for the rescission of the policy *Regulation of Recreation Car Parking Areas on Reserves – ENV-PL 650*.

Of the three external submissions, two were from members of the Rural Fire Service who were against the requirement to register and demonstrate a community and/or volunteer service at Councils' pay and display beach reserve car parks to be entitled to a free beach parking permit. The third was from an anonymous submission requesting that volunteer organisations be entitled to free beach parking permits.

The policy clearly recognises the value of our volunteer organisations and provides for free beach parking permits to legitimate applicants. As such, no change to this aspect of the policy has been made.

**Key Amendments**

The following amendments were made to the policy;

- To include a clause to cover the proposed rescission of *Regulation of Recreation Car Parking Areas on Reserves – ENV-PL 650*
- Change wording from "parking permits" to "Beach Parking Permits" to clarify that Beach Parking Permits are only valid at Councils' pay and display beach reserve car parks and to ensure consistency in how they are referred to across Council.
- Change of wording from "Season Parking Permits" to "Event Beach Parking Permits" to reflect their use and that Council is prepared to issue organisers of Council sanctioned events at our beach reserves with fixed duration permits under certain criteria.

- Change of wording to clarify that Beach Parking Permits are only provided to community groups free of charge, where they can demonstrate a community and/or volunteer service activity at the beach. They are not issued for purely recreational purposes on the basis of membership within a community group.
- Added Section 4: “Locations where Beach Parking Permits are Valid”
- Added Section 5: “Replacements of Beach Parking Permits” to clarify the process regarding replacements, required documentation and whether a fee is payable.
- Changed Attachment 3 to 1: “Warringah Councils’ Pay and Display Beach Reserve Car Parks”.
- Added Attachment 4: “Temporary Event Beach Parking Application” Form

**POLICY IMPACT**

Amendments made allows for the rescission of the policy *Regulation of Recreation Car Parking Areas on Reserves – ENV-PL 650*.

**FINANCIAL IMPACT**

Nil impact. Amendments made falls within the existing Customer Support Services operational budget.





## Warringah Council Policy

### Policy No. CS-PL 01

### Beach Parking Permits

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#### 1 Purpose of Policy

- To regulate exemptions to Pay and Display parking fees at beach reserve car parks.
- To provide a clear statement of the responsibility for the issuing of Beach Parking Permits to ratepayers, residents, community groups, service groups, retirement villages, schools, Council employees and Council "contract" service providers.
- To clarify the purpose and criteria for Event Beach Parking Permits
- To identify the key roles and responsibilities of Warringah Council in meeting the needs of ratepayers, residents, community groups, service groups, retirement villages, schools, Council employees and Council "contract" service providers with regards to parking in Councils' pay and display beach reserve car parks.
- To define the criteria for eligibility to obtain a Beach Parking Permit.
- To define the areas where Beach and Event Beach Parking Permits are valid.

#### 2 Principles

This policy provides Council with a framework for determining the criteria and eligibility in which Beach Parking Permits and Event Beach Parking Permits are issued.

The policy relates to the allocation of Beach Parking Permits and Event Beach Parking Permits which allow free parking in Councils' pay and display beach reserve car parks.

In developing this policy, a review of our procedures and allocation of Beach Parking Permits was undertaken following an audit.

Warringah Council will:

- Plan and support the development of a responsible and equitable Beach and Event Beach Parking Permit allocation consistent with the needs of the community groups, event organisers, our ratepayers and residents.
- Manage the provision of parking provided for events at Council beaches in line with the community benefit of the event.
- Ensure the equitable and transparent issue and distribution of Beach Parking Permits.

The principles of distribution of Beach Parking Permits or Event Beach Parking Permits that Council will apply are:

- Recipients have varied and diverse parking needs and shall be recognised in the allocation and distribution of Parking Permits.
- Applications will be considered by Council before the issuing of any Beach and Event Beach Parking Permits to community groups. A requirement to park at the beach will need to be demonstrated by community groups prior to Parking Permits being issued. Application forms will need to be completed and authorised before any applications will be considered by Council. Council reserves the right to refuse applications where a need to access the beach in order to benefit the community is not demonstrated.

Policy No. CS-PL 01

### **3 Criteria for Eligibility for Allocation of Beach Parking Permits**

The criteria used to determine the eligibility for the allocation of Beach Parking Permits is as follows:

#### **3.1 Ratepayers**

Two (2) Beach Parking Permits will be issued on the back of the first instalment of the Rates notice to all Warringah ratepayers.

Purchasers of property in the Warringah Council Local Government Area will be issued with two (2) Beach Parking Permits upon receipt of the property transfer from the Land Titles Office.

#### **3.2 Warringah Residents**

Residents are entitled to purchase Beach Parking Permits in accordance with the current Fees and Charges schedule. Proof of residence is required.

#### **3.3 Pittwater Residents**

Pittwater residents are entitled to purchase Beach Parking Permits in accordance with the current Fees and Charges schedule. Proof of residence is required.

#### **3.4 Non Warringah / Non Pittwater Residents**

Non Warringah / non Pittwater Residents are entitled to purchase Beach Parking Permits in accordance with the current Fees and Charges schedule.

#### **3.5 Community Groups (including Surf Life Saving Clubs, Rural Fire Service and State Emergency Service)**

Community groups who demonstrate a community and/or volunteer service activity at the beach are entitled to one (1) Beach Parking Permit per vehicle owned by the organisation (this arrangement precludes organisations and community groups requesting temporary permits for Council sanctioned events – refer to 3.10).

Individual members of the organisation may also apply for Beach Parking Permits if a community and/or volunteer service activity at the beach is demonstrated.

Application forms must be completed and signed by the applicant and authorised by a responsible Officer and returned to Council in order for applications to be considered (refer to Attachment 2).

To comply with Councils' audit controls the number of Beach Parking Permits distributed to each organisation will be monitored and Council expects the distribution to reflect active membership. Should Council perceive that an organisation has breached what is "reasonably expected" Council may conduct an audit.

#### **3.6 Retirement Villages**

Residents of retirement villages are entitled to one (1) Beach Parking Permit per household upon application. A second Beach Parking Permit may be obtained if there is a valid requirement. The application form is to be completed and signed by an authorised administrator of the retirement village (refer to Attachment 3).

#### **3.7 Schools**

Local schools are entitled to one (1) Beach Parking Permit per school vehicle used to transport pupils to and from the beach for the education of children in the Warringah community. Beach Parking Permits will be distributed to each school in Warringah upon application.

**Policy No. CS-PL 01**

If private vehicles are used for regular transporting of pupils to and from the beach, then authorisation from the Head Master / Mistress will be required prior to Beach Parking Permits being issued.

The application form needs to be completed and signed by the Headmaster / Headmistress (Principal) in order for applications to be considered (refer to Attachment 2).

**3.8 Council Owned Vehicles**

One (1) Beach Parking Permit will be issued for all Council-owned vehicles.

Council employees that use their personal vehicle for Council related activities at the beach are entitled to one (1) Beach Parking Permit upon justification of an operational need and authorisation by the employee's manager.

**3.9 Council "Contract" Service Providers**

Council "contract" service providers are not entitled to a free Beach Parking Permit. These service groups however are entitled to purchase permits under Council's current Fees and Charges schedule.

**3.10 Event Beach Parking Permits**

Event Beach Parking Permits may be issued to organisers where temporary parking is required for a fixed duration.

Criteria for obtaining Event Beach Parking Permits are as follows:

- Resolution of Council to waive pay and display parking fees.
- Where the public reserve hire specifies parking spaces as inclusive of hire fees.

**Note:** Requests to book reserves for major events must be in writing using the Warringah Council Major Event application form, as stipulated on the form.

Requests for the allocation of Event Beach Parking Permits must be made submitting an application form. (refer to Attachment 4).

**4 Locations where Beach and Event Beach Parking Permits are Valid**

Beach and Event Beach Parking Permits are only valid at Warringah Councils' pay and display beach reserve car parks (refer to Attachment 1).

**5 Replacements of Beach Parking Permits**

A Statutory Declaration will be required before replacement Beach Parking Permits are issued.

A fee is payable\* for the replacement of Beach Parking Permits according to the current Fees and Charges schedule when:

- Beach Parking Permits have been lost, misplaced or disposed of.
- A vehicle has been sold and the Beach Parking Permit has not been returned to Council.

\* In order to receive a replacement at the rate listed in the current Fees and Charges schedule, documentary evidence of the vehicle's sale is required.

Free Beach Parking Permits will be provided when:

- A vehicle has been written off or the windscreen has been damaged. Documentary evidence is required to support the request.

Policy No. CS-PL 01

- A vehicle has been sold and the Beach Parking Permit is returned to Council (please note, it does not need to be intact).
- A faulty Beach Parking Permit has been issued and the Beach Parking Permit is returned to Council.
- Evidence establishes that mailed out Beach Parking Permits were never received.

## **6 Authorisation**

This Policy was adopted by Council on 24 August 2004.

## **7 Amendments**

This Policy was reviewed and amended on 27 November 2007

This Policy was reviewed and amended on 22 May 2012

## **8 Who is responsible for implementing this Policy?**

**Deputy General Manager - Community**

## **9 Document owner**

**Group Manager Customer Support and Library Services**

## **10 Related Council Policies, Operational Management Standards and Legislation**

This Policy should be read in accordance with:

- a) This policy replaces Policy No. ENV-PL 650 - Regulation of Recreation Car Parking Areas on Reserves
- b) Policy No. PL-530-Events Sustainable Events
- c) Policy No. CCS-PL 610 - Beach Services
- d) Policy No. CCS-PL 611 - Surf Life Saving Movement
- e) Local Government Act, 1993, Section 355 and Section 632

## **11 Definitions**

Beach Parking Permit – authorised parking permit issued by Warringah Council.

Event Beach Parking Permit – authorised parking permit issued by Warringah Council for short term parking for a specific purpose.


**Pay and Display Car Parks – any Warringah Council parking area within a reserve identified in Attachment 1, which is sign posted as 'Pay and Display' on the site.**



**1. Warringah Councils' Pay and Display Beach Reserve Car Parks** (illustration only – fees and charges may vary)



2. Sample Community Groups Beach Parking Permit Application Form



**COMMUNITY GROUPS BEACH PARKING PERMIT APPLICATION**  
 Eschold's Retirement Villages

Page \_\_\_\_ of \_\_\_\_

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**ORGANISATION'S DETAILS**

Name of Organisation \_\_\_\_\_ Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_ Email Address \_\_\_\_\_  
(PLEASE PRINT NAME AND ADDRESS)

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**MEMBERS DETAILS (please print)**

In completing this form and signing this application, I am declaring that I am required to use the beach managed parking area to carry out my volunteer duties.

Name	Address	Position in Organisation	Signature	Reason requiring permit			If other, please provide further information
				Build	Open	Other	

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**TO BE COMPLETED BY A DULY AUTHORISED OFFICER (CLUB CAPTAIN OR SECRETARY)**


As the responsible officer, I declare that I have checked the authenticity of the applicant's request and confirm that each of the above applicants/members are required to use the beach managed parking area to carry out their volunteer duties. I also declare that the applicant(s) have not previously applied through this Community Group for this year's Beach Parking Permit.

Name \_\_\_\_\_ Signature \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

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Please return this form to Warringah Council 726 Pittwater Road DEE WHY NSW 2099 Email: council@warringah.nsw.gov.au Fax: 02 8671 4522  
 For Office Use Only. One Booklet. Version 1.0 (Sep 2011)

**3. Sample Retirement Villages Beach Parking Permit Application Form**



**Retirement Villages Beach Parking Permit Application**

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**ORGANISATION'S DETAILS**

Name of Organisation \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ Email Address \_\_\_\_\_

(Please, not postmark to state in this address) Page \_\_\_\_ of \_\_\_\_

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<b>RESIDENT'S DETAILS (please print)</b>	
Name	Signature
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
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12	
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14	
15	

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**TO BE COMPLETED BY AN AUTHORISED REPRESENTATIVE OF THE ORGANISATION**

(Confirm that all applicants are residents of the Retirement Home (with the exception of community vehicles which require permits):


Name \_\_\_\_\_ Signature \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

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Please return this form to: **Warringah Council 725 Pittwater Road DEE WHY NSW 2099** Email: [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au) Fax: 63 8971 4522

For Office Use Only Date Received: \_\_\_\_\_ Item Permits/Plan: \_\_\_\_\_ Permit Number/s: \_\_\_\_\_ Version: 1.0 (March 2011)

**4. Sample Temporary Event Beach Parking Permit Application Form**

 <p><b>Event Beach Parking Permit Application</b></p> <p><small>This form applies only to temporary parking permits within the "Flag and Display" parking areas. Issued under the provisions of Policy No. "CS-PL03 Beach Parking Permits"</small></p>	
<b>ORGANISATION'S DETAILS</b>	
Name of Organisation _____	Phone Number - mobile _____
Name of Contact _____	Email Address _____
<b>EVENT DETAILS</b>	
Event Name _____	Number of Permits required _____
Event Date _____	Parking Areas Required
Event Location _____	1. _____
	2. _____
	3. _____
<b>CRITERIA FOR ALLOCATION OF PERMITS (see Policy no. CS-PL03 Beach Parking Permits)</b>	
Allocation of Event Beach Parking Permits are authorised through: (please tick appropriate)	
<input type="checkbox"/> Included in reserve booking fee	<input type="checkbox"/> Resolution of Council to waive parking fees
Reserve Booking number: _____	Resolution date and ref number: _____
<p>Please return this form to: Warringah Council 725 Pittwater Road DEE MYN NSW 2089 Email: council@warringah.nsw.gov.au Fax: 02 9371 4522</p> <p><b>TO BE COMPLETED BY COUNCIL OFFICER</b></p> <p>Application to be entered into TechOne - EP</p>	
Date Received: _____	Date Permits Collected: _____
Name: _____	Date completed in TechOne: _____
	Permit Number: _____
	<small>Version 1.0 (May 2012)</small>



<b>ITEM 7.2</b>	<b>AUSTRALIA DAY EVENTS REVIEW</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER COMMUNITY</b>
<b>TRIM FILE REF</b>	<b>2012/109886</b>
<b>ATTACHMENTS</b>	<b>1 Australia Day Events Review (Excluded from Agenda)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

The purpose of this report is to present the findings of the Australia Day Program Evaluation and recommendations.

#### SUMMARY

The Australia Day Program Evaluation was commissioned by Warringah Council from the Australian Centre for Event Management, University of Technology, Sydney. The objective was to evaluate key events within the Australia Day program conducted at Beacon Hill, Dee Why, Forestville and Narrabeen. A range of research methods were used including: a review of all data provided by Council, event site observations, face to face interviews with consumers, personal interviews with volunteer site coordinators, surveys of volunteer groups, surveys of all participating volunteers, meeting with the Australia Day Committee and a meeting with the Strategic Reference Group for Community and Culture. The results have been collated and are presented in the attached report. From the results a number of recommendations have been made with a view to proposing several improvements to the current event delivery and management practices which will deliver long term sustainability of the Australia Day program.

#### FINANCIAL IMPACT

The proposed budget for the Australia Day event 2013 as detailed in the Draft Strategic Community Plan 2012 (Draft Budget) is \$120,000. This event has the potential to attract sponsorship however that amount varies from year to year.

The Australia Day Program Evaluation has resulted in a number of recommendations which present opportunities to improve event management and delivery.

As per the report recommendations, it is proposed that the following cost model be adopted as given in the Figure 1. As can be seen the budget allocation proposed for 2012 would allow for changes to the event previously held at Forestville (War Memorial Playing Fields) and Belrose (Lionel Watts) as well as provide a cost saving of \$10,000 in the overall events budget.

**Figure. 1 Australia Day Cost Model 2012/ 2013**

	<b>Beacon Hill</b>	<b>Dee Why</b>	<b>Forestville</b>	<b>WAC*</b>	<b>Narrabeen</b>	<b>Sponsorship</b>	<b>Total Expenses</b>	<b>Budget**</b>
<b>2012</b>	\$8,000	\$60,000	\$36,000		\$35,000	-\$10,000	\$129,000	\$120,000
<b>2013</b>	\$5,000	\$60,000		\$20,000	\$35,000	-\$10,000	\$110,000	\$110,000
<b>Proposed Budget Savings</b>								<b>\$10,000</b>

\* Warringah Aquatic Centre recommended as new activity to be approved.

\*\* 2012 Budget, 2013 proposed budget as per Draft Strategic Plan.

The financial figures are also included, as requested by the Community and Culture Strategic Reference Group (SRG) at their February 2012 meeting.

**POLICY IMPACT**

The recommendations of the Australia Day Program Evaluation (refer Attachment) are consistent with the following policies which relate to events: Strategic Community Plan, Sustainable Events, Environmental Sustainable Policy, Prohibition of Eggs Sourced from Caged Chickens, Civic Receptions, Policy for the Management of Smoking in Public Places and Workplace Health and Safety Policy.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY**

That Council

- A. continues to acknowledge and thank the significant support and contribution made by the many community groups who have historically made Australia Day celebrations within Warringah a success,
  - B. thank the Australia Day Committee for their commitment and support over the last 3 years,
  - C. moves the Australia Day event previously at Forestville and Belrose, to the Warringah Aquatic Centre to deliver a streamlined "family fun" Australia Day celebration,
  - D. continues to consult with the community groups to continue to build on the success of Dee Why and Narrabeen events, and work to minimise the costs of the Beacon Hill event, with the budget allocation as detailed in Figure. 1,
  - E. notes that community Australia Day celebrations are eligible to apply for Council's Cultural Grants,
  - F. accept a late application, due by 3pm Monday 4<sup>th</sup> June 2012, from the community groups associated with the previous Forestville event,
  - G. implements new operational procedures and induction processes in accordance with legislative changes for WHS, noting Council's overall responsibility and liability for event delivery, and brands the events accordingly,
  - H. establishes an event volunteer database to improve communications with community volunteers,
  - I. disband the existing Australia Day Committee to be replaced with an Australia Day working group made up of representatives from Council's Events team and volunteer site coordinators,
  - J. note the Australia Day Program Evaluation Report.
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**REPORT**

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**BACKGROUND****Historical**

The Australia Day Big Breakfast event officially began as a combined community and Council event in 1988. Funds were made available through a Federal Bicentenary Grant Scheme for the purpose of creating an 'Australia Day BBQ' to mark the commemorative year. According to Council reports, BBQ breakfasts were held at Dee Why, Forestville and Avalon Beach in 1998 (prior to the separation of Pittwater and Warringah Councils). Following the success of the events Council resolved to hold the Australia Day BBQ Breakfast as an annual event from 1989.

Australia Day BBQ Breakfasts are now held at the following sites: Dee Why, Forestville and Narrabeen. Each site also features entertainment and activities. A more traditional style of ceremony and morning tea is hosted by the Beacon Hill Trust at the Beacon Hill Lookout and has been operating for over 35 years.

The organisational structure at each site includes Council staff (site manager and assistant), volunteer site coordinator, volunteers, contractors (electrician, catering support staff, security etc).

**Current**

Presently Council is responsible for: the financial underwriting of all event activities, providing the event planning/ coordination overlay; sourcing all of the events needs; providing site management service; creating risk and work safety plans and overseeing their implementation; and coordinating the involvement of event volunteers. Volunteer coordinators act as an intermediary between Council and volunteer groups and provide some assistance to Council staff during site set up, event delivery and site pack up.

The historical financial arrangement with the participating volunteer groups is that volunteers at each site collect money from food and beverage sales as well as gold coin donations from rides and activities, provided by Council. The only costs Council recovers from the event are the cost of purchasing food and beverage. All other income from the site is divided evenly between the participating volunteer groups from the relevant sites.

In 2012 there were 44 volunteer groups and approximately 460 volunteers involved in the Australia Day events. Council generates approximately \$20,000 for community groups per annum from the event program.

In recent years, the introduction of Food Safety legislation and standards, compliance regulations, new Work Health Safety legislation and related Council policies have resulted in a number of changes to accommodate these new requirements. These changes have brought about additional costs especially in compliance and food handling.

**Research Task**

The Australia Day Program Evaluation was commissioned by Warringah Council from the Australian Centre for Event Management, University of Technology, Sydney to evaluate key events within the Australia Day program conducted at Beacon Hill, Dee Why, Forestville and Narrabeen.

The objectives were set in the context of the four events that were evaluated:

1. Review the current format of the Australia Day program of events with specific reference to the offerings of other council's in the Sydney region;
2. Identify and critically assess current event management practices;

3. Identify key event stakeholders, the nature of their role/interest, their perceptions/motivations and the outcomes they seek; and
4. Determine the degree to which key event stakeholders have been successful in achieving the outcomes identified in objective three along with any factors they may be acting to facilitate or hinder the achievement of these outcomes.

The findings from exploring these objectives are presented in the Australia Day Program Evaluation (Attachment:1) and the resulting recommendations are linked to enhancing the long term sustainability of Warringah Council's Australia Day event program.

### **Recommendations**

The Australia Day Program Evaluation identified that "Warringah Council stands out in the Sydney region as running the most Australia Day events. The reasons for this are partly historic and partly to do with a desire to ensure geographic equity in terms of community access to an event on the day. It should be noted that the four sites are within fifteen minutes of each other."

The implication of this is an increase in Council's costs of engaging with its residents as well as stretching its event delivery capacity. The report also notes that "significant disparities exist in attendee costs between events".

The following options are presented for consideration:

#### **Beacon Hill**

Continue to support the delivery of a traditional ceremony and morning tea in conjunction with the Beacon Hill Trust. However it is recommended that Council review costs associated with event management and delivery and allocate \$5,000 to the site budget. This is consistent with maximum funds available under the Warringah Cultural Grants program to other community groups delivering community events. This will provide equity whilst ensuring the sustainability of the event at Beacon Hill.

#### **Dee Why**

Continue to deliver the activities at Dee Why and support the ongoing growth and development of the event site. The review of attendance figures over the past three years has shown sustained growth, peaking in 2011 at an estimated 30,000. Due to the popularity of the event there is a need to review the site layout and event management practices. Further program development is required with attention directed to: food variety and food quality, entertainment and activities, parking and transport, toilets and seating. It is recommended that a site budget of \$60,000 be allocated to support the delivery of the event to ensure the economic sustainability of the event within the Australia Day event program.

#### **Narrabeen**

Continue to deliver the activities at Narrabeen and allocate a site budget of \$25,000 which will ensure the sustainability of the event with the Australia Day event program. There is also a need at the Narrabeen event to review the site layout and event management practices. Further to community feedback, program development is required with attention directed to: food variety and food quality, entertainment and activities, parking, transport, toilets and seating.

#### **Forestville**

The review of data from the Forestville site indicates a decline in attendance figures (this does not include attendance figures from 2012 because of the extreme weather conditions). At the same time the Forestville site has been incurring higher costs per attendee when compared to the other Australia Day event sites. The Australia Day Program Evaluation calculates the cost per attendee at Forestville \$20.57 compared to Dee Why \$2.40 and Narrabeen \$3.89. It is therefore recommended the Forestville site be relocated to the Warringah Aquatic Centre with a

budget allocation of \$20,000. The Australia Day Program Evaluation identified this as an option that will provide an all weather venue for the event, the opportunity to increase family participation, deliver a broader offering to the public, the chance to improve and focus volunteer participation and enhance the profile of volunteer community groups in the local area.

### **Roles & Responsibilities**

The Australia Day Program Evaluation report identifies a number of weaknesses in the current organizational structure for the Australia Day program. It is therefore recommended that the following options are adopted:

#### **i) Organisational Structure**

To streamline and improve the delivery and management of Australia Day events, it is proposed that the Australia Day Committee should be disbanded and replaced with an Australia Day working group to only include nominated volunteer site coordinators and representatives from Council's Events team. The terms of reference of the working group will need to be developed to ensure the objectives are well communicated and delivered.

#### **ii) Operational Management and Responsibility**

Given the new legislative environment it is recommended that the responsibility for all event planning and delivery be formally transferred to the Council. This is not a major change as the Council is presently responsible for the vast bulk of tasks in these areas. As per the report it is also recommended that Council continue with the current practice of engaging specialist caterers to ensure the safe preparation and delivery of food across all sites.

#### **iii) Volunteer Site Coordinators**

Due to the increasing complexity of the legal regulatory environment in which events now operate, particularly in regards to risk management and work safety, the role of the volunteer site coordinator needs to be further defined to ensure there is a clear understanding of roles between Council and the volunteer coordinator/s and volunteers.

#### **iv) Volunteers**

Similarly, further refinement is required to existing practices associated with volunteers/groups including managing the engagement of volunteers with special attention given to a revised system of volunteer registration that is compliant with current legislation. The Australia Day Program Evaluation notes the need to explore: further training for volunteers/groups, the reliance on the rural fire service for security and other services, given they might need to respond to a fire at a moment's notice and improved communication with Council.

As per the Australia Day Program Evaluation report, this system would require as part of the registration process, attendance at event briefings, onsite registration and sign on/off, mandatory site induction and would as part of that, issue volunteers with their identification and branded uniforms (lanyard/hats) etc. Volunteers involved in handling food would also need to sign off on a separate sheet detailing food handling and hygiene requirements. This system represents an evolution of the one currently in place, and as such should not be overly difficult to put in place.

Council may also need to consider reviewing its current approach to dealing with volunteers in general. As a minimum a database should be established of the Australia Day event volunteers to assist communications to the groups and individuals. This will assist preparation, induction and allow mass communications in the event of poor weather and the need to cancel.

### **CONSULTATION**

The Australia Day Program Evaluation implemented an extensive consultation process and engaged a number of research methods including: a review of all data provided by Council, event site observations, face to face interviews with consumers, personal interviews with volunteer site

coordinators, surveys of volunteer groups, surveys of all participating volunteers, meeting with the Australia Day Committee and a meeting with the Strategic Reference Group for Community and Culture.

Further consultation will be conducted to provide an opportunity for Council to consult and inform all relevant stakeholders of the recommendations and changes.

### **TIMING**

Following adoption of the recommendations consultation will commence immediately to ensure event planning and delivery is not compromised for the Australia Day activities in 2013. Event production needs to begin by July the preceding year of the event to avoid the risk of not providing adequate infrastructure and entertainment for the Australia Day event.

### **POLICY IMPACT**

The recommendations of the report (refer Attachment) are consistent with the following policies which relate to events: Strategic Community Plan, Sustainable Events, Environmental Sustainable Policy, Prohibition of Eggs Sourced from Caged Chickens, Civic Receptions, Policy for the Management of Smoking in Public Places and Workplace Health and Safety Policy.

### **FINANCIAL IMPACT**

The proposed budget for the Australia Day event 2013 as detailed in the Draft Strategic Community Plan 2012 (Draft Budget) is \$120,000. This event has the potential to attract sponsorship however that amount varies from year to year.

The Australia Day Program Evaluation has resulted in a number of recommendations which present opportunities to improve event management and delivery.

As per the recommendations, it is proposed that the following cost model be adopted as given in Figure 1. As can be seen the budget allocation proposed for 2012 would allow for the development of a new event in Forestville as well as provide a cost saving of \$10,000 in the events budget.

**Figure. 1 Australia Day Cost Model 2012/ 2013**

	<b>Beacon Hill</b>	<b>Dee Why</b>	<b>Forest-ville</b>	<b>WAC*</b>	<b>Narrabeen</b>	<b>Sponsor ship</b>	<b>Total Expenses</b>	<b>Budget**</b>
<b>2012</b>	\$8,000	\$60,000	\$36,000		\$35,000	-\$10,000	\$129,000	\$120,000
<b>2013</b>	\$5,000	\$60,000		\$20,000	\$35,000	-\$10,000	\$110,000	\$110,000
<b>Proposed Budget Savings</b>								<b>\$10,000</b>

\* Warringah Aquatic Centre recommended as new activity to be approved.

\*\*2012 Budget, 2013 proposed budget as per Draft Strategic Plan.

<b>ITEM 7.3</b>	<b>BROOKVALE SHOW 2012</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER COMMUNITY</b>
<b>TRIM FILE REF</b>	<b>2012/119538</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

The purpose of this report is to respond to the Notice of Motion No 52/2011 Brookvale Show and Reinstatement of Warringah Sustainability / Eco Expo.

#### SUMMARY

Council, at its meeting on 22 November 2011 (resolution 338/11), instructed management to undertake a review of Warringah Council's Sustainability/Eco Expo which was held annually at James Meehan Reserve, Dee Why up until 2008, and explore incorporating the event concept into the annual Brookvale Show.. It is proposed the Brookvale Show event be used as a vehicle to further educate, promote and engage the community in sustainable activities that reinforce and communicate Council's commitment to environmental sustainability. All activities, rides, entertainment, demonstrations presented at the Brookvale Show would be designed and developed to demonstrate Warringah Council's environmental accountability, achievements and provide to opportunities for ongoing environmental participation for the local community. There would also be dedicated sustainability displays, markets and activities to reinforce the messaging.

#### FINANCIAL IMPACT

The Brookvale Show based on the last year's model is an approved project, budgeted for in the draft 2012/2013 Council budget within the Marketing and Communications Group. The anticipated cost of providing the new Brookvale Show will require additional funding of \$59,000 which will need to be identified and allocated in the draft 2012/13 budget.

#### POLICY IMPACT

Public Places and Workplace Health and Safety Policy.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Supports the development of the annual event, Brookvale Show, to include a revised version of the Sustainability/Eco Expo. Brookvale Show would be based on the principals of sustainable event management, combining entertainment, variety and interactivity to demonstrate Warringah Council's environmental accountability and present opportunities for ongoing environmental participation to members of the local community.
  - B. Considers the allocation of an additional funding of \$59,000, per annum from the Community Strategic Plan at the June 2012 Council Meeting.
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**REPORT**

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**BACKGROUND****2011 Brookvale Show - "Sustainable Living Corner"**

The Brookvale Show was delivered in October 2011 as a key event in Council's annual events calendar. Research into the history of the park revealed editorial and pictorial information about the Brookvale Show which ran for over 50 years at Brookvale Park. It was regarded as a significant local event that held strong sentimental value in the memory of the community. The concept of the show was developed to include historical elements, contemporary activities and as an opportunity to engage the community in planning for the park's future.

A popular feature at the event was the Warringah Council 'Sustainable Living Corner' which provided a range of environmental education initiatives, including:

- Waste and recycling display including a quiz with prizes, photographic exhibit, composting/worm farming display and rent a chook; and
- Threatened species/biodiversity display and associated activities including a taxidermy animal exhibit featuring native and pest species;
- A giveaway of over 500 native plants with an associated 'plant pledge' for the environment;
- A children's art activity - 'Creating a Colourful Habitat';
- Cow milking demonstrations.

Other features of the Brookvale Show included rides, sideshow alley, circus playground, food stalls, historical tours, pony rides, kid's activities, wood chopping demonstrations, dog agility shows, and live stage entertainment provided by local cultural and community groups.

This community celebration of the centenary of Brookvale Park attracted over 10,000 attendees including many local families and was regarded as a success in terms of event management, attendance, participation and marketing.

**Sustainability/Eco Expo**

In previous years, Warringah Council has run a sustainability/eco expo as part of World Environment Day celebrations. Specifically, Council held both a Community Expo and a Youth Expo annually at James Meehan Reserve, Dee Why. The Youth Expo commenced in 2003, with a Community Expo initiated in 2006 which ran in concurrence with the Youth Expo. The last year for both Expos was 2008.

Combined, the Expos ran over three days (Youth Expo was two days and the Community Expo one day) and attracted an estimated 10,000 plus visitors. The Expos included over 65 stall holders and showcased waste reduction initiatives and ways to empower householders to become sustainable. Entertainment featured roving and stage entertainment including circus performers and aboriginal dancers. A range of environmental workshops ran over the two days on topics such as saving water, biodiversity, waste and recycling. They also highlighted Warringah Council's active volunteer community, such as bush regeneration crews, and allowed such groups to recruit new members and remain sustainable in their supply of willing labour to support Warringah's environment.

The final World Environment Day Expo in this form was held in 2008 and had a budget of approximately \$90,000 for the Community Eco Expo and approximately \$70,000 for the Schools Expo, a total of approximately \$160,000. Council continues to support World Environment Day as a valuable initiative in its own right.



### 2012 Brookvale Show Recommendation

It is proposed that Council design and develops an event concept which will be known as the 'Brookvale Show' which will combine the objectives of the Warringah Sustainability/ Eco Expo within the objectives of a traditional 'carnival' show.

The event will show sustainability in action. It will aim to highlight issues, role model sustainable behaviour and ultimately inspire changing behaviour. This event provides an opportunity for Council to open a dialogue with the community about how we as community can do things differently, and in a better way for the environment.

Communications, including branding, promotions and advertising will play a crucial role in delivering Councils' strong environmental credentials. The event will feature elements such as rides, side show alley, roving entertainment, stage performances food stalls and markets, with best practice environmental sustainability initiatives and management practices. Key areas of the event operations will be targeted to include sustainable treatments including:

- Purchasing
- Waste management
- Energy production
- Water management
- Transport

By combining the two event concepts, the Brookvale Show will deliver a carnival atmosphere that honours the tradition of the past, at the same time incorporating contemporary activities and leading practices that promote sustainable living in Warringah. The Brookvale Show may include and not be limited to the following:

1. Sustainable market/ expo to showcase environmental responsible suppliers,
2. 'How-to' demonstrations to showcase sustainable living,
3. Models of sustainable living to encourage visitors to learn and live more sustainably,
4. Friends of the Bush recruitment drive,
5. Native plant giveaway,
6. Threatened species/biodiversity display and associated activities including a taxidermy animal exhibit featuring native and pest species,
7. Waste and recycling display including a quiz with prizes, photographic exhibit, composing/worm farming display and rent a chook,
8. Environmental initiatives and projects stall,
9. Hilltop to Headland program as part of the Brookvale Show,
10. Stage shows/ performances to promote environmental messages,
11. Community garden feature,
12. Solar powered activities,
13. Alternative transport promotions,
14. Educational and historical displays,
15. School garden competitions,
16. Energy reduction targets,

17. Water refill stations
18. On-site waste management volunteer program, and

### **CONSULTATION**

Council staff from the Events team, Natural Environment Unit, Waste Education and Communications and Marketing team will engage with other internal teams, as well as external suppliers to research and develop a comprehensive program that will demonstrate Warringah Council's environmental accountability, achievements and provide to opportunities for ongoing environmental participation for the local community.

### **TIMING**

Planning has commenced and consultation will continue towards the delivery of the Brookvale Show 2012 which is scheduled for Sunday 7 October 2012.

### **POLICY IMPACT**

The Brookvale Show will provide opportunities for Council to engage, educate and promote Council's achievements in terms of policies and strategies including the Sustainable Events Policy, Environment Sustainability Strategy. The proposed format for the Brookvale Show is also consistent with the following policies which relate to events: Strategic Community Plan, Prohibition of Eggs Sourced from Caged Chickens, Civic receptions, Policy for the Management of Smoking in Public Places and Workplace Health and Safety Policy.

### **FINANCIAL IMPACT**

The Brookvale Show based on last years model is an approved project, budgeted for in the draft 2012/2013 Council budget within the Marketing and Communications team. The anticipated cost of providing the new Brookvale Show will require additional funding of \$59,000 which will need to be identified and allocated in the draft 2012/13 budget.

## 8.0 ENVIRONMENT DIVISION REPORTS

<b>ITEM 8.1</b>	<b>ANNUAL FEE FOR THE MAYOR AND COUNCILLORS</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/108894</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To determine the fees to be paid to the Mayor and Councillors for the 2012-2013 financial year.

#### SUMMARY

The Local Government Remuneration Tribunal has determined that an increase of 2.5% in fees for Councillors and Mayors is appropriate for the 2012-2013 financial year.

The fee range determined by the Tribunal for "Metropolitan Centres" Councils, which includes Warringah is:

Councillors	\$11,640 - \$21,700
Mayor	\$24,700 - \$57,660

The percentage of the Mayoral fee to be paid to the Deputy Mayor for the periods of time when he or she is acting in the office of Mayor will be determined by Council at the election of the Deputy Mayor following the local government election in September 2012.

#### FINANCIAL IMPACT

Council's previous practice has been for the maximum fees to be adopted. Fees at the maximum of the range would result in funds of \$274,660 being required for 2012-2013. Appropriate provision for this amount has been included in the Draft Budget for 2012-2013.

#### POLICY IMPACT

The annual fees for Mayor and Councillors are determined in accordance with Council's Policy for the Payment and Reimbursement of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (GOV-PL 120).

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That, pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for Councillors for the period 1 July 2012 to 30 June 2013 at \$21,700 payable monthly in arrears and;
  - B. That, pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for the Mayor for the period 1 July 2012 to 30 June 2013 at \$57,660 payable monthly in arrears.
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**REPORT**


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**BACKGROUND**

The Local Government Remuneration Tribunal, on 27 April 2012, provided its report and determination under Sections 239 and 241 of the Local Government Act 1993.

Amendments to the Local Government Act in 2011 required that the government public sector wages cap be applied to the determination of fees for Councillors and Mayors. The cap was set at 2.5%. The Tribunal determined that an increase of 2.5% in the fees was appropriate.

In addition to reviewing the minimum and maximum fee levels for Councils, the Tribunal undertook a fundamental review of the categories of Councils. There was no change in Warringah's status, which remains in the 'Metropolitan Centre' category.

The annual fees to be paid in each of the categories were determined by the Tribunal for 2012-2013 as follows:

	<b>Councillor/Member</b>		<b>Mayor/Chairperson</b>	
	<b>Annual Fee \$</b>		<b>Additional Fee* \$</b>	
	Minimum	Maximum	Minimum	Maximum
Principal City	23,250	34,100	142,250	187,180
Major City	15,490	25,580	32,940	74,530
Metropolitan Major	15,490	25,580	32,940	74,530
Metropolitan Centre	11,640	21,700	24,700	57,660
Metropolitan	7,740	17,060	16,480	37,230
Regional Rural	7,740	17,060	16,480	37,230
Rural	7,740	10,220	8,220	22,310
County Council – Water	1,540	8,530	3,300	14,000
County Council - Other	1,540	5,100	3,300	9,310

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (section 249(2)).

The full Local Government Remuneration Tribunal report may be viewed at [http://www.dpc.nsw.gov.au/\\_data/assets/pdf\\_file/0009/141399/2012\\_Report\\_and\\_determination\\_gazette\\_copy.pdf](http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0009/141399/2012_Report_and_determination_gazette_copy.pdf)

Council is required to set by resolution the annual fees to be paid to Councillors and the Mayor within the range determined by the Tribunal. Council's previous practice has been to determine that fees for Councillors and the Mayor be set at the maximum of the range.

Council's Policy for the Payment and Reimbursement of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (GOV-PL 120) states that the Deputy Mayor shall be paid a percentage of the Mayoral fee for the periods of time when he or she is acting in the office of Mayor. The percentage to be paid will be determined by Council at the election of the Deputy Mayor following the local government election in September 2012.

**TIMING**

The new fees to be paid to the Mayor and Councillors will be effective on and from 1 July 2012.

**POLICY IMPACT**

The annual fees for Mayor and Councillors are determined in accordance with Council's Policy for the Payment and Reimbursement of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (GOV-PL 120).

**FINANCIAL IMPACT**

Council's previous practice has been for the maximum to be adopted. Fees at the maximum of the range would result in funds of \$274,660 being required for 2012-2013. Appropriate provision for this amount has been included in the Draft Budget for 2012-2013.



<b>ITEM 8.2</b>	<b>ONE ASSOCIATION - DELEGATES FOR VOTING ON THE MATTER OF ONE ASSOCIATION</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/226667</b>
<b>ATTACHMENTS</b>	<b>1 One Association - Update and Status Report</b>

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## REPORT

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### PURPOSE

For Council to nominate voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their personal details be passed on to both associations to enable the vote to occur.

### REPORT

Earlier this year, Council was advised of the Local Government Association of NSW and the Shires Association of NSW desire for One Association to represent Local Government in NSW. As such, the Associations have been working together to place a formal application for this to occur through FairWork Australia.

The Local Government Association of NSW wrote to Council again in early May 2012 regarding the next steps to establishing 'One Association'. The next step is to have the proposal submitted to a secret ballot of delegates of the members of each Association (Local Government Association of NSW and Shires Association of NSW).

Both Associations adopted a number of resolutions at their April meetings authorising them to jointly apply to FairWork Australia for its approval for the submission of the proposed amalgamation ballot. This has been completed and the Associations are awaiting a hearing before FairWork Australia. If approved, the conduct of the vote will be handed to the Australian Electoral Commission who will independently manage the process.

The Associations will be required to supply an updated list of voting delegates to the Australian Electoral Commission prior to the ballot. Under the rules of each Association, Warringah falls into Group No. 5 with a population between 100,000 and 150,000, entitling Council to 5 voting delegates. This report requests Council to nominate its voting delegates for the forthcoming secret postal ballot, which is anticipated to occur prior to the Local Government Elections in September.

### FINANCIAL IMPACT

Nil

### POLICY IMPACT

Nil

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council nominate Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.

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**One Association – Update & Status Report****May 2012**

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**Summary**

This report provides Council with an update regarding the progress towards One Association, outlines next steps and outlines what Council needs to do next. A number of Frequently Asked Questions are also provided with answers to assist Council with their discussions surrounding this very important matter.

**Report****Status as at end April 2012**

On the 17 April 2012 the Shires Executive and on 20 April 2012 the Local Government Association Executive passed the formal resolutions required to progress the One Association matter to go to a vote of the members' delegates.

The Shires Association Executive unanimously resolved in favour of the resolutions. The Local Government Association Executive adopted the resolutions by a majority of 21 to 3.

The formal documentation has been lodged with Fair Work Australia. Shortly Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates.

It is important to note that there are actually two separate secret postal ballots; one will be a ballot of LGA member's delegates, and the other will be a ballot of SA members' delegates. Both ballots need to achieve a majority of "yes" votes to enable the formation of One Association.

It is anticipated that the ballots will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

**What Councils need to do**

All Councils need to supply the following to the Association by 31 May 2012:

1. The full name of their voting delegate/s, and,
2. The private mailing address of the delegate/s

This is very important as the Association is required to prepare the Roll of Voters for the Australian Electoral Commission.

### Frequently Asked Questions

Q: *Why is the ballot being held before the September elections?*

A: This process has been ongoing for many years. Current Councillors should be aware of the progress of the matter. If the ballot is held over until after the 2012 general elections new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.

Q: *When would One Association take effect?*

A: Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013. Even after a positive vote there is significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff. The transition however needs to take effect before 2 June 2013 otherwise the Shires Association would need to hold fresh Executive elections.

Q: *Why is the ballot a secret postal ballot?*

A: Because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations have no choice in this decision.

Q: *Has there been enough consultation?*

A: The issue of One Association has been discussed over many years. In more recent times it has been discussed:

- At the 2003 LGA Conference
- At the 2004 SA Conference
- At the 2004 LGA Conference
- As part of the 2005 Woods/Wearne report titled "Options for One Local Government Association in NSW"
- At the 2005 SA Conference
- At the 2005 LGA Conference
- At the 2006 SA Conference
- At the 2006 LGA Conference
- At the 2007 SA Conference
- At the 2007 LGA Conference
- At the 2008 SA Conference
- At the 2008 LGA Conference
- At the 2009 SA Conference
- At the 2009 LGA Conference
- At the One Association Convention held in August 2010
- At the 2010 LGA Conference
- In February 2011 the Associations sent all Councils a draft Constitution requesting feedback and comments
- In February 2011 the SA held a Special Conference to discuss the Principles set out at the 2010 Convention
- At the 2011 SA Conference
- In November 2011 the Associations sent all Councils a further draft Constitution requesting feedback and comments

In addition there have been numerous presentations made to all Shires Divisional meetings at various times, and to various LGA ROC meetings and in other forums.

Q: *Why is there no "No" Case?*

A: There are two reasons, firstly the Fair Work (Registered Organisations) Act does not require a "No" case to be prepared because it presumes a process towards an amalgamation would not have started in the first place unless it had been directed by members – which is the case in this instance. The issue of One Association has arrived

at the stage of a ballot after repeated Conference resolutions calling for a single Association. It is not in the interests of the Association to prepare a case which cuts across the wishes and resolutions of the majority of our members.

Q: *How many voting delegates does my Council have for the secret postal ballot?*

A: The numbers are calculated under the current rules of each Association, so for:

- Shires Association members, each has one voting delegate, and for
- Local Government Association Members it depends on the member's population, and is calculated in accordance with the following scale:

Group No.	Population	Delegates
1	Less than 10,000	1
2	10,000 - 20,000	2
3	20,000 - 50,000	3
4	50,000 - 100,000	4
5	100,000 - 150,000	5
6	Over 150,000	7
7	County councils	2
8	Aboriginal Land Council	27

(To independently determine a Council's population see the latest release of Australian Bureau of Statistics publication 3218.0)

Q: *Can Associate members vote?*

A: No; only ordinary members can vote in the secret ballot. The Fair Work (Registered Organisations) Act treats this ballot the same as if it was a ballot for the election of members of the Executive.

Q: *How does voting work under One Association?*

A: One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the rural/regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas. This was covered as Principles 4 and 5, and was, with the other Principles ratified by subsequent Conferences of both Associations. These Principles say:

- 4 *"For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*
- 5 *"For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*

The voting arrangements satisfy the overarching requirements of equality among the regions. What this means in effect is that councils in the same region with similar populations will have the same number of votes, but this will not always be the case for similar sized councils in different regions. The reason for this is the difference in council numbers between the regions, the Rural/Regional Region has 114 general purpose Councils, 10 County Councils and 8 Regional Aboriginal Lands Councils. The Metropolitan/Urban Region has 38 general purpose Councils, 2 County Councils and 1 Regional Aboriginal Lands Council. Due to the larger number of Councils in the Rural/Regional Region additional votes needed to be allocated to the Councils in the Metropolitan/Urban Region to balance the overall voting numbers.

Q: *But is this "fair"*

A: The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Vice President. It makes no difference if a Metropolitan/Urban Council with the same population has a different number of voting delegates to a Rural/Regional Council with a similar population as they won't be voting for the same candidates in the same elections.

For the positions of President and Treasurer both regions have the same number of votes in total. This will allow for these positions be popularly elected overall – however, the rules also ensures that the position of President must alternate between the Metropolitan/Urban and Rural/Regional areas. This further enhances the equity.

Similarly with Conference motions, both Regions have the same overall numbers. This provides for Association policy to be made which has the sanction of the majority of members, and ensures that no Region can dominate the other.

Q: *What about the Assets of my current Association?*

A: The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financial detrimentally affected in any consequential way by this merger. To illustrate this we need to use the last full year's financial statements, 2010/2011 which showed the total equity of each Association as follows:

	Total Equity (\$)	% Equity	Subscriptions \$	% Subscriptions
LGA	19,015,275	66.19	2,876,208	65.77
SA	9,713,269	33.81	1,496,629	34.23
<b>Total Combined</b>	<b>28,728,544</b>	<b>100.00</b>	<b>4,372,837</b>	<b>100.00</b>

The Associations' Rules (and the rules for the new One Association) provide that if the Association is dissolved any surplus funds are paid to the members in the proportion which each member's subscription for the year bears to the total amount of subscriptions for that year.

What this means is that had the Associations dissolved at the end of the 2010/11 financial year the members of each Association would have received in total the complete equity of their Association, that is, for the LGA members 100% X \$19,015,275 and for the SA 100% X \$9,713,269.

If the Associations had merged and immediately dissolved at the end of the 2010/11 financial year:

LGA members would have received: 65.77% of \$28,728,544 = \$18,894,763  
SA members would have received: 34.23% of \$28,728,544 = \$9,833,781

The overall affect would be:

	No Merge \$	Merge \$	Difference \$
LGA	19,015,275	18,894,763	(120,512)
SA	9,713,269	9,833,781	120,512
<b>Total Combined</b>	<b>28,728,544</b>	<b>28,728,544</b>	<b>0</b>

For this example, at this point in time, the LGA members combined would be "worse off" by \$120,512 on dissolution, and SA members combined would be "better off" by the same amount. On an individual Council basis Association's calculations have shown the "worse off" Councils range in dollar terms from (\$43.05) to (\$2,202.46) while the "better off" Councils range in dollar terms from \$165.47 to \$2,457.64. As the combined difference represents less than half a percent of overall total equity ( $\$120,512 / \$28,728,544 \times 100 = .419\%$ ) it is not considered significant.

**Recommendation:**

That Councillor/s XXXXXXXXXX be nominated as Councils voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.



<b>ITEM 8.3</b>	<b>COUNCILLOR INDUCTION PROGRAM FOLLOWING THE LOCAL GOVERNMENT ELECTIONS - SEPTEMBER - DECEMBER 2012</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/228257</b>
<b>ATTACHMENTS</b>	<b>1 Councillor Induction Program - September - December 2012</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To provide Council with a schedule for the Councillor induction program following the Local Government Elections in September 2012.

**SUMMARY**

After Local Government Elections, it is good practice to have in place a formal program for new and returning Councillors. The program proposed for Warringah Council will include a combination of on-line learning, briefings, seminars and a Councillor retreat. Topics covered will include:

- The role and responsibility of Councillors;
- Key governance policies;
- Meeting practice;
- Current projects;
- SHOROC delivered day program;
- Councillor and executive team retreat.

This report outlines a draft program for Councillors post the 8 September 2012 Local Government Elections, to be endorsed by Council.

**FINANCIAL IMPACT**

Funds have been allocated in the 2012/13 budget for a Councillor induction program.

**POLICY IMPACT**

The Councillor Induction Program and associated documentation will be produced in conjunction with the Councillor Induction and Professional Development Guide issued by the Division of Local Government.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Council endorse the proposed Councillor induction program and its implementation following the September 2012 Local Government Elections.

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**REPORT**

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**BACKGROUND**

After Local Government Elections, it is good practice to have in place a formal program for new and returning Councillors. The program proposed for Warringah Council will include a combination of on-line learning, briefings, seminars and a Councillor retreat. Topics covered will include:

- The role and responsibility of Councillors including pecuniary interest and political donations;
- Key governance policies including the code of conduct; conflicts of interest; gifts and benefits;
- Meeting practice;
- Current projects;
- SHOROC delivered day program;
- Councillor and executive team retreat.

This report outlines a draft program for Councillors post the 8 September 2012 Local Government Elections, to be endorsed by Council (attached).

The program consists of all training that is to be delivered, both internal and external to Council, the Councillor retreat, Council Meetings, Councillor Briefings and the annual Local Government Association Conference of NSW, to ensure all Councillors are aware of their obligations up until December 2012.

A key component of the induction program is the Councillor retreat scheduled for Saturday 13 and Sunday 14 October 2012, where Councillors and the Executive team will have the opportunity to work together and enhance their communication and leadership skills.

Internal and external facilitators will also be engaged to facilitate a number of the scheduled sessions.

**POLICY IMPACT**

The Councillor Induction Program and associated documentation will be produced in conjunction with the Councillor Induction and Professional Development Guide issued by the Division of Local.

**FINANCIAL IMPACT**

Funds have been allocated in the 2012/13 budget for a Councillor Induction Program.



**Draft Post Election Councillor Induction Program – Warringah Council – September 2012 – December 2012**

Following is a summary of briefing sessions proposed for Warringah Councillors following the September 2012 Local Government Elections. Candidates should note the indicative dates included in this program. These dates will be confirmed following the election.

<b>BRIEFING/ TRAINING EVENT</b>	<b>DATE AND TIME</b>	<b>ATTENDANCE</b>	<b>LOCATION</b>
<b>Declaration of Poll</b>	22 September 2012 (approximate date)		
<b>Mayoral Briefings</b>	Times and Dates to be determined in consultation with the Mayor – after Mayoral election declared	Mayor General Manager Deputy General Managers EA to the General Manager Executive Coordinator Mayor's Office	General Managers Meeting Room, Civic Centre
<b>Councillor Briefings</b> <b>Major Issues, Policy and Planning Briefing and Discussion Sessions</b>	6.00pm-8.00pm  1 <sup>st</sup> and 3 <sup>rd</sup> Tuesday of the month (November 2012 start after induction proceedings completed)	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives	Warringah Council Chambers, Civic Centre
<b>Compulsory Training Session – Division of Local Government (Regional Sessions)</b>	TBA	Mayor and Councillors	TBA
<b>Specialised Training Sessions</b> <i>Note: This could include: Media Training; How to Chair a Meeting etc</i>	Ongoing – as required and agreed by Council	Mayor and Councillors	As appropriate
<b>Councillor Welcome Function</b>	6.00pm-8.00pm  Monday 24 September 2012	Mayor and Councillors General Manager Deputy General Managers Leadership Group	Warringah Council Chambers, Civic Centre

		Governance	
<b>Photographs, General Introduction and Administrative Briefing</b>  Welcome; introduction to organisation, structure and senior staff  Councils vision and mission  WHS, emergency procedures, EEO and Anti Discrimination Laws and Provisions  Customer service, roles, responsibilities, and customer service charter  CRMs and Councillor Requests  Policy for payment of expenses and provision of facilities, Mayor and Councillors, including equipment and claim forms  Council Meeting Schedule  Councillor Expectations	6.00pm-9.00pm  Tuesday 25 September 2012	Mayor and Councillors General Manager Deputy General Managers Human Resources Governance	Warringah Council Chambers, Civic Centre
<b>Introduction to:</b>  Community Strategic Plan  Community Engagement, including Strategic Reference Groups and Community Committees	6.00pm-9.00pm  Tuesday 2 October	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre
<b>Governance Essentials for Local Government – SHOROC</b>	9.00am-5.00pm  Sunday 7 October	Mayor and Councillors	International College of Management

<b>Introduction to the Code of Meeting Practice and Meeting Protocols</b>  Code of Meeting Practice  <i>Note: Kath Roach Presenting</i>	6.00pm-9.00pm  Monday 8 October	Mayor and Councillors General Manager Deputy General Managers Governance	Warringah Council Chambers, Civic Centre
<b>Councillor Retreat (Rik, John, Malcolm and Councillors)</b>  <i>Note:</i>  <i>Steve Griffith – Leadership coaching</i>	Friday 12 October  Saturday 13 October  Sunday 14 October	Mayor and Councillors General Manager Deputy General Managers Councillors	Venue TBA
<b>Introduction to Local Governance, the Code of Conduct and Key Governance Policies</b>  Code of Conduct  Interactions with Councillors and Staff  Conflicts of Interest  Pecuniary Interest Disclosures  Political Donations Requirements  Gifts and Benefits  <i>Note: Kath Roach Presenting</i>	6.00pm-9.00pm  Monday 15 October	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre
<b>Council Meeting</b>	6.00pm-10.00pm  Tuesday 23 October	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre

<b>Local Government Association Conference</b>	Sunday 28 October to Tuesday 30 October 2012	General Manager Mayor and/ or Councillors	Dubbo
<b>Introduction to:</b> Major Issues and Projects e.g. <ul style="list-style-type: none"> <li>• DYTC</li> <li>• Housing Strategy</li> <li>• Hospital Site</li> <li>• Transport</li> <li>• Coastal Erosion</li> </ul> WDAP/ WDRP – Introduction Land use Planning	6.00pm-9.00pm Tuesday 6 November	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre
<b>Introduction to:</b> Policy Framework Business Excellence Policy Register Delegations Register Privacy Act	6.00pm-9.00pm Tuesday 20 November	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre
<b>Council Meeting</b>	6.00pm-10.00pm Tuesday 27 November	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre

<b>Councillor Briefing</b>	6.00pm-8.00pm Tuesday 4 December	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives	Warringah Council Chambers, Civic Centre
<b>Council Meeting</b>	6.00pm-10.00pm Tuesday 11 December	Mayor and Councillors General Manager Deputy General Managers Leadership Group Representatives Governance	Warringah Council Chambers, Civic Centre



<b>ITEM 8.4</b>	<b>STRATEGIC REFERENCE GROUP RECOMMENDATIONS - ENVIRONMENT DIVISION</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/152584</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

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

#### SUMMARY

On 6 February 2012 the Environmental Sustainability SRG put forward a number of recommendations to Council. This report reviews the recommendations and provides supplementary information and the recommendations of the Deputy General Manager Environment.

#### FINANCIAL IMPACT

Nil

#### POLICY IMPACT

Nil

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council note the information provided by staff in relation to the draft Coastal Erosion Emergency Action Sub-Plan.
  - B. That Council:
    1. Take the opportunity to work with Ausgrid to improve the reliability of electricity supply and seek support in reducing Warringah's exposure to the need for excessive tree pruning
    2. Ask Ausgrid to work with their contractors to ensure minimum clearance are used (by the tree pruning contractor) to ensure reduced complaints from residents
    3. Ask that Ausgrid setup a working group (and get Council involved) to address electricity reliability in Warringah without resorting to excessive tree pruning (Note: there may be an opportunity to be involved early in major Ausgrid expenditure decisions around infrastructure renewal)
    4. Keep Ausgrid on side as Council would not have the funding to perform this work across the LGA.
    5. Notes that staff in Parks Reserves & Foreshores are currently looking at revising Council's "Street Tree Planting" policy which could provide guidance (for Council) in
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this overall issue of reliable electricity supply throughout Warringah LGA.

- 6 Explore joint funding opportunities with Ausgrid and residents to either install ABC or relocate power lines underground in key locations in Warringah.(ie bushland reserves, main streets).
  - 7 Remind State Government of their responsibilities and request they help Council address this pressing issue.
  - 8 Ask Ausgrid their preference for street trees.
  9. Pending data being held in Council regarding Ausgrid damaging trees, investigate the option of seeking compensation from Ausgrid for damaged/killed trees.
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**REPORT**

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**BACKGROUND**

The Environmental Sustainability SRG has put forward a number of recommendations to Council. This report reviews the recommendations and provides supplementary information and the recommendations of the Deputy General Manager Environment.

**Environmental Sustainability SRG (ES-SRG) Recommendations of Meeting 6 February 2012**

The following 5 recommendations were put forward from the ES-SRG:

**1 Item 8.1 – Draft Minutes of Warringah Coastal Community Committee Meeting held 30 June 2011**

*That Council:*

1. *Recognises the primacy and protection of the beach over public and private assets*
2. *Resolves that public monies not be used to protect private properties in a coastal erosion emergency.*
3. *Explore every option to refer the matter to the NSW Coastal Panel.*
4. *Communicate the wider implications of coastal erosion emergency protection measures to property owners and the wider community on a regular basis.*
5. *In view of uncertainties and ongoing research, periodically review the plan as appropriate.*

**Supporting Information from Staff**

The above recommendation was made in the context of a presentation on the draft Coastal Erosion Emergency Action Sub-Plan (the Plan). Recommendations 1, 2 and 3 were completed through the approval of the Plan at the 27 March 2012 Council meeting. In relation to Recommendation 4, a letter is currently being drafted informing affected property owners of the adoption of the Plan and the risks associated with coastal erosion. In relation to Recommendation 5, the Sub-Plan will be periodically reviewed as appropriate, and in consideration of new information relating to coastal hazards.

**Recommendation from Deputy General Manager Environment (A)**

That Council note the information provided by staff in relation to the draft Coastal Erosion Emergency Action Sub-Plan.

**2 Item 6.3 – Minimum clearance allowances for trees under power lines**

*That Council:*

1. *Take the opportunity to work with Ausgrid to improve the reliability of electricity supply and seek support in reducing Warringah's exposure to the need for excessive tree pruning*
2. *Ask Ausgrid to work with their contractors to ensure minimum clearance are used (by the tree pruning contractor) to ensure reduced complaints from residents*
3. *Ask that Ausgrid setup a working group (and get Council involved) to address electricity reliability in Warringah without resorting to excessive tree pruning (Note: there may be an opportunity to be involved early in major Ausgrid expenditure decisions around infrastructure renewal)*

- 4 *Keep Ausgrid on side as Council would not have the funding to perform this work across the LGA.*
- 5 *Notes that staff in Parks Reserves & Foreshores are currently looking at revising Council's "Street Tree Planting" policy which could provide guidance (for Council) in this overall issue of reliable electricity supply throughout Warringah LGA.*
- 6 *Explore joint funding opportunities with Ausgrid and residents to either install ABC or relocate power lines underground in key locations in Warringah.(ie bushland reserves, main streets)*
- 7 *Remind State Government of their responsibilities and request they help Council address this pressing issue.*
- 8 *Ask Ausgrid their preference for street trees.*
9. *Pending data being held in Council regarding Ausgrid damaging trees, investigate the option of seeking compensation from Ausgrid for damaged/killed trees.*

### **Supporting information from Staff**

Ausgrid (previously Energy Australia) has the right and the obligation to prune street trees in local government areas that it supplies with electricity. Ausgrid must ensure the safety of the public and the integrity of the electricity supply network - as part of its legislative and safety requirements, covered by the Electricity Act (1995), Ausgrid Safety & Operating Plan, the ISSC Guide to Planting and Maintaining Safety Clearances near power lines and the relevant safety regulations. (2011). Ausgrid employs certified contractors to prune trees within their guidelines and has minimum safety clearances based on the voltage carried by the cables. Ausgrid is willing to work with Council to improve the reliability of electricity supply by means other than tree pruning if possible.

Council has an interim guideline for street tree planting in the Warringah Design Guidelines. These guidelines are referred to in the revised Street Tree Policy and include suitable plants for growing under powerlines. In regard to Recommendation 8, Ausgrid do have a preferred species list published on their website. Any future review of Council's Street Planting Guideline will be guided by this list where appropriate.

### **Recommendation from Deputy General Manager Environment (B1-9)**

That Council:

1. Take the opportunity to work with Ausgrid to improve the reliability of electricity supply and seek support in reducing Warringah's exposure to the need for excessive tree pruning
2. Ask Ausgrid to work with their contractors to ensure minimum clearance are used (by the tree pruning contractor) to ensure reduced complaints from residents
- 3 Ask that Ausgrid setup a working group (and get Council involved) to address electricity reliability in Warringah without resorting to excessive tree pruning (Note: there may be an opportunity to be involved early in major Ausgrid expenditure decisions around infrastructure renewal)
- 4 Keep Ausgrid on side as Council would not have the funding to perform this work across the LGA.
- 5 Notes that staff in Parks Reserves & Foreshores are currently looking at revising Council's "Street Tree Planting" policy which could provide guidance (for Council) in this overall issue of reliable electricity supply throughout Warringah LGA.
- 6 Explore joint funding opportunities with Ausgrid and residents to either install ABC or relocate power lines underground in key locations in Warringah.(ie bushland reserves, main streets)

- 7 Remind State Government of their responsibilities and request they help Council address this pressing issue.
  - 8 Ask Ausgrid their preference for street trees.
  9. Pending data being held in Council regarding Ausgrid damaging trees, investigate the option of seeking compensation from Ausgrid for damaged/killed trees
- 3 *Item 7.1 – Recommendation to Council Regarding Populations Strategy Planning and Sustainability (Dr Alan Jones, Michael Houston And Dr Paul Hackney***

*That Council:*

1. *Notes that the SRG supports Council's current strategy of not planning for further housing targets without commitment from the State Government for improved infrastructure;*
2. *Educate the public about the relationships between population growth, the environment, the economy, human wellbeing and sustainability via a community organised forum and*
3. *Collate data regarding the infrastructure costs of population growth and the implications to the rate payer, as it becomes available and return to the ES-SRG.*

#### **Supporting information from Staff**

As identified by the SRG, Council has previously resolved that no further work on the Housing Strategy will be carried out until it receives a response from the NSW Government in relation to growth targets and commitment to delivery of infrastructure.

On 14 February 2012 Council received a letter from the Minister for Planning and Infrastructure requesting Council progress and finalise its Housing Strategy as a matter of priority. The Minister has confirmed a target of 10,300 new dwellings to be provided in the Warringah LGA between the years 2005 – 2031. It is noted that the Minister has not addressed Council's request for a commitment to infrastructure delivery in order to appropriately accommodate the housing target.

The Minister's correspondence was the subject of a report to Council's meeting of 27 March 2012, at which time it was deferred for consideration at the meeting of 24 April. Since that time there has been discussion between the Deputy General Manager Environment and officers of the Department of Planning and Infrastructure in this matter. Discussions are on going.

Relevantly, the NSW Government is revising the Metropolitan Plan 2010 which is due for completion by the end of 2012. Further, the Government is developing a Regional Action Plan for Northern Sydney to identify immediate actions that it can take to deliver on community priorities, increase opportunities and improve the quality of life for people living in the region. Also, ABS data from the 2011 census is due for release in mid 2012.

Information to be gained from the above initiatives is critical to future debate on a housing strategy for Warringah and it is therefore appropriate that Council continues to maintain dialogue with the Department of Planning and Infrastructure.

#### **Recommendation for Deputy General Manager Environment**

Council has already resolved to take no further action in relation to this matter.

**4      *Item 7.2 – Update On Recommendation To Council On Biodiversity, Including Wildlife Corridors Fencing, Marine Reserves (Sian Waythe, Michelle Sheather And Michael Houston)***

*That Council considers “user pays” program at Manly Dam for commercial mountain bike operators, in line with water skiing on the dam and similar to program used by National Parks operate for commercial operators, to recover costs to put back into the facility*

**Supporting information from Staff**

Enabling commercial mountain bike operations at Manly Dam will require a review of the Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah (CCS-PL612). This policy restricts commercial activity at Manly Dam. Alignment with other documents including the draft Plan of Management will also be required. A policy review, consultation including with National Parks and assessment of the costs and benefits of commercial activity at Manly Dam will be undertaken concurrently by Parks Reserves and Foreshores for a future report to Council.

**Comment**

This is currently being undertaken by Council staff.

**5      *Item 7.4 – Council’s Reversal Of Dogs On Beaches (Gail Phillips)***

*That the ES-SRG restates its original objection to allowing dogs on beaches.*

**Supporting information from Staff**

The recommendation from the ES-SRG has been included as a submission to the Dogs on Curl Curl Beach community consultation. As staff have complied with this request, no further action is required of Council.

<b>ITEM 8.5</b>	<b>MARCH 2012 QUARTERLY BUSINESS REVIEW STATEMENT</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2012/108873</b>
<b>ATTACHMENTS</b>	<b>1 Draft March 2012 Quarterly Business Review Statement (Excluded from Agenda)</b>

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## EXECUTIVE SUMMARY

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### PURPOSE

To present the March 2012 Quarterly Business Review Statement on the Strategic Community Plan 2011.

### SUMMARY

The March 2012 Quarterly Business Review Statement is in a separate Attachment Booklet and is the third progress report on the Strategic Community Plan 2011. The report details Council's overall financial position by 16 Key Service areas, the progress of key initiatives and capital works for the period.

The Income Statement for the quarter ending 31 March 2012 shows an increase in the Surplus from Continuing Operations before Capital Grants and Contributions of \$211,000 taking the surplus from \$1,727,890 to \$1,938,890 at 30 June 2012. A reduction in capital expenditure of \$2,229,061 from \$32,234,597 to \$30,240,536 is also forecasted at 30 June 2012.

The report details progress against 155 actions of which 83% are progressing in accordance with agreed timeframes (either completed or within 10% of target), and 17% are behind schedule.

### FINANCIAL IMPACT

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

### POLICY IMPACT

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

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## RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That the March 2012 Quarterly Business Review Statement be noted.
  - B. That changes to the Current Forecast detailed in the March 2012 Quarterly Business Review Statement (page 2) increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$1,727,890 to \$1,938,890 at 30 June 2012 be approved.
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**REPORT**


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**BACKGROUND**

The Quarterly Business and Budget Report is a progress report against the Strategic Community Plan 2011 (the "Plan"). The Report is distributed in a separate Attachment Booklet and provides a comprehensive progress report on all key initiatives and capital works.

It has been prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005, namely that the General Manager report at least every 6 months on the principal activities (16 key services) and the responsible accounting officer report quarterly on a budget review statement.

**INCOME STATEMENT**

The overall movements are detailed in the table below:

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Income From Continuing Operations	144,009,613	145,623,101	1,613,488	144,840,641	(782,460)
Total Expenses From Continuing Operations	(138,825,796)	(139,961,951)	(1,136,155)	(138,876,179)	1,085,772
Surplus / (Deficit) from Continuing Operations	5,183,817	5,661,150	477,333	5,964,462	303,312
Surplus/ (Deficit) before Capital Grants & Contributions	1,322,890	1,727,890	405,000	1,938,890	211,000

The principal feature of the forecast changes is an increase in the Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year of \$211,000 to \$1,938,890. This is related to Domestic Waste, Road Restorations and Kimbriki Environmental Enterprises and is therefore restricted and not available for use on other purposes.

The significant changes resulting in a reduction of \$782,460 in the forecast Income from Continuing Operations are as follows:

- User Fees & Charges have been forecast to decrease by \$642,064. The majority of services have had an adjustment to forecast User Fees and Charges reflecting changes in the wider economy. Certification has been forecast down by \$107,881, Children's Services by \$126,315, Compliance by \$70,598, Corporate Support by \$78,108, Development Assessment by \$221,985, Glen Street Theatre by \$88,000, Kimbriki Environmental Enterprises by \$97,141 and Warringah Aquatic Centre by \$100,000 due to the closure of the centre from April 2012 for a seven week period to enable roof repairs to be completed. This has only been partially offset by increases in Community & Safety by \$39,840, Parks, Reserves & Foreshores by \$70,000, Roads Traffic and Waste by \$48,689, Natural Environment by \$5,000 and Strategic Planning by \$84,494.
- The forecast for Interest and Investment Revenues has been increased by \$168,290 reflecting higher earnings of \$163,290 within Council and \$5,000 within Glen Street Theatre. This is due mainly to Council continuing to achieve investment returns of over 1% above the benchmark.
- Other Revenues have been forecast to decrease by \$551,047 principally due to a reduction in Parking Fines and in Other Fines offset by an increase in Kimbriki related to Recycling Income and a consequentially higher EPA Levy Deduction.
- Grants & Contributions – Operating Purposes have been forecast to increase by \$150,049 due principally to an increase in Pittwater Council's contribution to the Narrabeen Lagoon Entrance Clearance Project.

- Grants & Contributions – Capital Purposes have been forecast to increase by \$92,312 due to an additional grant for the Narrabeen Lagoon Trail Boat Ramp from the NSW Roads and Maritime Services (RMS), additional Road Block Grant income and contributions from the RMS for the Bike Plan project and the Monash Avenue Kerb Blister project.

**CAPITAL WORKS**

Expenditure on Capital Works for the nine months ended 31 March 2012 totalled \$18,093,858.

	YTD Actual \$	YTD Forecast \$	Variance \$
Total Capital Expenditure	18,093,858	22,709,407	(4,615,549)

Changes to the forecast details of which are included for the individual reports of each of the Services are detailed below.

	Annual Budget \$	Approved Forecast \$	Variance \$	Current Forecast \$	Variance \$
Total Capital Expenditure	34,419,985	32,469,597	1,950,388	30,240,536	2,229,061

Description	\$
<b>Changes by Council Resolution during the second quarter</b>	(1,671,184)
<b>Changes by Council Resolution in the December 2011 QBRs</b>	3,856,572
<b>Changes by Council Resolution during the third quarter:</b>	
Council Resolution 3/2012 of Council meeting 27 March 2012:	
Footpaths/ Bike paths / Share paths	(140,000)
Installation of Solar Panel Systems - Surf Lifesaving Clubs	(40,000)
Installation of Solar panel System at Cromer Park	(40,000)
Ping Pong Table	(15,000)
	<b>1,950,388</b>
<b>Changes identified in the Proposed Forecast</b>	
<b>Capital Works carried forward to 2012/13</b>	
BCA and Fire Safety Compliance Works	15,556
Brookvale Occasional Care Ctr - stage 1	16,738
CATP - Collaroy SLSC - Component 1A	55,191
Collaroy Access Tourism Precinct	25,000
Collaroy Stormwater Outlet	79,594
Dee Why Beach Viewing Tower	98,305
Disability Access & Renewal Project	46,000
Forestville Skate Facility	40,000
Kimbriki Land Improvements	298,010
Library RFID	350,000
Narrabeen Lagoon Trail (Federal Grant)	96,158
Nolans Reserve - flood lighting upgrades	45,999
PAIP - Curl Curl Sports Centre	472,000
Ping Pong Tables - Outdoor	15,000
Pittwater Rd Dee Why Cnr Oaks Ave	16,000
Playground Improvement Program	75,608
Restoration Narrabeen Lagoon	5,000
Solar Panel System - Cromer Park	40,000
Solar Panels - SLSC	40,000
Sporting Club Capital Improvements Fund	34,200
Stony Range	109,085
Upgrade Standard Desktop Operating Environment	215,000
Upgrade Warringah Council Website	150,000
Wheeler Park - New Public Amenity	163,116
<b>Capital Works carried forward to 2012/13 Total</b>	<b>2,501,560</b>

<b>Description</b>	<b>\$</b>
<b>Other</b>	
Booralie Rd Terrey Hills Road Widening	(20,000)
Brookvale Oval - Upgrade Works Stage 3A	(377,080)
Community Centre Buildings - DDA Audit & Stage 1 works	350,728
Cromer No 1 - Synthetic Surface - New	(78,485)
Dee Why CBD Upgrade	(116,583)
Dee Why Children's Centre	(26,198)
Forestville Memorial Hall External Pavemnt	(37,867)
IT Equipment Replacement	(143,000)
Manly Vale Community Centre Floor Renewal	(43,595)
Minor Rectification of Sportsfields	(18,000)
Narraweena Youth Hall	(19,014)
Road Acquisition - Cottage Pt Rd no.3	(21,865)
Sporting Club Capital Improvements Fund	40,485
Sportsfield Rectification Program - Adams St Reserve	200,000
Terrey Hills/ Duffy Forest Horse Trail	80,000
Upgrade Enterprise Management System	(31,000)
Other	(11,026)
<b>Other Forecast Changes Total</b>	<b>(272,499)</b>
<b>Total Net Changes identified in the Proposed Forecast</b>	<b>2,229,061</b>
<b>Total Net Changes</b>	<b>4,179,449</b>

### **Performance against Key Actions**

A total of 155 actions are contained within the Attachment Booklet. "Traffic light" indicators are used in the Quarterly Business Review Statement to show overall progress of an action based on percentage of the action complete compared to the expected percentage complete. Comments are provided against action in the report where the action is not on schedule.

The March 2012 results are as follows:

- 129 Strategic Community Plan Actions at least 90% of progress target
- 6 Strategic Community Plan Action between 70 and 90% of progress target
- 20 Strategic Community Plan Actions less than 70% of progress target.

A total of 40 actions have been completed.

### **POLICY IMPACT**

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

### **FINANCIAL IMPACT**

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



<b>ITEM 8.6</b>	<b>CONSIDERATION OF SUBMISSIONS: FRESHWATER VILLAGE PROPOSED AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/100064</b>
<b>ATTACHMENTS</b>	<b>1 Revised amendment to WDCP - Freshwater Village (Excluded from Agenda)</b> <b>2 Maps - Freshwater amendment G5 - WDCP (Excluded from Agenda)</b> <b>3 Suggested conditions and information to be submitted with DA - Freshwater G5 amendment</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To report on submissions received during the recent exhibition period, and to present for Council's adoption a revised draft Freshwater Village Development Control Plan.

#### SUMMARY

The draft Freshwater Village Development Control Plan (DCP) - amendment G5 to the Warringah Development Control Plan - has been prepared in consultation with the Freshwater Village Working Party.

The draft plan was exhibited from Saturday 25 February to Monday 2 April 2012. Ten submissions were received. A submissions assessment table is contained in this report.

Adoption of the DCP is recommended. The finalised plan is presented for Council's approval at Attachment 1.

#### FINANCIAL IMPACT

The work involved in this project has been undertaken within the Sustainable Urban Planning budget.

#### POLICY IMPACT

Once adopted, the amendment to WDCP will deliver clear development controls for Freshwater Village.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council approve the amendment to Warringah Development Control Plan G5 – Freshwater Village as amended at Attachment 1 following consideration of the submissions received in accordance with the *Environmental Planning and Assessment Regulation 2000*.
  - B. That Council give notice of its decision within 28 days as required by the *Environmental Planning and Assessment Regulation 2000*.
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**REPORT**


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**BACKGROUND**

The draft amendment to Warringah Development Control Plan (WDCP) G5 – Freshwater Village was reported to Council on 14 February 2012, when Council resolved to exhibit the draft plan.

That report contained detailed background to the project. In brief, Council decided in 2010 to prepare a draft development control plan for Freshwater, to be undertaken by consultants, and to establish the Freshwater Village Working Party as community representatives and interested landholders. The Working Party has been involved throughout the process of developing the draft plan.

**CONSULTATION**

In accordance with the *Environmental Planning and Assessment Act*, advertisements were placed in the Warringah Update in the Manly Daily advising of the exhibition and inviting submissions from the community.

The draft plan and supporting documentation were made available for viewing at Council libraries, Council offices and online.

An information stall was held in Freshwater on Saturday 24 March 2012 with all exhibition material and staff available to answer community enquiries. This event was advertised in the Warringah Update in the Manly Daily newspaper.

The exhibition of the draft plan and the information stall were publicised on Council's website, and emails advising of the exhibition and the information stall were forwarded to the Freshwater Working Party, the Community Engagement list and to the Your Say Warringah members.

**SUBMISSIONS**

Ten submissions were received, including from the Friends of Freshwater, NSW Northern Beaches Health Promotion, and landowners on the northern side of Lawrence Street.

The issues raised are addressed below.

<b>Comment/issue</b>	<b>Times issue raised</b>	<b>Council response</b>	<b>Change to plan</b>
Oliver Street reclassification not a priority for residents; an issue for development of sites	1	Beyond scope of plan – separate project to be undertaken	No
Support Oliver Street reclassification / access to sites north of Lawrence Street	4	Beyond scope of plan – separate project to be undertaken	No
Provide pedestrian link between car park, St Peters Church and Marmora Street over stormwater easement	1	Beyond scope of plan	No

<b>Comment/issue</b>	<b>Times issue raised</b>	<b>Council response</b>	<b>Change to plan</b>
Support draft plan as first step / the range of development controls / specific controls (street activation, access and loading, pedestrian and cyclist links, lighting).	3	Noted	No
Incomprehensible WDCP Map – Number of Storey.s	1	As for other maps in WDCP and WLEP 2011, the map requires zooming in, to reveal the number of storeys permissible.	No, but webpage changes possible
Agree with three storey limit / support existing height restrictions.	2	Noted; Number of storeys is already in the plan, height of buildings in WLEP 2011	No
GMU report – more content, less waffle.	1	GMU report was exhibited as support documentation only and does not form part of DCP	No
Create streetscape like Balmain or Bangalow.	1	Freshwater has its own identity that needs to be enhanced, and is a very different place to those identified	No
Get aesthetics right / shade and atmosphere / support coastal seaside image.	2	Controls in plan will help achieve this	No
Allow larger retail outlets or allow ground floor residential.	1	Commercial premises are permitted in Zone B2 under WLEP 2011 (as applies to Freshwater Village) irrespective of size.  Shop top housing is defined in WLEP 2011, not the DCP	No
Built form – ensure no adverse effect from cumulative impact of multiple large developments; require 'phasing plan.'	1	The intent to avoid loss of retail diversity is understood. However Council must consider individual development applications when they are lodged, which in turn relate to market demand and are beyond Council's control.	No
Ensure access to fresh healthy food.	1	Outside the scope of the DCP. Council's Environmental Health Officers ensure standards are maintained, eg under the Food Act.	No
Significant developments to provide and maintain public open space, eg playgrounds, amenities, seating.	1	There is no legal mechanism by which a DCP can require public facilities. Review of Council's developer contribution plan is scheduled for mid 2012.	No
Change 'Lighting' to 'Safety and security'.	1	A 'Safety and security' control has been added to the plan, and the control for 'Lighting' has been retained, with one requirement being transferred to Safety and Security.	Yes
Ensure permeability between buildings, community facilities and public transport through laneways, arcades and pedestrian ways.	1	Additional objective/requirement added to plan.	Yes

<b>Comment/issue</b>	<b>Times issue raised</b>	<b>Council response</b>	<b>Change to plan</b>
Change 'Pedestrian and cyclist links' to 'Active transport links' including requirements for bike parking, a two-way cycle path on Lawrence St, Workplace Travel Plans, reduced reliance on cars.	1	'Active travel links' supported (active transport does not include public transport). Requirements for end of trip facilities will be added to the comprehensive WDCP as a separate project. Cycle paths are outside the scope of this amendment. Management of car parking and Workplace Travel Plans to reduce car reliance are beyond the scope of the Freshwater amendment but will be partly addressed in Council's separate Sustainable Transport Strategy (currently being prepared).	Yes
Traffic Management Plan to be prepared.	1	Larger development applications can be required to submit a TMP during construction. Comments as above for Workplace Travel Plans.	No
Provide 15 metre buffer around electricity sub station.	1	Ausgrid advise there is no technical basis for the DCP to provide for a 15m 'safety setback' as suggested in submission.	No
Awnings need minimum width.	1	Requirement included to cover public footpath.	Yes
Front setback landscaping is ambiguous.	1	Requirement clarified.	Yes
Development in vicinity to complement heritage items.	1	Plan amended to include 'complement'.	Yes
Provide memorial plaque in Lawrence Street for Dr Howard Wong-See.	1	Outside scope of WDCP, however there is an existing Council Policy for Memorials and Plaques, which requires a written application with evidence that it meets the policy principles.	No
Freshwater Village Working Party to continue.	1	Outside scope of plan.	No
Create special Freshwater LEP - link to beach via Moore Road boulevard, create public open space (eg Guide Hall), Moore Road west (through Oliver Street car park), existing laneways to be utilised.	1	Amendments to Warringah LEP 2011 as suggested are outside the scope of the WDCP; may be addressed in separate review of the Public Domain Manual.	No
Review public transport in Freshwater, especially E65 and 139 buses.	1	Public transport is managed by the NSW State Government, not local Councils; comment is beyond scope of DCP.	No

## **OTHER CHANGES**

<b>Change</b>	<b>Comment</b>
The described structure of the WDCP has been deleted.	As it will form part G5 of the WDCP.
Footnotes have been incorporated into text.	Footnotes are not electronically compatible.

<b>Change</b>	<b>Comment</b>
An additional note regarding 'Exceptions' has been inserted.	To clarify that objectives are still applicable.
All objectives and requirements are numbered ('O' with corresponding number for objective, and 'R' with corresponding number for requirement).	For ease of reference.
Maps are electronically linked, not provided as images in the document.	Easier to read, quicker to load. For reference purposes the maps have been included as Attachment 2 to this report.
Reference to 'suggested conditions' and 'information to be submitted with DA' have been removed.	These do not form part of the DCP, and for information have been included as Attachment 3 to this report.
Additional control for 'Other side and rear setbacks' (ie properties not adjoining residential zones).  Map 3 has been amended to distinguish between the those properties adjoining residential areas and those not adjoining residential areas.	So that the control is applicable to these properties.
Additional objective and requirement for 'Roofs and building form' inserted.	To encourage lighter coloured roofs for better heat reflection.

### **POLICY IMPACT**

Once adopted and in force, the G5 Freshwater Village amendment to WDCP will provide the community, developers, staff and Councillors with clear and practical controls for the assessment of development applications in Freshwater Village. The DCP will also help to guide the vision for future development in Freshwater.

### **FINANCIAL IMPACT**

This project is being undertaken within the existing budgeted resources of Sustainable Urban Planning.



## **Suggested conditions and information to be submitted with a DA**

### **Suggested conditions**

#### Control 1 Built form in Freshwater

Any murals, artworks or other architectural expressions are to be vandal resistant, easily cleaned and maintained.

#### Control 15 Building sustainability

If timber is to be used in the development:

Any timber used in the development must be recycled or sourced from sustainable forestry practices with a certificate to demonstrate compliance, eg Forest Stewardship Council (FSC) certification.

Hot water systems are to be insulated.

Water savings devices are to be utilised, including flow regulators, minimum 3 star rated Water Efficiency Labelling and Standards Scheme (WELS) rated shower heads, dual flush toilets and tap aerators.

### **Information to be submitted with a DA**

#### Control 16 Materials and colours

A complete colour scheme and materials sample board showing all materials and colours to be used is to be submitted with the application.

#### Control 18 Development in the vicinity of heritage items

A statement of heritage impact is to be submitted with the DA (see [http://www.heritage.nsw.gov.au/docs/hm\\_statementsofhi.pdf](http://www.heritage.nsw.gov.au/docs/hm_statementsofhi.pdf) )





<b>ITEM 8.7</b>	<b>REVIEW OF WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2012/230741</b>
<b>ATTACHMENTS</b>	<b>1 Draft Warringah Section 94A Development Contributions Plan 2012 (Excluded from Agenda)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To seek Council's endorsement to exhibit the draft Warringah Section 94A Development Contributions Plan 2012.

#### SUMMARY

The purpose of this report is to request that Council place the draft *Warringah Section 94A Development Contributions Plan 2012* on public exhibition between 26 May 2012 and 29 June 2012 to invite public comment on the revised works program. All submissions received during the exhibition period will be reported back to Council.

The need to review the Contributions Plan at this time has been identified in order to align the Contributions Plan with Councils budget and Strategic Community Plan. The revised plan will address unforeseen changes in funding and delivery of projects in the current works program that could not be envisaged when the plan was finalised in June 2011.

#### FINANCIAL IMPACT

The draft Section 94A Development Contributions Plan has total cost of \$5,800,492 for the 2012/13 financial year. Formal exhibition of the revised works programs will enable the expenditure of Section 94 and 94A funds over the time period proposed within the plan.

#### POLICY IMPACT

It is anticipated that proposed amendments to the works program will be within the capacity of the funds available and will maintain the intent for which the funds were originally collected.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That the draft amended *Warringah Section 94A Development Contributions Plan 2012* be placed on public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*.
  - B. That all submissions received be reported back to Council at the conclusion of the exhibition period.
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**REPORT**

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**BACKGROUND**

The purpose of this report is to request that Council place the draft *Section 94A Development Contributions Plan 2012* (attached) on public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2000* (the Regulation 2000). The exhibition will commence on 26 May 2012 and will close on 29 June 2012.

The key purpose of the draft *Warringah Section 94A Development Contributions Plan 2012* will be to update the Section 94 and Section 94A works program which will be delivered with the funds collected from development contribution levies.

**Revised Works Program**

A revision of the works program was required in order to:

- remove projects that have been completed within the financial year;
- integrate the works program with the Strategic Community Plan and budget;
- re-scope projects that have not been completed under the current plan; and
- provide an opportunity to improve delivery of priority projects.

**Current Position**

At the start of this financial year, Council budgeted to spend \$4,227,432 of S.94A reserves on Capital Works. The latest forecast (subject to Council approval) revises this figure down to \$2,193,305. The revised plan will address unforeseen changes in funding and delivery of projects in the current works program that could not be envisaged when the plan was finalised in June 2011.

Under the current Development Contributions Plan approximately \$2.391 million worth of projects are identified to be completed in the 2012/2013 financial year. Under the revised program approximately \$5.8 million worth of projects are identified to be completed within the 2012/2013 financial year.

The increase in the cost of the program is predominantly attributed to the postponement of projects scheduled to be undertaken in the 2011/12 program (rolled over to the 2012/13 program), the increase in funding required for the Narrabeen Lagoon Multi-use Trail (approximately \$1.73 million) as well as the inclusion of the Capital Assistance Program (approximately \$330,000).

Generally, the revised program will permit the efficient delivery of projects within the 2012/13 financial year and better align the Development Contributions Plan with the SCP and budget.

**Section 94A Projects Completed or Postponed**

It has been identified that twenty one projects have been completed and the delivery dates of five other projects have been extended to the years 2012/13. The completed projects have been included within Table 1 and postponed projects have been included within Table 2.

**Table 1 – S.94A Completed Projects**

<b>Project No.</b>	<b>Suburb</b>	<b>Project Title</b>	<b>Comment</b>
221	Dee Why	Monash Parade, Dee Why - kerb blisters at Pacific Parade	Complete.
222	Belrose	Garigal Road, Belrose - pedestrian island on eastern approach of roundabout at Narrabang Way	Complete.
223	Narraweena	Oceana Street, Narraweena - pedestrian island at Alfred Street	Complete.
224	Frenchs Forest	Frenchs Forest Road East, Frenchs Forest - refuge island east of Romford Road	Complete.
225	Dee Why	Mooramba Road, Dee Why - refuge islands at Redman Road	Complete.
226	Terrey Hills	Booralie Road, Terrey Hills - widening at Echunga Road	Complete.
227	Collaroy	25m of missing footpath on the pathway adjoining 2 Suffolk	Complete.
228	Cromer	100m of Footpath Orlando Road to Entrance to Roche - PAMP priority 3 – missing link	Complete.
229	Curl Curl	35m of footpath from 1 Brighton Street to 3 Brighton Street - missing link	Complete.
230	North Balgowlah	25m of footpath from Woodbine Street to Myrtle Street - missing link	Complete.
231	Frenchs Forest	20m of footpath from Forest Way to Holland Crescent – Bus stop usage	Complete.
232	Terrey Hills	210m of footpath from Aumuna Road to Swim Centre - missing link	Complete.
233	Allambie Heights	260m of footpath from Mortain Avenue to Darmour Avenue PAMP priority 1 – 2.5m wide	Complete.
234	Brookvale	300m of footpath from Alfred Road to Regina Avenue PAMP priority 1 – 2m wide	Complete.
235	Collaroy Plateau	230m of footpath from Telopea Street to Grevillea Street PAMP priority 2 – 1.8m wide footpath	Complete.
236	Cromer	Cromer Park Field No 1 - Synthetic Surface - Construction	Complete.
237	Manly Vale	Floodlighting Improvement Program – Nolans Reserve, Fields 3,4,5,6 &7 as well as junior fields 2,3 &4	Complete.
240	Manly Vale	Water Supply Irrigation Program at David Thomas Fields	Complete.
241	Narrabeen	North Narrabeen - Stage 1: Revised masterplan, detailed design and construction of viewing/ memorial area	Complete.
242	Wheeler Heights	South Creek Road, Middleton Road to Toronto Road, Shared Path (widen existing footpath by 1.2m)	Complete.
243	Dee Why	Fisher Road, St David Avenue to Regent Street, Shared Path (widen existing footpath by 1m)	Complete.

<b>Table 2 – S.94A Postponed Projects</b>			
<b>Project No.</b>	<b>Suburb</b>	<b>Project Title</b>	<b>Comment</b>
219	Dee Why	Dee Why Beach Viewing Tower	This project could not be delivered during the year previously identified. Project included within the 2012/13 program.
206	Narrabeen	Wheeler Park, Narrabeen - New public amenity, adjacent to scout hall at Goodwin Street	This project could not be delivered during the year previously identified. Project included within the 2012/13 program.
220	Collaroy	Collaroy Accessibility Tourism Precinct - Streetscape Improvements	This project could not be delivered during the year previously identified. Project included within the 2012/13 program.
238	Forestville	Forestville Skate Facility - adjacent to Melwood Oval	This project could not be delivered during the year previously identified. Project included within the 2012/13 program.
239	Collaroy	Playground Improvement Program, Collaroy Beach Reserve	This project could not be delivered during the year previously identified. Project included within the 2012/13 program.

### **Section 94 Projects Completed or Postponed**

It has been identified that one project has been completed and the delivery dates of one other project extended to the years 2012/13. The completed projects have been included within Table 3 and postponed projects in Table 4.

<b>Table 3 – S.94 Completed Projects</b>			
<b>Project No.</b>	<b>Section 94 reserve</b>	<b>Project Title</b>	<b>Comment</b>
9	E4 – Sport field Embellishment	Nolan Reserve – Lighting	Complete.

Postponed projects have been included within Table 2.

<b>Table 4 – S.94 Postponed Projects</b>			
<b>Project No.</b>	<b>Section 94 reserve</b>	<b>Project Title</b>	<b>Comment</b>
7	E2 – Children's Services	Occasional Care Facility – Brookvale (20 Places)	This project is to be rolled back to 2012/13. The budget for the project is to increase to \$1,552,200

### **Draft Work Program**

The draft works program has been included within Parts 5 and 6 of the draft *Warringah Section 94A Development Contributions Plan 2012*. The plan incorporates approximately 5.8 million worth of S.94A projects covering the years 2012/13 and an additional 1.6 million worth of projects to 2016. The plan incorporates approximately 20.3 million worth of S.94 projects covering the years 2012 to 2016.

The assessment of individual projects has been undertaken via Council's Capital Justification and Evaluation Process where each project listed on Council's Capital Works Program has been rated on the basis of community need, safety and risk to Council. The ranking of each project through this evaluation process was also used to establish the preferred year to commence.

### **Projected Balance of Section 94A Reserves**

At the end of April 2012 there was \$5,932,050 in Council's Section 94A Reserves. These Reserves are forecast to have a balance of \$5,132,667 at 30 June 2012.

### **Projected Balance of Section 94 Reserves**

At the end of April 2012 there was \$25,713,742 in Council's Section 94 Reserves. These Reserves are forecast to have a balance of \$25,418,156 at 30 June 2012.

### **Public Exhibition**

Clause 26(4) of the Regulation 2000 requires Council to exhibit its draft development contributions plan for a minimum of 28 days. Accordingly it is proposed that the draft amended Section 94A Plan be placed on public exhibition from 26 May 2012 to 29 June 2012 to invite public comment. The primary subject of this public exhibition is the revised Section 94A works program under Part 5 of the Plan. Clause 32 of the Regulation states that a council may only amend a contributions plan by adopting a subsequent contributions plan. Accordingly all aspects of this draft plan will be open for public comment.

### **Conclusion**

It is requested that Council place the draft *Warringah Section 94A Development Contributions Plan 2012* on public exhibition. This will enable the revised works program to be exhibited in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. All submissions received during the exhibition period will be reported back to Council.

### **CONSULTATION**

Consultation has been undertaken with key staff within the organisation. Public exhibition of the draft Contributions Plan will be undertaken in accordance with this report.

**POLICY IMPACT**

Nil.

**FINANCIAL IMPACT**

The draft Section 94A Development Contributions Plan has total cost of approximately \$5.8 million.

Formal exhibition of the revised works programs will enable the expenditure of Section 94 and 94A funds over the time period proposed within the plan.

<b>ITEM 8.8</b>	<b>DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/133758</b>
<b>ATTACHMENTS</b>	<b>1 Draft Environmental Sustainability Strategy for Council Adoption (Excluded from Agenda)</b> <b>2 Submission Assessment Table</b>

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### **EXECUTIVE SUMMARY**

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#### **PURPOSE**

To report on submissions received during the recent exhibition period, and to present for Council's adoption a revised draft Environmental Sustainability Strategy.

#### **SUMMARY**

The draft Environmental Sustainability Strategy was placed on public exhibition for a period of 30 days during February / March this year.

A total of eight submissions were received. A submissions assessment table is attached to this report (Attachment 2).

This report summarises the changes to the draft Strategy following the comments received during the public exhibition period as well as the engagement process in developing the revised draft Strategy.

Adoption of the draft Strategy (Attachment 1) is recommended.

#### **FINANCIAL IMPACT**

Any costs of implementing this draft Strategy will be factored into current and future project planning and budgets. It is also anticipated that human resources (staff time) may be required to coordinate a more consistent approach on environmental sustainability projects and initiatives across Council as well as to oversee reporting on progress against the proposed targets and outcomes in the draft Strategy.

#### **POLICY IMPACT**

The draft Environmental Sustainability Strategy replaces the previous Environmental Strategy, 2001.

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#### **RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Council adopt the Environmental Sustainability Strategy.

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**REPORT**

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**CONSULTATION**

At the Council meeting on 14 February 2012, Council resolved to place the draft Environmental Sustainability Strategy on public exhibition for a period of 30 days. The draft Strategy was placed on public exhibition on Monday 27th of February and closed Friday the 30th of March 2012.

During the public exhibition period the following methods were used to promote the draft Environmental Sustainability Strategy and seek formal submissions:

- Advertisement in Manly Daily on Saturday 25 February 2012
- Direct mail (24 February 2012) to members of the Environmental Sustainability Strategic Reference Group and to focus group participants
- Website promotion including submission email link from 22 February 2012
- Exhibition documents were available in Council's libraries and at Civic Centre from Monday 27 February to Monday 2 April 2012
- Follow up meetings/phone conversations with community members.

A total of eight formal, written, submissions were received. A submissions assessment table is attached to this report (Attachment 2). In addition, staff answered one phone enquiry and also met with a community member at Council offices to provide further information regarding the draft Strategy.

**Summary of Proposed Amendments to the Draft Strategy**

The revised draft Strategy inclusive of amendments highlighted in Attachment 2 contains the following main changes:

- Ensuring consistency in formatting (namely references, headings and tables throughout the draft Strategy)
- Ensuring consistency in language and terminology (namely related to community engagement)
- Ensuring that all referenced material in the body of the document is also provided in the reference list.
- Providing explanatory or supporting information regarding the principles and directions in the draft Strategy.

**Implementation and Evaluation**

The draft Strategy is intended to provide a 'big picture' overview of outcomes to achieve in the long-term (approximately 10 years). Shorter-term actions and detailed prescriptions on what projects, programs and initiatives to implement would be derived from the draft Strategy and the Strategic Community Plan as part of Council's annual business planning framework.

An overview report on identified environmental projects and initiatives will be generated on an annual basis and made publicly available via the internet. Progress against targets will also be monitored and reported publicly. The draft Strategy will be reviewed every four years, or as required.



## **BACKGROUND**

The draft Environmental Sustainability Strategy sets a vision for how Council should approach long term environmental sustainability in Warringah.

The draft Environmental Sustainability Strategy will replace Warringah's Environmental Strategy (2001). The initial Environmental Strategy (2001) provided detailed actions for Council's management of natural resources. Of the 323 actions in the initial strategy, Council has either completed or partially completed 60% since 2001. Many of the remaining actions have now become outdated or obsolete due to legislative or organisational changes. There has also been a need to shift management focus from natural resource management to environmental sustainability broadly. Actions that retain currency have been carried over in the revised draft Environmental Sustainability Strategy.

A range of research and community engagement activities were undertaken to inform the development of the draft Environmental Sustainability Strategy:

- Two focus group meetings with residents
- One general (open) public meeting
- Three workshop sessions for youth on environmental sustainability
- Individual discussions with community members
- Discussions and interviews with Councillors and members of the Environmental Sustainability Strategic Reference Group
- Councillor workshops/briefings
- Three workshops with the Environmental Sustainability Strategic Reference Group
- Staff interviews, meetings and workshops
- Interviews with key stakeholders and subject matter experts (eg. neighbouring councils, government agencies and departments).

Extensive desktop research was conducted to determine best practice environmental strategies, planning frameworks, target setting and identify approaches to collaboration with the community.

## **POLICY IMPACT**

The draft Environmental Sustainability Strategy replaces the previous Environmental Strategy, 2001.

## **FINANCIAL IMPACT**

Any costs of implementing this draft Strategy will be factored into current and future project planning and budgets. It is also anticipated that human resources (staff time) may be required to coordinate a more consistent approach on environmental sustainability projects and initiatives across Council as well as to oversee consolidated public reporting on progress against the proposed targets and outcomes contained in the draft Strategy.



**Attachment B: Summary of submissions on the draft Environmental Sustainability Strategy**

Item	Number of submissions in relation to this comment/ issue	Summary of the Community's comments	Staff assessment	Recommendation
1)	6	General support for the draft Environmental Sustainability Strategy	Noted	No change to draft Strategy
2)	2	Support for the target to reduce food waste in the general waste stream by 40%.	Noted	No change to draft Strategy
3)	1	Ensure that reference list is current and consistent with the body of the document	Conduct review of reference list.	Reference list has been updated as per proposed changes.
4)	2	Editorial (formatting, spelling and consistency in language)	Conduct editorial review and quality check.	The draft Strategy has been amended as per editorial comments.
5)	1	Warringah's sea level is dropping and Council should ensure that assumptions about rising sea levels do not impose unnecessarily on new developments and development controls.	The view that sea levels are dropping in Warringah is not supported by best available science. Comments that relate specifically to land use planning have been forwarded to Council's land use planners as they fall beyond the immediate scope of the draft Strategy.	No change to draft Strategy
6)	1	The draft Strategy is too descriptive. It should have been written as an action plan. The Environmental Strategy 2001 should not be superseded.	The draft Strategy is a long term document. For the draft Strategy to maintain currency over the long term, it is necessary that it is not too prescriptive. It must be possible for Council to achieve the outcomes we seek by drawing on new knowledge and technology as this becomes available. Council's management and planning systems and approaches have changed considerably since 2001. With the Strategic Community Plan and the related business and operational planning cycles, action plans tend to become superfluous.	No change to draft Strategy
7)	3	The draft Strategy is not detailed enough and should include more technical information regarding the scientific basis of the document.	The draft Strategy has been written so as to be accessible to the general public yet continue to provide overall and long term direction for Council. The draft Strategy is founded on extensive research and a strong evidence based approach. Scientific and technical information that underpin the draft Strategy can be made available upon request.	Additional information and references have been provided in the revised draft, namely the inclusion of Appendix 4 which provides a break down of community emissions in Warringah (2008/9) per emission source. The Hyder report regarding evidence base for target setting on emissions reductions was also provided to a community member upon request and further information given during a face to face meeting.

Item	Number of submissions in relation to this comment/issue	Summary of the Community's comments	Staff assessment	Recommendation
8)	1	The targets regarding carbon emissions reduction are too ambitious. Instead the target that has been taken by the Borough of Woking in the UK should be taken: "we will emit less carbon this year than we did last year and this will be our commitment every year".	The targets relating to carbon emissions are based on Council resolutions and are in line with state and federal guidelines and best available science. These targets can not be changed.	Additional explanatory information has been included in the draft Strategy.
9)	4	Specific project ideas provided in the submission.	Specific project ideas fall beyond the scope and level of the draft Strategy.	No change to draft Strategy. Specific project ideas will be considered as part of the business planning cycle where budgets are determined on the basis of the draft Strategy.
10)	3	Monitoring and evaluation measures and approaches should be made clear and progress against these reported to the public.	An implementation and evaluation framework is being drafted which will address this issue.	No change to draft Strategy. Clear and concise performance measures will be used as basis for regular monitoring and reporting.
11)	1	Improved identification of Council's lobbying/influencing opportunities with other levels of government.	This has been addressed in a general sense within the document.	No change to draft Strategy. In implementation of the Strategy, Council will work with the community to clarify expectations aligned to the strategy.

<b>ITEM 8.9</b>	<b>DRAFT NORTH NARRABEEN BEACH RESERVE AND BIRDWOOD PARK MASTERPLAN</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/226248</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## EXECUTIVE SUMMARY

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### PURPOSE

The purpose is to recommend to Council that the draft North Narrabeen Beach Reserve and Birdwood Park Master plan be approved for public exhibition.

### SUMMARY

Warringah Council is developing a Master plan for North Narrabeen Beach Reserve and Birdwood Park. The Master plan will address the site's natural and physical environmental constraints and consider opportunities for upgrading various facilities such as linkages to the site, car parking, sight lines to the beach and surf, foreshore grassed areas and playground. It also addresses formalised beach access and the vegetated dune areas.

As part of the community consultation for the development of this plan two meetings have been held at the North Narrabeen Surf Club and a public information session was held at the beach. An interactive web forum on "yoursaywarringah" was opened on 14 December 2011 and closed on 13 April 2012.

Community feedback during the planned exhibition period will further inform the Master plan design.

Feedback included comments on the natural beauty of the area, open space, views and access to the surf and lagoon. People appreciated the simplicity of the area. A key issue was the height of the dunes and views from the surf club and car park area. Some stakeholders are keen to reduce the height of the dunes however there was some opposition to this from others on environmental grounds and fears on the impact of this on the lagoon.

The North Narrabeen Coalition has requested that no funds be expended on any other activities until the height of the dunes is lowered to past levels and that the vegetation is replaced with suitable lower plant species.

Council sought advice on acceptable dune heights from a number of experts who have advised that some reduction in dune height can be accommodated; however to lower the dunes on a broad scale would increase the risk to public and private assets from beach erosion and coastal inundation.

Reductions in dune height to improve sightlines to the beach and surf are included in the Draft Master plan.

### FINANCIAL IMPACT

Costs for the exhibition are covered in operational budgets. Commitment to fund any action within the plan will only occur when the action is included in Council's Strategic Community Plan.

**POLICY IMPACT**

The proposed Master plan will be consistent with relevant plans of management.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That the North Narrabeen Beach Reserve and Birdwood Park Master plan be placed on exhibition for 21 days.

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**REPORT**

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**BACKGROUND**

Council engaged Cloustone Associates to complete a Masterplan for the North Narrabeen Reserve and Birdwood Park in December 2011. This area is recognised locally and nationally as an environmental and recreation resource of great significance. At the local level the Reserve is valued by both Board riders, Surf Life Saving Club (SLSC) members and the local community. The surfing break has been gazetted as a National Surfing Reserve.

The site has sand dunes and Narrabeen Beach to the east, Narrabeen Lagoon and Birdwood Reserve to the North and residential properties, cafes and restaurants to south and west. The SLSC is positioned in the middle of the study area with facilities such as a picnic area and playground.

The Masterplan considers the following objectives:

- To provide a dune restoration program that looks to the future management and maintenance of the dunes
- To create better pedestrian accessibility to the Reserve, Beach and park facilities
- To upgrade the existing car park area and improve stormwater management
- The creation of a distinctive viewing area and space overlooking the key surfing breaks
- To upgrade the existing facilities.

Community Consultation has included:

- a. a community meeting on 5 December 2011 at the North Narrabeen Surf Club attended by 48 people
- b. a stakeholder meeting on 9 February 2012 at the North Narrabeen Surf Club attended by 12 people
- c. a community information session at North Narrabeen Beach on Sunday 18 March 2012

Key feedback from the consultation included that the Beach Reserve was appreciated for its simplicity and uncrowded feel. Issues identified in the feedback ranged from the need to provide additional seating and picnic areas to concerns about the inability to see the surf from most vantage points due to dune height and vegetation. The dominance of the car park and playground and the traffic flow in the area were identified as issues as was the lack of facilities at Birdwood Park. There was divided opinion about providing boardwalks and viewing platforms. There was strong support that any improvements in the area need to be sympathetic with the natural environment.

A key issue that arose from consultation was the height of the sand dunes in front of the surf club area and in the Birdwood dunes. Strong feedback to reduce the height of the dunes came from the Northern Beaches Branch of the Surfrider Foundation and North Narrabeen Coalition. The reduction in height was related to sightlines to the surf, safety issues associated with areas being visible from the surf club and requests to remove the sand from the dunes to put back into the beach system.

The North Narrabeen Coalition's submission states that they represent the North Narrabeen SLSC and nippers, the North Narrabeen Boardriders and Surfrider Foundation. Their number one priority for the area is to reduce the height of the sand dunes to earlier levels and to replace the current vegetation with a suitable lower plant species and that no funds should be expended on any other

activity proposed by Council until the dunes and vegetation are corrected. The Surfrider Foundation submission stated that the Birdwood Dune needs immediate reduction in mass and the sand should be shifted into the beach system to improve beach safety and surf quality.

Council engaged Water Research Laboratory (WRL) and an independent expert on coastal engineering to provide guidance on whether the height of the dunes could be lowered. Council also engaged Ecological Australia to provide guidance on dune vegetation and the impact of lowering the dunes. The draft Masterplan will address these issues by identifying areas where dune height can be safely lowered so as to improve sight lines and access to the ocean. However advice from the engaged experts suggest that Council cannot lower the dunes on a broad scale as this would increase the risk to public and private assets from beach erosion and coastal inundation.

The Masterplan has identified opportunities to improve the amenity of the area by:

- a. Improving Access and Circulation: by re-configuring the car park, providing better pedestrian access, providing improved wayfinding aids and signage and by dealing with a number of existing “pinch points”
- b. Improving Recreation Facilities and Usage: by providing improved shade structures, BBQ facilities, seating and showers
- c. Improving the Natural Environment and Cultural Heritage: by providing stronger connections to areas of environmental significance through better access and interpretation elements
- d. Improving Image and Landscape Character: by improving views of the beach and surf by reducing the height of the dunes in the area in front of SLSC and by softening the visual appearance of the car park and site boundary on Ocean Street.

The draft Plan will be exhibited for a period of 21 days.

#### **POLICY IMPACT**

The draft Plan has been prepared in accordance with Council policies.

#### **FINANCIAL IMPACT**

Commitment to fund these works arising from the adoption of the Masterplan will only occur if they are included in Council's Strategic Community Plan.



<b>ITEM 8.10</b>	<b>REPORT OF THE WARRINGAH TRAFFIC COMMITTEE MEETING HELD 1 MAY 2012</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER ROADS TRAFFIC &amp; WASTE</b>
<b>TRIM FILE REF</b>	<b>2012/177474</b>
<b>ATTACHMENTS</b>	<b>1 Traffic Committee Report &amp; Recommendation - Improvements to Warringah Traffic Committee and Road Safety Education Program Process</b> <b>2 Traffic Committee Report &amp; Recommendation - Resignation of Community Bicycle Representative</b>

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**REPORT**

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**PURPOSE**

To consider Reports to Council of the Warringah Traffic Committee Meeting held on 1 May 2012.

**REPORT**

Council, on 20 March 2012, was briefed on proposed changes to the processes for the management of Local Traffic Committee Meetings and the operation of the Road Safety Steering Committee to streamline the processes and provide better Customer Service to respondents.

Two reports are submitted to Council for consideration via the Warringah Traffic Committee, as discussed at the Council briefing, that are under Section 3 of the Warringah Traffic Committee.

The 3.0 items "Reports to Council" cover matters that may require Council expenditure, may be controversial or deal with matters of general interest.

**FINANCIAL IMPACT**

Nil

**POLICY IMPACT**

Nil

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That the recommendations of the Warringah Traffic Committee held on 1 May 2012 in respect to Items 3.1 and 3.2 as reprinted below be ADOPTED.

**3.1 Improvements to Warringah Traffic Committee and Road Safety Education Program Process**

- A. That the changes to the operating procedures for the Warringah Traffic Committee and Road Safety Education Program be noted.

**3.2 Resignation of Community Bicycle Representative**

- A. That Council write to Mr West and indicate its appreciation for his dedication to cycling in Warringah and his time and effort as the community bicycle representative on the Warringah Traffic Committee.
- B. That the position of Community Bicycle Representation be retained and Council call for expression of interest to fill this position.
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<b>ITEM 3.1</b>	<b>IMPROVEMENTS TO WARRINGAH TRAFFIC COMMITTEE AND ROAD SAFETY EDUCATION PROGRAM PROCESS</b>
<b>REPORTING OFFICER</b>	<b>TRAFFIC &amp; ROAD SAFETY MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/090465</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

#### **REPORT**

Council on 20 March 2012 was briefed on proposed changes to the processes for the management of Local Traffic Committee Meetings and the operation of the Road Safety Steering Committee to streamline the processes and provide better Customer Service to respondents.

#### **Traffic Committee Process**

Warringah Council has delegated authority from the Roads and Maritime Service (RMS) to undertake certain aspects of traffic management on local roads. A condition of this delegation is that any proposed changes to traffic or parking arrangements must be referred to the Warringah Local Traffic Committee (TC) for consideration before they can be implemented.

The Warringah Local TC is a technical advisory committee which provides advice to Council. The Traffic Committee consists of four voting representatives being Council, Roads and Maritime Services, State Member of Parliament and NSW Police. Non voting specialists such as Bicycle NSW, State Transit Authority are invited to provide advice on specific matters.

The delegations of the RMS for operation of Local Traffic Committees provides an appeal process which enables any Traffic Committee voting member to appeal a decision which is contrary to the recommendation of the Traffic Committee.

Councillor Connie Harris is currently Council's delegated member with voting authority and Chair of the Traffic Committee.

At the Traffic Committee meetings, the committee review and make recommendations on two different categories of agenda items.

- **3.0 Items:** Are reviewed by the Committee, a recommendation is made and these items are reported to Council for a decision. 3.0 items include anything with significant financial implications, may be controversial to the public or involve extensive community consultation. For example a request for a new round about which may be considered for the future Capital Works Program.
- **4.0 Items:** Are reviewed by the Committee and the recommendations are actioned under delegated authority following the Traffic Committee meeting. 4.0 Items include lines and signs that have limited financial implications and are not likely to be controversial to the public or involve extensive community consultation. For example a request for "No Parking" or "No Stopping" signs.

It is Council's current practice to prepare and distribute the minutes of the Traffic Committee meetings to the Committee members and Councillors following the meeting. 3.0 items are reported to Council for a decision and 4.0 items are included in summary form as an attachment to the Council Report. By undertaking the current process Council is in effect reviewing all the recommendations of the Traffic Committee including both 3.0 and 4.0 items, even though authority to implement 4.0 items has already been granted.

The current process results in additional work for Council Staff to prepare all items for inclusion within the Council Report as items and attachments, additional work for Councillors who are required to review all recommendations including 4.0 and a delay in the response to residents regarding the outcome of their particular requests.

### **Discussion**

The Roads, Traffic and Waste (RT&W) Group is looking at ways to improve its service from the customer's perspective and implement efficiencies within its systems and processes. Council has recently commenced using the Info Council program which will significantly improve the process for the preparation of Council agenda and minutes including that of the Traffic Committee by streamlining the formatting and report inclusion process.

In addition, RT&W has created a specific Traffic section on the Council Website to place the Traffic Committee agenda and minutes directly online so that residents can view the outcome of their 4.0 agenda items following the meeting. Residents will no longer need to wait for the outcome of their requests to be individually communicated to them.

It is proposed that in accordance with the delegations, the recommendations from all 4.0 items will be placed directly on the Traffic section of the website following the Traffic Committee meeting. They will no longer be included within the Council Report as attachments but will be available to view by all interested parties directly online.

Councillors may still wish to have any significantly controversial 4.0 item called up for Council's formal consideration if required. To do this, a Councillor would notify the Group Manager Roads, Traffic and Waste in writing prior to the TC meeting and the item would be considered for inclusion as a 3.0 item within the TC agenda. Any Councillor may also make direct representation to the Traffic Committee when the matter is under consideration if required.

All 3.0 items will continue to be reported to Council as per the current process. Once Council has consideration the TC recommendation on 3.0 items, it may then exercise its delegated powers from the RMS to:

- Resolve to adopt the TC recommendation

Where the Council resolves to adopt the TC recommendations then the matter would be actioned as per the recommendation/Council Resolution after the meeting.

- Resolve not to adopt the TC recommendation and formulate an appropriate resolution

Where Council resolves to proceed with any traffic outcome contrary to the advice of the Traffic Committee or when the advice is not unanimous, then Council must notify in writing the Police Department and the RMS representatives of its decision. Council must refrain from taking any action for 14 days from the date of notification to permit any appeal to the RMS's Regional Traffic Committee. In the event that an appeal is lodged, the Regional Traffic Committee of the RMS would then determine the matter. The decision would be binding on the parties to the appeal.

### **Road Safety Education Process**

The Road Safety Education Program is to be integrated with the Traffic Committee Processes and hence will be reported through the Warringah Traffic Committee. The updates will appear as 4 point items and will be for the Traffic Committee's information and input as may be necessary, reporting on the progress of the program, updates in the Business Plan and feedback from the Steering Committee.

### **Background**

The Local Government Road Safety Program was established in 1992 with the goal of increasing the involvement of Local Government and local communities in road safety planning and activities. The overall aim of the program is to contribute to the statewide effort of reducing the incidence and severity of road crashes.

Objectives of the Road Safety Program:

- To develop community educational programs designed to improve road user behaviour.
- To increase community awareness, understanding and profile of road safety.
- To encourage community ownership of road safety within the Warringah LGA.
- To increase Council's awareness and understanding of road safety issues in the Warringah LGA.

Current Road Safety Program Reporting Structure

- Currently Monthly and Quarterly internal reporting.
- Roads and Maritime Services (RMS) database reporting are undertaken.
- Quarterly reporting occurs in September, December, March and June.
- Annual Report is a written report submitted to the Road Safety Steering Committee.

Steering Committee

As a requirement of the RMS/Council Road Safety Officer Program Funding Agreement, a Road Safety Program Steering Committee must be established.

The Steering Committee is required to meet a minimum of twice a year and should be comprised of key stakeholders with essential membership from Council, the RMS and Police.

The new Steering Committee will be a technical committee and will report through the Traffic Committee. The Steering Committee will consist of specialists from Police Service, RMS, Health Promotion Unit, and Council's Road Safety Education Officer. (The involvement of a Councillor will no longer be required at this level)

### **Conclusion**

The integration and reporting of the Road Safety Steering Committee with the new Traffic Committee Process will streamline the processes and result in a more coordinated response to traffic and road safety issues in Warringah.

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### **RECOMMENDATION TO THE TRAFFIC COMMITTEE**

- A. That the changes to the operating procedures for the Warringah Traffic Committee and Road Safety Education Program be noted.

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### **TRAFFIC COMMITTEE RECOMMENDATION**

- A. That the foregoing recommendation be adopted.





REPORT TO TRAFFIC COMMITTEE MEETING

ITEM NO. 3.2 - 01 MAY 2012

<b>ITEM 3.2</b>	<b>RESIGNATION OF COMMUNITY BICYCLE REPRESENTATIVE</b>
<b>REPORTING OFFICER</b>	<b>TRAFFIC &amp; ROAD SAFETY MANAGER</b>
<b>TRIM FILE REF</b>	<b>2012/096346</b>
<b>ATTACHMENTS</b>	<b>1 Bicycle Representative Report to Council 2 Resignation Bicycle Representative - Brian West</b>

#### REPORT

Council has received a letter from Mr Brian West advising of his resignation as the Bicycle Representative on the Warringah Traffic Committee.

Mr Brian West has been a member of the Warringah Traffic Committee following his appointment by Warringah Council in 1995 *as a representative of Warringah cyclists' organizations.*

As the cycling delegate Mr West has made a valuable contribution in relation to cycling issues in Warringah. He has for many years provided input in to all issues affecting cyclists in Warringah particularly in the early years when cyclist were generally under represented and were generally not fully considered as a legitimate road user for incorporation into road and traffic facilities design.

Council appreciates Mr West's contribution interest and time dedicated in representing cyclists and involvement with the Warringah traffic Committee since 1995.

Council would recall that in March 2011 a second Bicycle representative was added to the Warringah Traffic Committee in response to a recommendation from the Warringah Bike Plan 2010. Accordingly a Bicycle NSW representative is attending Traffic Committee meetings. (The Bicycle NSW representative's role is to *consider the interest of cyclists in Warringah for all road works, and notably provide feedback on infrastructure works proposed along bicycle routes identified in the Warringah Bike Plan*).

At the time the second bicycle representative it was considered that the existing cycling representative would remain on the Committee as a local community representative and the proposed representative from Bicycle NSW would be the regional representative

With the resignation of Mr West there are two options available:

1. Call for expression of interest to fill the vacant position of Community Cycling representative.
2. Consolidate the two bicycle representative roles into the role currently performed by the Bicycle NSW representative.

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#### RECOMMENDATION TO THE TRAFFIC COMMITTEE

- A. That Council write to Mr West and indicate its appreciation for his dedication to cycling in Warringah and his time and effort as the community bicycle representative on the Warringah Traffic Committee.
  - B. That the Traffic Committee discusses the two options for bicycle representative and formulate an appropriate recommendation for Council's consideration.
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**REPORT TO TRAFFIC COMMITTEE MEETING**

**ITEM NO. 3.2 - 01 MAY 2012**

#### **PROCEEDINGS IN BRIEF**

Mr West thanked Council and the Traffic Committee for their work in relation to cycling.

The Traffic Committee thanked Mr West for his dedication to cycling in Warringah and his dedication to the Committee since 1995.

The Committee discussed the two options for a bicycle representative to the Warringah Traffic Committee and recommended that Council retain the two positions and call for an expression of interest to fill the vacant position.

#### **TRAFFIC COMMITTEE RECOMMENDATION**

- A. That Council write to Mr West and indicate its appreciation for his dedication to cycling in Warringah and his time and effort as the community bicycle representative on the Warringah Traffic Committee.
  
- B. That the position of Community Bicycle representative be retained and Council call for expressions of interest to fill this position.



<b>ITEM 8.11</b>	<b>RENAMING OF JOALAH ROAD, DUFFYS FOREST</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER ROADS TRAFFIC &amp; WASTE</b>
<b>TRIM FILE REF</b>	<b>2012/108918</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To review the results of public consultation and seek Council's approval for renaming the existing section of Joalah Road (off Namba Road) Duffys Forest as Yanada Road.

**SUMMARY**

The proposed renaming of Joalah Road was reported to Council on 28 February 2012 to endorse the public notification and consultation on the proposal. Council resolved as follows:

- A. Council support the renaming of Joalah Road, Duffys Forest, between Namba Road and the cul-de-sac to the north, as Yanada Road;
- B. Council provide 30 days written notice to the Geographical Names Board and other statutory authorities;
- C. Subject to advice received from the Geographical Names Board, Council advertise and give notice of its intention to rename Joalah Road, Duffys Forest, between Namba Road and the cul-de-sac to the north, as Yanada Road in accordance with its powers under section 162 of the Road Act 1993.
- D. The results of the consultation be reported back to Council.

As no objections to the renaming proposal have been received, it is recommended that Council proceed with gazettal of the new road name.

**FINANCIAL IMPACT**

Cost of street name signage replacement can be met within existing budget allocations.

**POLICY IMPACT**

Nil

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

- A. Council approve the renaming of Joalah Road, Duffys Forest, between Namba Road and the cul-de-sac to the north, as Yanada Road;
  - B. Council, in accordance with Section 162 of the Roads Act 1993, publish a notice in the Government Gazette giving notice of the new road name, Yanada Road.
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**REPORT**

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**BACKGROUND**

The development and subdivision of Lot 446 Joalah Road Duffys Forest resulted in the construction of an unformed section of Joalah Road, off Namba Road, which was previously crown road. This section of road was gazetted as public road and it now falls under the ownership of Council.

The gazettal of the crown road section of Joalah Road has resulted in two unlinked sections of Joalah Road that are remote from each other, creating the potential for confusion, especially for essential services. This new section of Joalah Road provides vehicle access to four (4) properties currently known as 360, 362, 364, 366 Joalah Road.

Given that other roads in Duffys Forest have some aboriginal context, the advice of the Aboriginal Heritage Office (AHO) was sought. The AHO suggested a number of options and 'Yanada' was the preferred choice of the property owners. Yanada is an aboriginal Word from the Sydney Language meaning Moon.

There are no other roads within the Warringah LGA with this name. The proposed street name is also in accordance with Council's policy titled "Street Name and Naming Protocol of Community Facility Name Signs Policy" (CCS-PL420).

**CONSULTATION**

In consulting with the affected property owners, all have indicated their support for the proposal.

The NSW Department of Land and Property Information have advised on behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), that there is no objection to the use of Yanada Road.

Furthermore, no submissions nor objections have been received following notification to the required statutory authorities and both the Duffys Forest and Terrey Hills Progress Associations.

**TIMING**

Upon receiving Council approval, the renaming notice will be published in the next Government Gazette. Council will also advise relevant statutory authorities and property owners as well as erecting new street name signage. Street name signs advising of the former street name will be maintained for a period of 3 months after gazettal.

**POLICY IMPACT**

Nil

**FINANCIAL IMPACT**

Cost of street name signage replacement can be met within existing budget allocations.

<b>ITEM 8.12</b>	<b>PUBLIC EXHIBITION OF PROPOSED RENAMING OF ARANDA RESERVE</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2012/224740</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To report on the outcomes of the public exhibition of the proposal to rename Aranda Reserve, Aranda Drive, Frenchs Forest, as Glen Reserve.

**SUMMARY**

On 28 February 2012 Council resolved to undertake public exhibition of the proposal to rename Aranda Reserve as Glen Reserve and, if there were no objections, proceed with submitting an application to the Geographical Names Board to rename the reserve. A number of submissions were received, all of which objected to the proposal. Given the objections to the proposal it is considered inappropriate to change the name of the reserve.

**FINANCIAL IMPACT**

Nil

**POLICY IMPACT**

The recommendation is consistent with Council policy.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Aranda Reserve not be renamed Glen Reserve given objections to the proposal.

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**REPORT**

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**BACKGROUND**

On 28 February 2012 Council resolved to undertake public exhibition of the proposal to rename Aranda Reserve as Glen Reserve and if there were no objections, proceed with submitting an application to the Geographical Names Board to rename the reserve.

**CONSULTATION**

The public exhibition of the proposed renaming began on Saturday 3 March 2012. The proposal was advertised through the Warringah Update in the Manly Daily and placed on the public comment page of the Council website. Posters were on display in Council's public libraries. The closing date for submissions was 27 April 2012.

The comments received are summarised in the table below. A total of eight submissions were received.

Comment	Response
Objection. I have lived in Aranda Drive since 1968 and feel the reserve name should not change.	Noted.
We wish to object to such a proposal and would advise that, in our view, the renaming would be inappropriate.	Noted.
We are completely against the name change and find it completely unnecessary under the circumstances considering the time span that has elapsed since the sad accident. (1997). It should be noted by the council that the name change is in conflict with the normal circumstance of a Reserve name being the same as that of the street.	Noted. Reserves are not necessarily named after the street however the situation is common. In this instance, and many others, there has not been a formal process to name the reserve the same as the street.
We have been advised that the name 'Aranda' is derived from a local aboriginal tribe/ community that once resided in this region.	Noted. The Britannica Online Encyclopaedia identifies that the Aranda people were a tribe that originally occupied Central Australia. The Geographical Names Boards (GNB) <i>Guidelines for the Determination of Placenames</i> state that names of Aboriginal origin or with a historical background are preferred.
In addition it should be noted that under one kilometre of the Reserve there are at least five name locations in the area i.e.:  Glen Street Glen Close Glen Street Library Glen Street Theatre Glen Street Shopping Centre	Noted.
With respect to name change it is our understanding that re-naming any reserve/park is usually dedicated for an individual that has	The GNB <i>Guidelines for the Determination of Placenames</i> states that a person's contribution to the local community should have been of

<p>contributed to the region with service or support to the community. If the parents feel that a dedication is warranted after this time then we feel that a seat dedicated to Glen would be more appropriate.</p>	<p>outstanding benefit to the community. As an alternative they also suggest provision of memorial plaques to commemorate individuals.</p>
<p>We really trust that you can assist with our request for assistance in this matter as many families with young children use Aranda Reserve and a seat would be more than welcome.</p>	<p>Noted. Recommendation to Council is to support installation of a seat with a memorial plaque.</p>
<p>The proposal is essentially about the creation of a memorial and also constitutes a personalisation of public open space. Once a locale's name is changed in this way, it can act as an obstacle to future development. This small reserve could be a good site for a community garden, having reasonable solar access and a water supply (see Image 2). If such an alternate usage were to eventuate, it seems reasonable to expect that a community group might arrive at a name more appropriate for a community reserve.</p>	<p>Noted. Any future use or development of the site would need to be in accordance with the Plan of Management for the reserve.</p>
<p>The brief and anecdotal family history pertaining to Glen Davis outlined on Council's website lists behaviours that are commendable. However, these are the behaviours that many citizens who believe in a civil society display. The reward for such behaviour is satisfaction that one is making a contribution. Public recognition is usually not sought or desired. The references to Glen Davis' maternal grandmother weaken rather than strengthen the case for his memorialisation in this way. Nearby is the Lionel Watts Oval named for an individual who made a significant and lasting contribution with regional impacts to our society.</p>	<p>Noted. The GNB guidelines provide guidance on how an individual's contribution to the community should be considered in commemorative renaming proposals.</p>
<p>There is already a Glen Street and a Glen Street Theatre located about a kilometre away. The current name, Aranda, sounds indigenous, although I have not been able to discover the origin or meaning of the word.</p>	<p>Noted. The Britannica Online Encyclopaedia identifies that the Aranda people were a tribe that originally occupied Central Australia.</p>
<p>As a resident of Aranda Drive, I find the proposal absolutely ridiculous. It would be negligent of Warringah Council to not thoroughly investigate the claims of the proponent before making any such changes, which I feel would be against the wishes of long time residents of Aranda Drive.</p>	<p>Noted.</p>
<p>Renaming places causes confusion by rendering both maps and memories out of date.</p>	<p>Noted.</p>

<p>With a few exceptions where the old name itself causes confusion, there is no public benefit. Naming places after people just gives a warm-gooey feeling to the few people who actually knew or cared about the person. Leave names alone.</p>	
<p>Just a observation, why doesn't council provide more background information on who the deceased resident "Glen" was and why he /she should have the honour of a reserve named after them? I have no objection if the person is worthy of the honour but I cannot make any assessment based on the information that council has provided in the one page link to the email.</p>	<p>Noted. The information exhibited was the only information available on the individual.</p>

Given the objections to the proposal it is recommended to keep the existing name for Aranda Reserve. Whilst the proposal was not inconsistent with Council's Policy on Naming of Parks the existing name Aranda is preferable according to the GNB *Guidelines for the Determination of Placenames*, which is the body responsible for the administration of place names.

The suggestion of a memorial bench seat and plaque is considered appropriate to commemorate the subject individual. Council's *Application and Guidelines for Memorials and Plaques* will be forwarded to the individual's family for their consideration as an alternative option.

#### **POLICY IMPACT**

The recommendation is consistent with Council policy.

#### **FINANCIAL IMPACT**

As identified in Council's Fees and Charges, a memorial bench seat and plaque costs applicants \$2,850. In accordance with Council's *Guidelines for Memorials and Plaques* the family would need to agree to be responsible for the ongoing maintenance of the seat.

**10.0 NOTICES OF MOTION**

<b>ITEM 10.1</b>	<b>NOTICE OF MOTION NO 15/2012 COUNCILLOR REQUEST REPORT BROUGHT FORWARD TO AUGUST 2012 MEETING</b>
<b>TRIM FILE REF</b>	<b>2012/109926</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Virginia Laugesen

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**MOTION**

That Council receives the next 'Councillor Request' report at the 28 August 2012 Council Meeting with the appropriate adjustment to the reporting period to reflect relevancy to the incumbency of present Councillors.

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**BACKGROUND FROM COUNCILLOR VIRGINIA LAUGESSEN**

As per item 8.2 of the 27 March Council Meeting, the next 'Councillor Request Report' is due to be presented at the 25 September Council Meeting, which is scheduled to take place 17 days after the local government elections. In view of the present Council's desire for staff's reporting on the volume of requests made to them by Councillors on behalf of residents' specific representations, the next report will potentially be more meaningful if distributed during the present term of Council.

Assuming compilation of the report's statistics by staff is ongoing as requests are received and costed, there should be no funding source required for this Notice of Motion.





<b>ITEM 10.2</b>	<b>NOTICE OF MOTION NO 16/2012 REPORT ON FEASIBILITY OF RENEWABLE ENERGY ART FESTIVAL ALONG OUR HEADLANDS AND BEACHES</b>
<b>TRIM FILE REF</b>	<b>2012/233275</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Dr Christina Kirsch

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## **MOTION**

- A. That a report be brought to Council exploring the feasibility, potential costs, and funding options - including but not limited to potential sponsorships and grant funding - for a renewable energy art festival, including kinetic energy sculptures and sculptures that are powered by wind-, solar-, wave- and tidal-energy, along our headlands and beaches. Any such report should be consistent with, and supported by Council's Cultural Plan.
- B. That approximately \$15 000 be funded by operational savings from within the Community Division 2012/13 operational budget.

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## **BACKGROUND FROM COUNCILLOR DR CHRISTINA KIRSCH**

The purpose of the renewable art exhibition is to create a captivating, inspiring and educational project and headline event that will establish Dee Why as a destination. The project would provide a showcase for renewable-energy powered sculptures on our headlands. It will also attract massive media attention and many visitors and support our local businesses.

A further objective is to educate our residents and visitors about the possibilities and benefits of renewable energy, create interest in renewable energy and show that renewable energy production can be cutting-edge, aesthetically pleasing and has the possibility to become an important and positive part of our collective future.

Examples:

[http://en.wikipedia.org/wiki/Renewable\\_energy\\_sculpture](http://en.wikipedia.org/wiki/Renewable_energy_sculpture)

<http://www.theenvironmentalblog.org/2011/12/wind-power-art/>

[http://www.waymarking.com/waymarks/WM56RT\\_Wind\\_Sculpture\\_Walk\\_Wellington\\_New\\_Zealand](http://www.waymarking.com/waymarks/WM56RT_Wind_Sculpture_Walk_Wellington_New_Zealand)

<http://www.urbangreenenergy.com/?gclid=COLDpMCKs64CFWNKpgodLk7JRQ>

<http://www.lope.ca/artrenewable/index.html>

<http://www.sculpture.org.nz/engine/SID/10007/AID/1258.htm>

<http://www.fedsquare.com/events/strandbeest-by-theo-jansen/>



<b>ITEM 10.3</b>	<b>NOTICE OF MOTION NO 18/2012 ALGA CONFERENCE ATTENDANCE</b>
<b>TRIM FILE REF</b>	<b>2012/233377</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Dr Conny Harris

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### **MOTION**

That Council increase my annual allowance as per Clause 23 of GOV PL 120, Policy for Payment and Re-imbusement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors from \$5000 to up to \$6000 in this financial year in order to enable my attendance at the ALGA conference previously approved by this Council through the councillors training and conference budget. This will enable the full cost of the ALGA Conference to be paid by Council.

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### **BACKGROUND FROM COUNCILLOR DR CONNY HARRIS**

Whilst approval to attend this conference has previously been granted by Council, it has recently been brought to my attention that I have insufficient funds available in my allocated annual training and conference budget to attend the ALGA conference in June. As such, I seek the approval of this Council to overspend on my allocated annual training and conference budget. I have been advised that there are sufficient funds in the councillors training and conference budget to cover this one off overspend of approximately \$750-\$1000 as not all councillors have utilised their allocated budget in this financial year.



**12.0 RESPONSES TO QUESTIONS ON NOTICE****ITEM 12.1**

**RESPONSE TO QUESTION ON NOTICE NO 15/2012  
EXPENDITURE ON EXTERNAL LEGAL ADVICE TO CONTEST  
MINISTER FOR LOCAL GOVERNMENT AND CEO FOR LOCAL  
GOVERNMENT'S DIRECTIONS AS TO MR HART'S ALLEGED  
BREACH OF LOCAL GOVERNMENT LEGISLATION WITH  
REGARD TO THE PROVISION OF DOCUMENTS FOR  
CONFIDENTIAL SESSION AND PROHIBITIONS ON QUESTIONS  
ON NOTICE**

**TRIM FILE REF****2012/150060****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

How much money has been spent to date on obtaining legal advice externally on the correspondence received from the Minister for Local Government and Chief Executive Officer for Local Government's directions as to Mr Hart's alleged breach of local government legislation with regard to the provision of documents for Confidential Session and prohibitions on Questions on Notice?

**RESPONSE**



<b>ITEM 12.2</b>	<b>RESPONSE TO QUESTION ON NOTICE NO 16/2012 COUNCIL EXPENDITURE REGARDING FRESHWATER DINING PODS AND FUTURE SIMILAR PROJECTS</b>
<b>TRIM FILE REF</b>	<b>2012/150067</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Virginia Laugesen

### **QUESTION**

What measures have been put in place by Warringah Council management to prevent a repeat of the Freshwater Dining 'pods' wasteful expense and community negativity about Council recurring at another location?

### **RESPONSE**

In developing the concept plans for Freshwater Village Streetscape project from 2006, Council staff worked closely with Freshwater Village Chamber of Commerce and undertook extensive consultation with the public and business owners. At no time during the development of this project, did issues arise with the proposed outdoor dining areas.

More recently Council has adopted an amended Community Engagement Policy and Matrix on 8 February 2011.

In addition to the revised policy, matrix and toolkit, a number of other initiatives have been implemented which include:

- Developing internal training to support and educate staff on community engagement
- Providing internal advice and support from the Council's Community Engagement Coordinator
- Improving organisational capacity to deliver consistent and best practice community engagement activities
- Enhanced website to facilitate easier access to information on how to be involved.





<b>ITEM 12.3</b>	<b>RESPONSE TO QUESTION ON NOTICE NO 17/2012 DOGS AT NORTH CURL CURL LAGOON AND LACK OF ENVIRONMENTAL IMPACT STATEMENT</b>
<b>TRIM FILE REF</b>	<b>2012/150072</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Virginia Laugesen

#### **QUESTION**

Noting a lack of Environmental Impact Statement was stated in debate by Cr Wilkins in defence of preventing an immediate trial of dogs on beaches as proposed by me via amendment on 22 November 2011, why was no EIS required by Warringah Council to instigate dogs swimming at North Curl Curl Lagoon, which occurred virtually immediately after the council resolution?

#### **RESPONSE**

The requirement for environmental impact assessment depends on the facts and circumstances of each proposed activity. The advice of Council staff has been consistent. Council resolved in April 2009 to immediately permit dog swimming in Curl Curl Lagoon.

In relation to the dogs swimming in Curl Curl Lagoon the principal environmental concern was the effect of water quality on the dogs. The presence of dogs in the area of the Lagoon is consistent with its ordinary use.

The impacts of dogs on the beach mainly concerned impacts on dunal vegetation in an area where dogs are not presently allowed.



<b>ITEM 12.4</b>	<b>RESPONSE TO QUESTION ON NOTICE NO 18/2012 REQUIREMENTS OF WARRINGAH COUNCIL UNDER ENVIRONMENTAL PROTECTION AUTHORITY ACT</b>
<b>TRIM FILE REF</b>	<b>2012/150075</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Virginia Laugesen

#### **QUESTION**

Does a resolution of Council in such a situation as allowing dogs to swim at North Curl Curl Lagoon override the legal requirements of the Environmental Protection Authority or has Warringah Council failed in its legal obligations by permitting dogs to swim at North Curl Curl Lagoon and breached EPA's statutory requirements? What action has or will be taken for remedy if a breach has occurred?

#### **RESPONSE**

The requirement for environmental impact assessment depends on the facts and circumstances of each proposed activity. The advice of Council staff has been consistent. Council resolved in April 2009 to immediately permit dog swimming in Curl Curl Lagoon.

In relation to the dogs swimming in Curl Curl Lagoon the principal environmental concern was the effect of water quality on the dogs. The presence of dogs in the area of the Lagoon is consistent with its ordinary use.

The impacts of dogs on the beach mainly concerned impacts on dunal vegetation in an area where dogs are not presently allowed.



## 13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

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### 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 Tender 2012/028 - Curl Curl Sports Centre Amenities Renewal
- Item 13.2 Compulsory Acquisition of Land for Northern Beaches Hospital by New South Wales Health and Infrastructure
- Item 13.3 Tender 2012/026 - Restoration Works to Freshwater Rock Pool
- Item 13.4 Increased Budget for Design of Stage 2B of the Narrabeen Lagoon Multi-Use Trail
- Item 13.5 Notice of Motion No 17/2012  
Expression of Interest - Lot 447 Joalah Road, Duffys Forest
- Item 13.6 Response to Question on Notice No 13/2012  
Council's Corporate Lawyer - Ms Vivienne Ingram
- Item 13.7 Response to Question on Notice No 14/2012  
Expenditure on External Lawyers – DLA Piper

### Matters to be Discussed During Closed Session - Section 10D

- Item 13.1 Tender 2012/028 - Curl Curl Sports Centre Amenities Renewal
- Item 13.2 Compulsory Acquisition of Land for Northern Beaches Hospital by New South Wales Health and Infrastructure
- Item 13.3 Tender 2012/026 - Restoration Works to Freshwater Rock Pool
- Item 13.4 Increased Budget for Design of Stage 2B of the Narrabeen Lagoon Multi-Use Trail
- Item 13.5 Notice of Motion No 17/2012  
Expression of Interest - Lot 447 Joalah Road, Duffys Forest
- Item 13.6 Response to Question on Notice No 13/2012  
Council's Corporate Lawyer - Ms Vivienne Ingram
- Item 13.7 Response to Question on Notice No 14/2012  
Expenditure on External Lawyers – DLA Piper

### 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  
10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council
- Item 13.3 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
- Item 13.4 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business  
10A(2)(d(i)) commercial information of a confidential nature that would, if

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|           | disclosed, prejudice the commercial position of the person who supplied it  |
| Item 13.5 | 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business         |
| Item 13.6 | 10A(2)(a) personnel matters concerning particular individuals   |
| Item 13.7 | 10A(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege |

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

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

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