

### ATTACHMENT BOOKLET 1

### **ORDINARY COUNCIL MEETING**

**TUESDAY 28 MAY 2019** 

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### QUARTERLY BUDGET REVIEW STATEMENT

### **MARCH 2019**

2019/254411



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				Annual	2				Year to date	date	
	2017-18	ORIGINAL	Approved	REVISED	Recommended		CURRENT	đť	dΤ	đř	%
	Actual	Budget	changes to Budget	Budget	changes for Council resolution		Forecast	Actual	Approved Budget	Variance	Variance
	000.\$	\$,000	\$,000	000.\$		Notes	\$:000	\$:000	\$,000	\$:000	
Income from continuing operations											
Rates and Annual Charges	210,095	210,460	588	211,048	(520)	-	210,528	211,117	210,654	462	%0
User Charges & Fees	80,066	79,538	1,021	80,559	(583)	2	79,976	62,308	61,061	1,246	2%
Investment Fees and Revenues	6,194	5,748	325	6,073	264	3	6,337	4,992	4,655	337	7%
Other Revenues	24,945	25,279	732	26,010	(32)	4	25,915	19,514	19,081	434	2%
Grants and Contributions - Operating Purposes	16,586	14,744	902	15,646	602	5	16,248	8,543	11,333	(2,789)	(25%)
Grants and Contributions - Capital Purposes	53,599	11,985	1,696	13,681	2,883	9	16,564	12,474	9,929	2,545	26%
Gains on disposal of Assets	(390)	765	(400)	365	935	7	1,300	883	234	649	278%
Total income from continuing operations	391,096	348,518	4,864	353,381	3,486		356,868	319,831	316,947	2,884	1%
Expenses from continuing operations											
Employee Benefits & Oncosts	(124,306)	(134,415)	3,809	(130,607)	1,941	80	(128,666)	(94,043)	(96,565)	2,522	(3%)
Borrowing Costs	(3,478)	(3,572)	120	(3,452)	167	6	(3,285)	(2,483)	(2,458)	(25)	1%
Materials and Contracts	(114,615)	(119,019)	270	(118,749)	1,154	10	(117,595)	(83,142)	(88,881)	5,739	(%9)
Depreciation and Amortisation	(34,914)	(35,386)	(1,966)	(37,353)	42	11	(37,311)	(27,450)	(27,826)	375	(1%)
Other Expenses	(35,464)	(35,401)	(183)	(35,584)	296	12	(35,288)	(25,904)	(26,950)	1,047	(4%)
Total expenses from continuing operations	(312,777)	(327,793)	2,049	(325,744)	3,600		(322,144)	(233,022)	(242,679)	9,658	(4%)
Surplus / (Deficit) from continuing operations	78,319	20,724	6,912	27,637	7,086		34,723	86,810	74,268	12,542	17%
Sumino / (Deficit) hefere Canitel Cante 8											
ourprus / (Dericity) berore capital drains & Contributions	24,720	8,739	5,216	13,956	4,203		18,159	74,335	64,338	9,997	16%
Less: Rates yet to be allocated								(40,022)	(40,022)	5	
Surplus / (Deficit) before Capital Grants & Contrik	tributions							34,314	24,317	9,997	41%

### Northern Beaches Council

Income and expenses budget review statement

For the period 1 July 2018 to 31 March 2019



# Income and expenses budget review statement excluding Kimbriki Environmental Enterprises

## For the Period 1 July 2018 to 31 March 2019

Council is the majority shareholder (96%) in Kimbriki Environmental Enterprises Pty Ltd. Kimbriki operates a waste and recycling business with a 25-year the information of the Council, an Income Statement has been prepared to represent the financial results of the Council's operations, excluding Kimbriki. lease over a Council owned site. As a subsidiary of the Council, the consolidated financial reports of the Council incorporate the Kimbriki operation. For

			Annual				Year	Year to date	
	ORIGINAL	Approved	REVISED	Proposed	CURRENT	<b>UTT</b>	qty	ΥTD	%
	Budget	Change	Budget	Change	Forecast	Actual	Forecast	Forecast Variance	Variance
	\$:000	\$,000	000.\$	\$.000	\$.000	000.\$	000.\$	000.\$	
Income from continuing operations									
Rates and Annual Charges	210,460	588	211,048	(520)	210,528	211,117	210,654	462	%0
User Charges & Fees	57,270	1,478	58,748	(349)	58,399	45,245		271	1%
Investment Fees and Revenues	5,651	260	5,911	227	6,138	4,818	4,517	301	7%
Other Revenues <sup>1</sup> .	25,377	800	26,178	(229)	25,948	19,217	19,035	181	1%
Grants and Contributions - Operating Purposes	14,744	902	15,646	602	16,248	8,543		(2,789)	(25%)
Grants and Contributions - Capital Purposes	11,985	1,696	13,681	2,883	16,564	12,474	9,929	2,545	26%
Gains on disposal of Assets	765	(400)	365	935	1,300	883	234	649	278%
Total income from continuing operations	326,252	5,324	331,576	3,549	335,125	302,296	300,677	1,620	1%
Expenses from continuing operations									
Employee Benefits & Oncosts	(128,957)	3,400	(125,557)	1,997	(123,560)	(30,305)	(92,776)	2,471	(3%)
Borrowing Costs	(2,459)	548	(1,912)	167	(1,745)	(1,327)		83	(6%)
Materials and Contracts <sup>2</sup>	(116,801)	(1,395)	(118,196)	1,154	(117,041)	(81,562)	(88,655)	7,093	(8%)
Depreciation and Amortisation	(33,656)	(2,000)	(35,656)	1	(35,656)	(26,261)	(26,591)	330	(1%)
Other Expenses	(26,586)	375	(26,211)	236	(25,975)	(19,173)	(20,051)	878	(4%)
Total expenses from continuing operations	(308,459)	928	(307,531)	3,554	(303,977)	(218,629)	(229,483)	10,854	(2%)
Surplus / (Deficit) from continuing operations	17,793	6,252	24,045	7,103	31,148	83,668	71,194	12,474	18%
Surplus / (Deficit) before Capital Grants &									
Contributions	5,808	4,556	10,364	4,220	14,583	71,193	61,265	9,929	16%
Less: Rates yet to be allocated						(40,022)	(40,022) (40,022)		
Surplus / (Deficit) before Capital Grants & Contributions	tions					31.172	21.243	9,929	47%
<sup>1</sup> . Other Revenues includes lease income received from Kimbriki							1		

<sup>2</sup> Materials and Contracts includes disposal costs charged to Council by Kimbriki



### Northern Beaches Council Income and Operating Expenses – proposed changes to budget For the period 1 July 2018 to 31 March 2019

Budget variations being recommended include the following material items:

		d variation	Details
Note	Fav / (l	· · · · ·	
	\$'000	%	Data and Annual Channe
1	(520)	-0.2%	Rates and Annual Charges
			Primarily credits for customers reducing their bin services - \$640,000
2	(583)	-0.7%	User Charges & Fees
			Decreases in :
			Development Applications related fees - \$624,000
			<ul> <li>Income from the Lakeside Caravan Park - \$280,000</li> <li>Kimbriki tipping fees - \$233,885</li> </ul>
			<ul> <li>Vacation Care income- \$201,593 and other childcare fees - \$100,000</li> </ul>
			<ul> <li>Fees from planning proposals - \$115,309</li> </ul>
			<ul> <li>User fees at Community Centres - \$78,000</li> </ul>
			Partially offset by Increases in:
			Additional income from parking stations - \$280,000
			Road restorations income - \$250,648
			Aquatic Centres fee income - net \$200,000
			<ul> <li>Cemetery fees - \$115,000</li> <li>Currawong income - \$150,000</li> </ul>
			• Currawong income - \$150,000
3	264	4.3%	Investment Fees and Revenues
			Investment income due to higher than anticipated investment funds
			available - \$263,698
4	(95)	-0.4%	Other Revenues
			Decreases in :
			<ul> <li>Parking fines - \$1m and other fines - \$250,000</li> </ul>
			Largely offset by increases as a result of:
			<ul> <li>Container Deposit Scheme (CDS) payments - \$420,000</li> </ul>
			<ul> <li>More advertising on council structures - \$297,000</li> </ul>
			<ul> <li>Higher patronage at the Manly Andrew Boy Charlton Aquatic Centre - \$200,000</li> </ul>
			<ul> <li>Recycling income at Kimbriki - \$134,000</li> </ul>
			<ul> <li>Various other revenues - \$150,000</li> </ul>
	600	2.00/	Crante and Contributions Oneration Promotion
5	602	3.8%	Grants and Contributions - Operating Purposes Additional operational grants and contributions relating to:
			<ul> <li>Additional operational grants and contributions relating to.</li> <li>Adshel - \$525,000</li> </ul>
			<ul> <li>Plans of Management funding - \$100,000</li> </ul>
			<ul> <li>Quality learning environments at pre-schools - \$77,352</li> </ul>
			<ul> <li>The West Esplanade maritime precinct - \$50,000</li> </ul>
			Sand dune rehabilitation - \$20,000
			Partially offset by reductions in Contributions for:
			<ul> <li>Traffic facilities - \$130,000</li> </ul>
			<ul> <li>Various flood studies - \$90,648</li> </ul>
			<ul> <li>Memorial benches and plaques - \$28,000</li> </ul>

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62,	av / (Un 9,883	21.1%	Details           Grants and Contributions - Capital Purposes           Additional capital grants and contributions received including:           • \$1.573m for the recognition of the fair value of land at Belrose TAFE
7 9			<ul> <li>purchased for a nominal amount of \$1</li> <li>\$627,500 for the Regional Road Repair Program</li> <li>\$150,000 for the Glen Street synthetic playing fields</li> <li>\$180,000 for the Coastal Walk Art Trail</li> <li>\$90,909 for renovations at the Kangaroo Street Preschool</li> </ul>
	935	256.2%	Gains on disposal of Assets • Sale of three road reserves at Clontarf, Whale Beach and Palm Beach -\$422,500 • different solar income #E12 500
2	3,486		Additional fleet sales income - \$512,500 TOTAL INCOME VARIATIONS
	,480 ,941	-1.5%	Employee Benefits & Oncosts
	,541	-1.070	A review of employee costs has resulted in a forecast decrease of 1.5%, with savings identified due to staff vacancies and staff leave. This has been partially offset with the use of contractors and labour hire.
9 1	167	-4.8%	Borrowing Costs Lower interest rates
10 1,	,154	-1.0%	Developmenterst rates         Materials and Contracts         Materials and Contracts expenditure is forecast to decrease by 1%, predominantly as a result of.         Decreases in:         • Domestic Waste Management waste disposal - \$1.3m         • Other waste disposal - \$900,000         • Roadworks related materials - \$200,000         • IT contracts and software (transferred to CapEx) - \$330,000         • Floodplain program due to additional study scope - \$297,000         • Plant and fleet maintenance and fuel costs - \$280,000         Increases in:         • Contract Services for Roadworks, restoration works and tidal pools - \$1.7m (partly connected to increase in incomes)         • Agency Personnel - \$1.5m         • Maintenance and operational works in Facilities, Property & Aquatic Centres -\$750,000         • Contract Services - Other - \$440,000         • Contract Services - LandUse Planning - \$152,000         Plus various adjustments between materials and contracts and other expenses.
11	42	-0.1%	Depreciation and Amortisation A review of depreciation has resulted in an immaterial decrease of 0.1% to the depreciation expense due to the timing of capital works.
12 2	296	-0.8%	Other Expenses         Savings in:         • Kimbriki expenses - \$160,000         • Corporate Services other expenses - \$97,000         • Advertising and Promotional Costs - \$67,378         • Electricity & Gas - \$44,623         Partially offset by:         • Increase in Kimbriki Rent - \$71,239
3	3,486		TOTAL OPERATING EXPENSES VARIATIONS
	,086		TOTAL RECOMMENDED CHANGES TO INCOME AND OPERATING EXPENSES



Northern Beaches Council	Capital Budget Statement	For the Period 1 July 2018 to 31 March 2019
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	Original Budget \$'000	Changes Approved By Council \$'000	Approved Forecast \$'000	changes for changes for Council Resolution \$'000	Ammenueu hanges for Council Resolution Current Forecast \$'000 \$'000	Actual 1 July 2018 to 31 March 2019 \$'000
Capital Funding (by Type)						
Working Capital	13,205	1,402	14,607	(15)	14,592	5,431
Depreciation	37,849	5,813	43,662	(1,855)	41,807	25,028
Capital Grants & Contributions	4,210	969	4,906	3,346	8,252	6,105
External Restrictions						
- Development contributions	12,802	1,514	14,317	(1,731)	12,585	7,211
- Domestic waste management	19,500	£1.	19,500	(7,500)	12,000	3,136
- Unexpended Capital Grants & Contributions (incl SCF)	11,011	(2,020)	8,990	(4,516)	4,474	4,966
- Other	21	0	21	122	143	12
Internal Restrictions						
- Merger Savings Fund	3,781	158	3,939	(1,249)	2,690	201
- Other	5,823	(187)	5,636	(11)	5,565	3,079
Income from Sale of Assets						
- Plant and equipment	3,081	17	3,158	E.	3,158	2,393
Total Capital Funding	111,283	7,453	118,736	(13,470)	105,267	57,564
Capital Expenditure (by Service)						
Children's Services	1,550	(140)	1,410	6	1,419	944
Community, Arts and Cultural Services	1,749	173	1,922	(287)	1,635	818
Corporate Support Services	2,369	(202)	2,167	585	2,752	1,580
Economic Development., Events and Engagement Services	8,732	382	9,114	(364)	8,750	4,086
Environment and Sustainability Services	8,725	1,143	9,869	(1,416)	8,453	4,894
Kimbriki Resource Recovery Centre	3,542	660	4,202	1,850	6,052	3,013
Library Services	2,018	94	2,112	(423)	1,689	857
Parks and Recreation Services	21,107	912	22,019	(665)	21,353	13,694
Property and Facilities Services	7,106	184	7,290	(1,184)	6,106	3,767
Transport, Traffic and Active Travel	34,815	4,247	39,062	(4,075)	34,987	20,714
Waste and Cleansing Services	19,570	3	19,570	(7,500)	12,070	3,196
Total Capital Expenditure	111,283	7,453	118,736	(13,470)	105.267	57.564

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### Northern Beaches Council Capital Expenditure - proposed changes to budget For the Period 1 July 2018 to 31 March 2019

	YTD Actual \$	YTD Forecast \$	Variance \$
Total Capital Expenditure	(57,563,572)	(64,612,491)	(7,048,919)

	Annual Budget \$	Approved Forecast \$	Approved Budget Variations \$	Current Forecast \$	Proposed March Review Variations \$
Total Capital Expenditure	(111,282,815)	(118,736,243)	(7,453,423)	(105,266,522)	13,469,720

Description	\$
Changes by Council Resolution during the first quarter:	(7,744,439
Changes by Council Resolution in the September 2018 Budget Review:	(1,297,764
Changes by Council Resolution in the December 2018 Budget Review:	1,588,780
Approved Capital Expenditure forecast changes	(7,453,423)
Proposed Changes to the Approved Capital Expenditure Forecast	
Budget funding reallocation between projects	
Glen St Masterplan Implementation	150.000
	150,000
Connecting all Through Play - Active Play	(150,000)
Forestville War Memorial Fields Masterplan	150,000
Sport Buildings Works Program	(150,000)
Recreational Trails Renewal Program	110,000
Dinghy Storage Reserves Renewal Program	31,950
	(141,950)
Bus Stop Renewal	29,321
Car Park Renewal	99,424
Retaining Wall Renewal	134,937
Bridge Renewal	87,106
Tidal Pools Refurbishment	(350,788
Retaining Wall Renewal	53,440
Footpath Renewal	(11,661)
Kerb and Gutter Renewal	(41,779)
Rollover to 2019/20	
Collaroy-Narrabeen Coastal Protection Works	1,166,000
Dee Why Town Centre – Construction – Phase 1	238,773
Dee Why Children's Centre Design Works	40,000
Connecting Communities - Footpaths Programs	688,712
Connecting Communities - Cycleways Program	1,633,790
Connecting all Through Play - Active Play	1,692,793
Reserves - New and Upgrades	60,000
Warriewood Valley - Public Space and Recreation	374,156
Narrabeen Lagoon Trail - Aquatic Boardwalk	304,856
New Infrastructure for Church Point	115,000
Theo Batten Bequest Purchases	9,031
Warriewood Valley Community Centre	33,000
Church Point Masterplan Wharf Extension	1,634,756
Creative Arts Space - Merger Savings Fund	68,650
Youth Friendly Spaces - Merger Savings Fund	189,000
Terrey Hills Emergency Services Headquarters Design Works	100,000
Currawong Cottages New Cottages, Games Room and Amenities	350,000
New Library Technology	228,563
Mona Vale Surf Lifesaving Club	368,000



Description	\$
Long Reef Surf Lifesaving Club	105,000
Planned Stormwater Renewals	300,000
Public Amenities Works Program	447,428
Nolans Reserve Sports Amenities Works	639,000
North Narrabeen Rock Pool Amenities Works	266,173
Beacon Hill Community Centre and Youth Club	373,001
Manly Library	216,000
Cemetery Works Program	90,000
Bin Replacements	3,000,000
Sydney Lakeside Holiday Park Renewal Works	53,000
	14,784,682
Brought forward from 2019/20	
Library Buildings Works Program	(11,000)
Glen Street Theatre Renewal Works	(17,000)
Warringah Aquatic Centre Renewals	(55,179)
Manly Aquatic Centre Renewals	(16,695)
Manly Laneways - Renewals	(210,000)
	(309,874)
Increase in Capital Works Budget	
Collaroy Beach Accessible Toilet and accessibility upgrades	(4,648)
New Traffic	(130,000)
IT Software – New Works	(434,608)
Foreshores - New and Upgrades	(400,000)
Library Bookstock	(10,743)
Land - Belrose TAFE	(1,573,000)
Sportsfield Renewal Program	(150,000)
Reserves Renewal Program	(61,050)
Road Resheeting	(639,500)
Children's Centres Works Program	(49,000)
Operational Buildings Works Program	(430,000)
Sport Buildings Works Program	(110,000)
Warriewood Rugby Park Clubhouse	(39,000)
Energy Saving Initiatives Works Program (SRV)	(50,000)
IT Service Delivery - Replacement	
TI Service Derivery - Replacement	(150,000) (4,231,549)
Decrease in Capital Works Budget	(4,201,040)
Dee Why Town Centre – Design	334,800
Warriewood Valley - MacPherson St Bridge	100,594
Warriewood Valley – Traffic and Transport Infrastructure	207,327
Bike Plan Implementation - New	84,519
Bayview to Church Point Timber Walkway	29,000
Bin Replacements	4,500,000
Din Replacements	5,256,240
Grant and Contribution funded increases / decreases	0,200,210
Coast Walk Art Trail - Merger Savings Fund	(180,000)
	(180,000)
<u>Kimbriki</u>	
Kimbriki High Level Drain	60,000
Kimbriki Landfill Cell Development Area 4A	(1,925,843)
Kimbriki Landfill Resource Recovery Facility	16,064
	(1,849,779)
TOTAL RECOMMENDED CHANGES TO CAPITAL EXPENDITURE AND FUNDING	13,469,720



## Northern Beaches Council Capital Expenditure - proposed changes to budget - funding and comments For the Period 1 July 2018 to 31 March 2019

	01 MGI CII 70 13							
	Budace			Ĭ		HUNDING - INCREASE / (DECREASE		
Description	Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Externally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
Budget funding reallocation between project	letween projec	its						
Glen St Masterplan Implementation	150,000	Wakehurst Soccer Club contribution received through the Asia Cup Legacy Fund (working capital funds redistributed to Connecting Communities - Active Play)						(150,000)
Connecting all Through Play - Active Play	(150,000)	Working capital funds redistributed from Glen St Masterplan Implementation following their receipt of external contribution.						150,000
Forestville War Memorial Fields Masterplan	150,000	Project has been complete with savings; as per Council resolution 175/18 funding allocated to Sport Buildings Works Program	(150,000)					
Sport Buildings Works Program	(150,000)	Council Resolution 175/18: To progress the upgrade of Change rooms at Melwood Oval	150,000					
Recreational Trails Renewal Program	110,000	Works deferred for Manly Dam to prioritise the Central Road Bridge works; funding allocated to Reserves Renewal Program due to urgent works						(110,000)
Dinghy Storage	31,950	Program reduced to prioritise the Central Road Bridge works; funding allocated to Reserves Renewal Program due to urgent works						(31,950)
Reserves Renewal Program	(141,950)	Unscheduled renewal of Central Road Bridge due to urgent works						141,950
Bus Stop Renewal	29,321	Program delivered under budget, funding allocated to Tidal Pools Refurbishment job						(29,321)
Car Park Renewal	99,424	Program delivered under budget, funding allocated to Tidal Pools Refurbishment job						(99,424)
Retaining Wall Renewal	134,937	Program delivered under budget, funding allocated to Tidal Pools Refurbishment, Footpath Renewal and Kerb and Gutter Renewal jobs						(134,937)





				Ē	JNDING - INCRE/	FUNDING - INCREASE / (DECREASE)		
Descrintion	Budget Variation (INCR) / - DFCR	Commentary	Developer Contributions	Unexpended Grants	Externally Restricted	Internally Restricted Decenses	Grants and Contributions -	Depreciation/ Working Capital
Bridge Renewal	87,106	Lower than anticipated cost expected to complete design investigations for Ocean Street Bridge; funding allocated to Tidal Pools Refurbishment job						(87,106)
Tidal Pools Refurbishment	(350,788)	Additional funding required for Tidal Pool refurbishments at 40 Baskets Beach Pool and Clontarf Reserve Pool						350,788
Retaining Wall Renewal	53,440	Program delivered under budget; funding allocated to Tidal Pools Refurbishment, Footpath Renewal and Kerb and Gutter Renewal jobs						(53,440)
Footpath Renewal	(11,661)	Additional costs due to a contract variation on the renewal of the footpath on Pacific Parade Dee Why.						11,661
Kerb and Gutter Renewal	(41,779)	Slightly higher costs than anticipated for kerb and gutter renewals associated with the road resheet program.						41,779
TOTAL Budget funding reallocation between projects	-				,		I	1
Collaroy-Narrabeen Coastal Protection Works	1,166,000	Construction delayed due to finalisation of or		(583,000)				(583,000)
		engagement						
Dee Why Town Centre – Construction – Phase 1	238,773	Delay in delivery of pavers for works on Pittwater Road east.	(238,773)					
Design Works	40,000	This is a multi-year project. The funds proposed to be used for concept design in 18/19 will now be used in 19/20 due to longer than anticipated community consultation on the location of this proposed building.						(40,000)
Connecting Communities - Footpaths Programs	688,712	Whale Beach Road and Newport to Avalon projects to undergo additional consultation			(688,712)			
Connecting Communities - Cycleways Program	1,633,790	Pittwater Rd Collaroy works delayed by Sydney Water. Newport to Avalon shared path pushed out to 2019/20 for further consultation.		(3,703,147)	819,357	1	1,250,000	

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				E	JNDING - INCREA	FUNDING - INCREASE / (DECREASE)		
Description	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Externally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Canital	Depreciation/ Working Capital
Connecting all Through Play - Active Play	1,692,793	SL SC projects at North Steyne, Warriewood and Queenscliff on hold awaiting lease agreements/MOUs. The noll over of these funds is due to the finalisation of project scopes with the relevant surf life saving clubs which has delayed the projects deliveries		(801,793)		(891,000)		
Reserves - New and Upgrades	60,000	Delay in finalising Lagoon Park Landscape Plan, with the shared path lighting to undergo further community consultation.	(60,000)			(100,000)		100,000
Warriewood Valley - Public Space and Recreation		Delay in detailed design for 3 Boondah Rd means construction won't start until 19/20. 374k to be rolled over	(374,156)					
Narrabeen Lagoon Trail - Aquatic Boardwalk	304,856	Delay in acceptance of detailed design will push back commencement by 1 month	(304,856)					
New Infrastructure for Church Point	115,000	Works behind program due to delays in Heritage approvals.		100,000				(215,000)
Theo Batten Bequest Purchases	9,031	Ceramic art purchases planned for 2018/19 with remaining funds to roll over towards purchases in 2019/20			(9,031)			
Warriewood Valley Community Centre	33,000	Forecast expenditure for 2018-19 has been revised down. A Project Steering Group has been appointed and work will progress into the new financial year.	(33,000)					
Church Point Masterplan Wharf Extension	1,634,756	Works behind program due to delays in crown land acquisition					(534,000)	(1,100,756)
Creative Arts Space - Merger Savings Fund	68,650	Project has been delayed due to changes in scope				(68,650)		
Youth Friendly Spaces - Merger Savings Fund	189,000	Project rescheduled to allow for the delay in the Lionel Watts synthetic field. New cricket nets need to be ready before old ones can be demolished to make way for the skate park.				(189,000)		
Terrey Hills Emergency Services Headquarters Design Works	100,000	This project has been placed on hold while the emergency services agencies that are involved in the project seek to find agreement on the projects scope of delivery					(100,000)	



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Description (II Currawong Cottages New Cottages, Games Room and Amenities New Library Technology				H	INDING - INCREM	FUNDING - INCREASE / (DECREASE)		
Cottages New Bames Room and y Technology	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Externally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
New Library Technology		Delay in design and approvals.		(378,000)			28,000	
	228,563	Revised project timeline for the technology solution to manage loans, returns and security processes for the libraries due to aligning the project with the refurbishments underway at Manly and Mona Vale						(228,563)
Mona Vale Surf Lifesaving Club		Delay due to changes in DA approval. \$368k to be rolled over to second half of 2019/20		(400,000)		32,000		
Long Reef Surf Lifesaving Club	105,000	This is a multi-year project. The funds to be rolled over are part of the total budget for this new building and reflect the current project timeline and expenditure phasing for the new surf life saving club's delivery		(105,000)				
Planned Stormwater Renewals	300,000	Construction phase delayed for the Fairy Bower Pool stormwater outlet works and other planned renewal projects.						(300,000)
Public Amenities Works Program	447,428	East Esplanade Public Amenities design is currently being finalised, however works will be slightly delayed due to the requirement to remove redundant underground services.						(447,428)
Nolans Reserve Sports Amenities Works	639,000	The project is behind schedule as the contracted builder was unable to proceed with the project.						(639,000)
North Narrabeen Rock Pool Amenities Works		Works were delayed at the request of the users of the building and are now due for completion in August 2019.						(266,173)
Beacon Hill Community Centre and Youth Club	373,001	The project is behind schedule as the contracted builder was unable to proceed with the project.						(373,001)
Manly Library	216,000	A delay in the availability of the interior designer impacted the timeline for this project.						(216,000)
Cemetery Works Program	000'06	The works to improve the Mona Vale cemetery are tracking behind schedule and will be finalised in the 19/20 year and this roll over of funds reflects the project timeline.	5			(170,000)		80,000



				H	FUNDING - INCREASE / (DECREASE)	SE / (DECREASE)		
Description	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Extemally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
Bin Replacements	3,000,000	Reforecast of the bin replacement program to reflect the lower than anticipated contract expenses. Reallocate as 20 to 19/20 to fund the remainder of the bin rollout, and transfer the balance of funds that are not required to the Domestic Waste Reserve.			(3,000,000)			
Sydney Lakeside Holiday Park Renewal Works	53,000	Approximately half the work has been completed to improve various cabins and shared amenities with the remainder scheduled for the quieter winter period.						(53,000)
TOTAL Rollover to 2019/20	14,784,682		(1,010,785)	(5,870,940)	(2,878,386)	(1,386,650)	644,000	(4,281,921)
Brought forward from 2019/20								
Library Buildings Works Program	(11,000)	Funding brought forward to fund an additional section of concrete wall and 150m2 of turf for the new Dee Why Library outdoor reading area.						11,000
Glen Street Theatre Renewal Works	(17,000)	Funding brought forward to fund additional roof repairs costs.						17,000
Warringah Aquatic Centre Renewals	(55,179)	Bring forward funds from 19/20 for ceiling inspections and potential repairs					10,000	45,179
Manly Aquatic Centre Renewals	(16,695)	Bring forward funds from 19/20 to complete works required in 18/19 including upgrading the plant room for the 50m pool.						16,695
Manly Laneways - Renewals	(210,000)	The Whistler Street Car park remediation project spans two financial years and works are progressing ahead of schedule.						210,000
TOTAL Brought forward from 2019/20	(309,874)			,	,	'	10,000	299,874
Increase in Capital Works Budget	dget							
Collaroy Beach Accessible Toilet and accessibility upgrades	(4,648)	Minor increase in the allocation from developer contributions to match the expenditure on this completed project.	4,648					
New Traffic	(130,000)	Additional allocation from the RMS Block Grant	(10,000)				165,000	(25,000)

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				Ŧ	FUNDING - INCREASE / (DECREASE)	ASE / (DECREASE		
Description	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Extemally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
IT Software – New Works	(434,608)	Additional funds required for new systems (offset by reductions in IT operating expenses): timesheets (\$222,336), facilities bookings (\$50,000), NAR (\$26,872), Library (\$5,400) and HR (\$130,000)						434,608
Foreshores - New and Upgrades	(400,000)	Utilisation of the additional allocation from the Stronger Communities Fund for South Palm Beach as a result of the re- distribution of the Pasadena funds.	(83,242)	552,800				(89,558)
Library Bookstock	(10,743)	(10,743) Higher costs than anticipated for library resources	10,743					
Land - Belrose TAFE	(1,573,000)	(1,573,000) Recognition of the fair value of land dedicated to the Council by Belrose TAFE for a nominal amount of \$1.					1,573,000	
Sportsfield Renewal Program	(150,000)	Unexpected costs associated with renewal of Bantry Bay Oval lighting which was not on the program of works - urgent works required.						150,000
Reserves Renewal Program	(61,050)	Unscheduled renewal of Central Road Bridge due to urgent works						61,050
Road Resheeting	(639,500)	(639,500) Additional funds from RMS Block Grant and the Regional Road Repair Program		801,718			639,500	(801,718)
Children's Centres Works Program	(49,000)	(49,000) Additional funds required for landscape refurbishments at Brookvale Children's Centre and Interior refurbishments at Roundhouse Children's Centre. Funding provided through operational expenditure savings in the Children's Services budget.						49,000
Operational Buildings Works Program	(430,000)	(430,000) Additional funding required for operational building works including implementation of a single security access card for staff.						430,000
Sport Buildings Works Program	(110,000)	Adjustment up by \$110,000 to cover urgent works at "Steve Temple Bar", Pittwater Park (\$60k) and costs of works at Metwood Oval (\$50k)				46,300	14,064	49,636
Warriewood Rugby Park Clubhouse	(39,000)	(39,000) Capital contribution received for additional costs, including final keying costs.					51,000	(12,000)

				ш	<b>UNDING - INCREP</b>	FUNDING - INCREASE / (DECREASE)		
Description	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Externally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
Energy Saving Initiatives Works Program (SRV)	(50,000)	Funding allocation towards the new Urban Night Sky Park initiative - see Council resolution (Item 11.1 - 16 Apr 2019)				50,000		
IT Service Delivery - Replacement	(150,000)	Additional funds required to finalise the SOE roll out across the Council						150,000
TOTAL Increase in Capital Works Budget	(4,231,549)		(17,851)	1,354,518	2	96,300	2,442,564	416,018
Decrease in Capital Works Budget	ldaet							
Dee Why Town Centre – Design	334,800	Design work for Link Road has been deferred pending resolution of Site A. Funds to be returned to the S7.12 reserve to be drawn upon in the future.	(334,800)					
Warriewood Valley - MacPherson St Bridge	100,594	Project delivered under budget.	(100,594)					
Warriewood Valley – Traffic and Transport Infrastructure	207,327	Project on hold due to a delay in land acquisition. Funds to be returned to the Warriewood Valley Developer Contributions reserve to be drawn upon in the future.	(207,327)					
Bike Plan Implementation - New	84,519	Additional RMS grant funding received. Reduction in scope for Campbell Pde Manly Vale shared path.				(29,721)	69,549	(124,347)
Bayview to Church Point Timber Walkway	29,000	Design and investigations for this project will be delivered under budget.						(29,000)
Bin Replacements	4,500,000	Reforecast of the bin replacement program to reflect the lower than anticipated contract expenses. Reallocate \$3M to 19/20 to fund the remainder of the bin rollout, and transfer the balance of funds that are not required to the Domestic Waste Reserve.			(4,500,000)			
TOTAL Decrease in Capital Works Budget	5,256,240		(642,721)		(4,500,000)	(121,02)	69,549	(153,347)



					EINDING INCREASE ( DECREASE)			
Description	Budget Variation (INCR) / - DECR	Commentary	Developer Contributions	Unexpended Grants	Extemally Restricted Reserves	Internally Restricted Reserves	Grants and Contributions - Capital	Depreciation/ Working Capital
Grant and Contribution funded increases / d	d increases / (	decreases						
Coast Walk Art Trail - Merger Savings Fund	(180,000)	(180,000) Project commencement delayed, awaiting adoption of strategic plan. To be implemented in 2019/20. Grant funds received from the Dept of Industry towards this project					180,000	
TOTAL Grant and Contribution funded increases / decreases	(180,000)						180,000	E.
Kimbriki								
Kimbriki High Level Drain	60,000	60,000 Revised program for the rest of the financial year			2			(60,000)
Kimbriki Landfill Cell Development Area 4A		(1,925,843) After gaining approval in February, construction of the 4A landfill cell has accelerated and is ahead of schedule by 3 months.						1,925,843
Kimbriki Landfill Resource Recovery Facility	16,064	No further purchases are forecast in 2019						(16,064)
TOTAL Kimbriki	(1,849,779)		T	2	-		а.	1,849,779
TOTAL RECOMMENDED			12					
CHANGES TO CAPITAL EXPENDITURE AND FUNDING	13,469,720		(1,731,357)	(4,516,422)	(7,378,386)	(1,320,071)	3,346,113	(1,869,597)
Summary of net changes identified in the proposed forecast	ied in the prop	osed forecast						
Rollover to / brought forward from 2019/20	14,474,808		(1,010,785)	(5,870,940)	(2,878,386)	(1,386,650)	654,000	(3,982,047)
Budget adjustments within 2018/19	844,691		(720,572)	1,354,518	(4,500,000)	66,579	2,692,113	262,671

Summary of net changes identified in the propos	ied in the proposed forecast						
Rollover to / brought forward from							
2019/20	14,474,808	(1,010,785)	(5,870,940)	(2,878,386)	(1,386,650)	654,000	(3,982,047)
Budget adjustments within							
2018/19	844,691	(720,572)	1,354,518	(4,500,000)	66,579	2,692,113	262,671
Kimbriki	(1,849,779)				•	•	1,849,779
Total Net Changes identified in							
the proposed forecast	13,469,720	(1,731,357)	(4,516,422)	(7,378,386)	(1,731,357) (4,516,422) (7,378,386) (1,320,071)	3,346,113 (1,869,597)	(1,869,597)
50 56			8	5			



	3				Annual			
	ACTUAL	ORIGINAL	Approved changes	changes	REVISED	Recommended	CURRENT	ACTUAL
	Balance 30 June 2018 \$'000	Budget Closing Balance 30 June 2019 \$'000	Sept Review \$'000	Dec Review \$'000	Budget Closing Balance 30 June 2019 \$'000	changes for Council resolution \$'000	Forecast Closing Balance 30 June 2019 \$'000	Balance 31 March 2019 \$'000
Total cash and investments	214,923	159,313	1,500	9,049	169,862	20,598	190,460	208,882
represented by:								
Externally restricted								
Development contributions	36,184	31,722	(1,597)	83	30,207	1,354	31,562	35,908
Specific purpose unexpended grants	3,611	(442)	(100)	175	(367)	6,481	6,115	3,858
Stronger Communities Fund	31,310	22,399	66	1,846	24,345	(1,378)	22,966	26,045
New Council Implementation Fund	1,266	1,266	(41)	41	1,266	(1,235)	31	1,056
Domestic waste management	20,319	819	10	Ľ	819	12,315	13,134	17,183
Stormwater management	645	475	79	3	475	20	495	658
Other	732	711		T.	711	30	741	735
Total externally restricted	94,067	56,950	(1,639)	2,145	57,456	17,587	75,043	85,442
Internally restricted								
Balgowlah Area Improvements	295	295	(160)	ΞĴ	135		135	295
Cemetery Reserve	3,683	3,553	(147)	T	3,407	100	3,507	3,724
Deposits, retentions and bonds	12,599	12,599		10	12,599	63	12,599	12,599
Employee leave entitlements	6,180	6,180	э	Ĩ	6,180	1	6,180	6,180
Manly Meals on Wheels	230	230	1	1	230	1	230	230
Merger savings fund	9,596	8,415	(258)	100	8,256	(1,267)	6,989	8,917
Unexpended loans	1,479	1,479	'	'	1,479	E	1,479	1,479
Other	6,832	3,262	370	124	3,756	3,680	7,436	4,573
Total internally restricted	40,896	36,014	(195)	224	36,043	2,513	38,556	37,997
Table and the state	000101	100.00	10000	0.00	007 00	00 100	440 000	011 001
I otal restricted cash	134,903	92,964	(1,834)	2,309	93,499	20,100	46°,511	123,440
Total unrestricted / available cash	79,960	66,349	3,334	6,680	76,364	498	76,861	85,442

Northern Beaches Council Cash and investments

For the period 1 July 2018 to 31 March 2019

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### Northern Beaches Council Cash flow statement

### For the period 1 July 2018 to 31 March 2019

Original Budget 2018/19		Actual For the period 1 July 2018 to 31 March 2019 \$'000
\$'000	Cash Flows from Operating Activities	\$ 000
	Receipts:	
210 460	Rates & Annual Charges	167,718
	User Charges & Fees	64,268
	Interest & Investment Revenue Received	4,992
	Grants & Contributions	21,018
2.2	Deposits & Retentions Received	-
25,279	Other	19,514
	Payments:	
(134,690)	Employee Benefits & On-Costs	(94,043)
	Materials & Contracts	(87,973)
	Borrowing Costs	(2,483)
	Deposits & Retentions Received	150
(36,206)	The second	(27,514)
55,445	Net Cash provided (or used in) Operating Activities	65,647
	Cash Flows from Investing Activities	
	Receipts:	
	Sale of Investment Securities	189,192
2,415	Sale of Infrastructure, Property, Plant & Equipment	5,204
5	Sale of Non-current assets classified as "held for resale"	1 <del></del> 1
	Payments:	(000 700)
	Purchase of Investment Securities	(202,720)
	Purchase of Infrastructure, Property, Plant & Equipment	(57,564)
	Purchase of Intangibles Inventory	-
	Net Cash provided (or used in) Investing Activities	(65,888)
(107,452)	Net oush provided (or used in) investing Activities	(03,000)
	Cash Flows from Financing Activities	
	Receipts:	
-	Proceeds from Borrowings & Advances	-
	Payments:	
(6,965)	Repayment of Borrowings & Advances	(3,839)
-	Repayment of Finance Lease Liabilities	
-	Dividends Paid to Minority Interests	
	Net Cash Flow provided (used in) Financing Activities	(3,839)
	Net Increase/(Decrease) in Cash & Cash Equivalents	(4,079)
	Net Increase/(Decrease) in Investments	-
the second	Plus Cash & Cash Equivalents at beginning of year	6,037
-	Cash & Investments - end of the period	1,958
	Plus: Investments on Hand - end of period	229,200
159,313	Cash, Cash Equivalents & Investments - end of year	231,157
-	17	



### Northern Beaches Council Balance sheet As at 31 March 2019

Original Budget as at		Actual at at	Actual as at
30 June 2019		31 Mar 2019	30 June 2018
\$'000		\$'000	\$'000
	ASSETS		
	Current Assets		
7,168	Cash & Cash Equivalents	1,958	6,037
136,191	Investments	228,333	208,886
19,387	Receivables	59,818	18,379
	Inventories	211	203
,	Other	1,586	1,375
	Non Current Assets Classified as "held for sale"	-	-
164,338	Total Current Assets	291,905	234,880
	Non-Current Assets		
954	Investments	867	3,371
	Receivables	1,234	1,234
,	Infrastructure, Property, Plant & Equipment	4,933,163	4,907,625
	Investments Accounted for using the equity method	-,000,100	-,007,020
	Investment Property	6,085	6,085
,	Intangible Assets	-	-
	Total Non-Current Assets	4,941,349	4,918,315
5,004,238	TOTAL ASSETS	5,233,254	5,153,195
	LIABILITIES		
	Current Liabilities		
12 858	Payables	36,449	41,671
,	Borrowings	1,386	5,225
,	Provisions	29,052	29,502
	Total Current Liabilities	66,888	76,398
i			
	Non-Current Liabilities		
	Payables	-	-
	Borrowings	32,369	32,358
	Provisions Total Non-Current Liabilities	41,914	39,098
65,564	Total Non-Current Liabilities	74,283	71,456
144,046	TOTAL LIABILITIES	141,171	147,854
4 0 00 4 00		5 000 000	E 005 0.44
4,860,192	Net Assets	5,092,083	5,005,341
	EQUITY		
4 700 936	Retained Earnings	4,932,756	4,846,014
	Revaluation Reserves	158,417	158,417
	Council Equity Interest	5,091,173	5,004,431
		040	
839	Minority Equity Interest	910	910
4,860,192	Total Equity	5,092,083	5,005,341
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### Northern Beaches Council

### Contracts Listing

For the Period 1 January to 31 March 2019

Contracts entered into during the three months to 31 March 2019 that exceed \$50,000 are detailed below.

Contract Number	Contractor	Contractor Detail & Purpose	Value \$	Start Date	Expected Finish Date	Budgeted (Y/N)
2018/036	SMC Marine Pty Ltd	Narrabeen Lagoon Multi-Use Trail Stage 3 Overwater Boardwalk	1,980,490	4/02/2019	31/10/2019	Y
2018/062	Sulo MGB Australia Pty Ltd	Replacement of Residential Waste Bins	12,044,130	18/01/2019	30/08/2019	Y
2018/146	Bucher Municipal	Purchase of Road Sweeper	350,000	14/01/2019	31/01/2019	Y
2018/183	Downer EDI Works Pty Ltd, OzPave (Aust) Pty Ltd, Fulton Hogan Industries Pty Ltd	Road Resheeting Program 2018/2019	2,960,116	12/02/2019	31/03/2019	Y
2018/196	Shelmerdines Consulting Engineers	New Traffic Lighting Designs	67,900	4/02/2019	3/07/2019	Y
2018/200	2020 Projects Pty Ltd	North Narrabeen Rockpool Amenities Renewal	584,999	26/02/2019	9/05/2019	Y
2018/253	Mansour Paving (AUST) Pty Ltd	Balgowlah Street Scape Upgrades	124,917	18/02/2019	30/04/2019	Y
2018/269	Rees Electrical Pty Ltd	Peninsula and Pacific Waves Carpark Lighting Upgrade - Installation	167,930	16/01/2019	30/06/2019	Y
2018/274	Polyseal Building & Remedial Services Pty Ltd	Whistler Street Carpark Stage 1 Remediation	1,418,496	4/02/2019	4/10/2019	Y
2018/281	Haskoning Australia Pty Ltd	Taylors Point Seawall Design	83,491	7/01/2019	13/05/2019	Y
2018/293	Hill PDA Pty Ltd	Strategic Property Review	149,950	1/01/2019	30/07/2019	Y
2018/295	TCM Construction Group Pty Ltd	Lionel Watts Western Clubhouse Upgrade Design and Construction	678,188	8/03/2019	20/12/2019	Y
2018/300	Complete Contracting Pty Ltd	Collaroy SLSC Part Re-Roof	76,487	1/02/2019	30/04/2019	Y
2018/303	Lloyds Drilling Constructions Pty Ltd	Brands Lane Bridge	157,841	11/03/2019	30/06/2019	Y
2018/306	SGS Economics and Planning Pty Ltd	Northern Beaches Local Housing Strategy	121,198	22/01/2019	22/05/2020	Y
2018/307	Thompson Berrill landscape Design Pty Ltd	Detailed Documentation Multiuse Courts 3 Boondah Road	65,565	31/01/2019	30/04/2019	Y
2018/315	Interflow Pty Ltd	Stormwater Relining Package 2 2018/19	113,215	21/02/2019	30/06/2019	Y
2018/325	Insituform Pacific Pty Ltd	Stormwater Relining Package 3	148,017	1/02/2019	30/06/2019	Y
2019/010	GRANTGURU Pty Ltd	Grant Services Solution - Grant Seeking Software	15,375	9/01/2019	31/12/2022	Y
2019/013	Technology One Limited	Technology One AMS (Application Managed Services)	122,400	1/02/2019	30/01/2020	Y
2019/016	Allcom Networks Pty Ltd	Cybersecurity Detection and Response Software Licenses	79,050	30/01/2019	29/01/2020	Y
2019/019	Kelbon Pty Ltd	Kooloora Avenue Drainage Improvements, Freshwater	62,170	25/02/2019	31/03/2019	Y
2019/022	Pinpoint HRM	Configuration & Implementation of Employee Central Success Factors Module	415,880	4/02/2019	3/11/2019	Y
2019/027	Terra Australis Regeneration Pty Ltd	Restoring Pride in Curl Curl Lagoon - Bush Regeneration Component	86,950	1/03/2019	1/06/2019	Y
2019/030	Kelbon Pty Ltd	Ocean Road Drainage Improvements, Palm Beach	178,000	13/03/2019	30/04/2019	Y
2019/052	IntegraPay Pty Ltd	iPay Direct Debit for Child Care Fees	150,000	7/02/2019	6/02/2022	Y



Contract Number	Contractor	Contractor Detail & Purpose	Value \$	Start Date	Expected Finish Date	Budgeted (Y/N)
2019/057	TGB Pty Ltd	Narrabeen Ward Kerb & Gutter Renewal	157,716	4/03/2019	31/03/2019	Y
2019/071	Anchor Security	Security Services - Interim Contract	152,000	27/02/2019	30/09/2019	Y
2019/072	Paul Innes Plumbing Pty Ltd, Brad Palmer Plumbing, Innuku	Plumbing and Electrical Services - Interim Contract	320,000	27/02/2019	30/09/2019	Y
2018/316	Telstra Corporation Limited	Unified Communications Solution	1,512,213	28/03/2019	27/03/2021	Y
2018/326	Ethos Urban Pty Ltd	Northern Beaches Social Infrastructure Study	120,000	15/03/2019	14/09/2019	Y
2018/328	SGS Economics and Planning Pty Ltd	Northern Beaches Employment Study	130,931	15/03/2019	14/09/2019	Y
2018/230	Australian Areas, Danalig Pty Ltd, 1&B Maintenance Services, Landscape Productions Pty Ltd, P C Landscapes, Plateau Tree Services, Skyline Landscape Services, The Organic Mechanics Ground Maintenance Pty Ltd, Waratah Eco Works, Design Landscapes Pty Ltd, Dragonfly Environmental Pty Ltd, Image Property Detailing Pty Ltd, Marsupial Landscape Management	Reactive Vegetation and Landscape Maintenance	150,001	1/01/2019	31/12/2021	Y

### Tenders approved under delegation during the three months to 31 March 2019

Tender	Description	Date Approved	Value \$	Contingency \$
2018/298	Supply and Delivery of Small Loads of Ready Mixed Concrete and Concrete Pump Hire	4/03/2018	2,750,000	N/A
2018/074	Services Panel Provision of Wet and Dry Plant Hire	29/01/2019	2,750,000	N/A
2018/295	Lionel Watts Western Clubhouse Upgrade Design and Construction	21/02/2019	678,189	74,601



### Northern Beaches Council Budget review of Consultancy and Legal Expenses

For the Period 1 July 2018 to 31 March 2019

The table below discloses expenditure to date on Consultancies and Legal Expenses:

	1 July 2018 to 31	Budgeted
Expense	March 2019	(Y/N)
Consultancies	317,746	Y
Legal Fees	2,758,957	Y



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### March 2019 Quarterly Report on

### **Service Performance -**

### Implementing the

### **Operational Plan 2018/19**



### Introduction

This is a report on progress in implementing the Operational Plan 2018/19 for the Quarter ending 31 March 2019. It is structured by 16 key services, with detail on service highlights, progress of projects, and the performance of services and finances. An overview of performance is below with further detail on the accompanying service pages.

Of the 228 projects, overall 80.7% were either progressing or completed (comprised of 84% of operational and 78% of capital projects). In total, 32 projects are completed. Council's target is for 80% of all projects to be completed or progressing on schedule by 30 June 2019.

Of the 43 Performance Indicators, 68% met their target, while a further 9% are approaching it (i.e. the result is within 5% of their target). Two performance measures were unable to be reported as their data capture systems are under development.



Each service summary includes a short update on all projects, and their progress for the quarter:





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### **Environment and Sustainability**

### HIGHLIGHTS

### **Environment centres**

The Coastal Environment Centre (CEC) has hosted hundreds of people in the centre since the start of the new year. Over the summer holidays, more than 265 children attended the popular *Kids on the Coast* school holiday education program. Since the school year began over 2,500 school students have visited the centre and have been provided with hands on, practical, outdoor learning experiences.

The Manly Environment Centre cataloguing project has created 9,700 online records of hard copy resources in the March quarter. The online catalogue is accessible to council staff and the public. The online catalogue is available at: <a href="http://menvc.omeka.net">http://menvc.omeka.net</a>.

### Community sustainability

Over the last quarter a range of initiatives have helped residents and business become more environmentally sustainable. These initiatives include:

- The renewal of our sustainability pages on Council's website to provide up to date information to encourage the community to make positive environmental changes.
- The launch of our *Thank you!* campaign. The campaign aims to recognise the efforts of Northern Beaches residents who do their bit for the environment. The campaign is delivered across print, digital media and billboards.
- A Sustainable Surfing presentation held in partnership with Surf NSW during the Vissla Surf Pro. Some 40 attendees met and discussed the issues of carbon, waste and toxicity in the surf industry. Three of these businesses have subsequently joined Council's Sustainable Business Network.
- The provision of free energy saving advice to residents and businesses that has resulted in another 180 people obtaining quotes for solar panels.

### **Environmental volunteers**

Over this quarter, our Bushcare Volunteers contributed more than 820 hours across 54 different sites working with Council to conserve and rehabilitate publicly owned natural bushland. In addition, two new Bushcare groups were formed at Dee Why and Long Reef.

Tick resistant shirts and wide brimmed hats have continued to be supplied to volunteers with the majority of volunteers now using this equipment. Council has implemented a new data management system centralising Bushcare volunteer details across the LGA. This is helping Council to manage our Bushcare volunteers in a more effective manner and realising new opportunities. The Bushcare team have also begun moving all volunteers on to a standardised Northern Beaches Council Agreement with over 200 volunteers on board. Council recognised the work of the Bushcare Volunteers in protecting our local environment through the *Thank You* campaign.

### Coast, catchment and estuary management

Council undertakes an extensive program to protect, preserve and manage our coast and waterways. Some highlights for the quarter included:

- Works have commenced on weed removal and revegetation at Curl Curl Lagonn. These works are funded by Council and an Environmental Trust grant from the NSW State Government. These works will continue over the next three years.
- Monitoring estuary health at the coastal lagoons and Pittwater has continued. At the end of the annual monitoring period the data will be used to provide an overall rating for each site.

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• The continuation of work on the program to protect public assets at Collaroy-Narrabeen Beach through the construction of coastal protection works. Detailed designs and a review of environmental factors are being finalised.

### **Bushland and biodiversity**

Bush regeneration continued at over 350 sites to improve native habitats and reduce invasive species. Other actions to protect bushland and biodiversity this quarter included:

- Reducing fire risk Council has been updating the bushfire information on its website to help the community be better prepared for bushfire events.
- Responding to over 240 bushland and biodiversity customer requests
- Conducting the regional fox baiting and other pest animal control programs. This the culling of 5 foxes and over 100 rabbits.
- The assessment of 80 development application referrals and representing Council in several Land and Environment Court proceedings

### Stormwater and floodplain activities

The Northern Beaches flood program is on target with the public exhibition undertaken for the Ingleside, Elanora and Warriewood Overland Flow Study and the Newport Flood Study.

The Narrabeen Lagoon Floodplain Risk Management Study and Plan report has been finalised following the collation and review of submissions. The Manly to Seaforth Flood Study was also completed this quarter. These will be reported to Council during April.

Stormwater works undertaken this quarter include the relining and encasement of the stormwater pipe at South Steyne; the continued replacement of Jacksons Road stormwater and reconstruction works on a headwall at Pittwater Road near Corniche Road, Bayview. Stormwater relining of various poor condition stormwater pipes at several sites in Manly, Collaroy, Balgowlah and Warriewood as well as pipe patching at Farview Road, Bilgola have been completed. The design for the remediation of open channels has been finalised for Polo Street, Mona Vale and Nioka Road, Narrabeen. The detailed design and the Review of Environmental Factors for water quality improvement devices proposed for East Esplanade and South Steyne in the Manly area were also completed.

### Improving development and other applications

Nearly 220 development application referrals for engineering works were received and 355 assessments were completed, along with 60 associated pre-lodgement meetings. Over 200 other engineering applications were determined, for activities including the construction of driveways, installation of hoardings and subdivision certification.

### Corporate sustainability

Preparation continued on the draft Northern Beaches Environment and Climate Change Strategy that included review by the Environment Strategic Reference Group as well as internal reviews. Upon finalisation, the strategy will be presented to Council for public exhibition.

Our energy efficiency keeps improving, as part of our pledge to the Cities Power Partnership. Works have included lighting upgrades at Pacific Waves Carpark, Manly that will reduce approximately 60 tonnes of carbon emissions each year and will also save on annual energy and maintenance costs. An energy audit of Council's top 23 energy consuming sites was also completed. This report provides detailed recommendations for specific sites and will inform a program of works for energy efficient upgrades at Council facilities.

Council commissioned a water audit report of two of its top water consuming sites, Sydney Lakeside Holiday Park and Pittwater Rugby Park. These audits will assist with a program of works to reduce water consumption at these sites.



Performance Measures –	Target	September	December	March
Environment and Sustainability		Quarter	Quarter	Quarter
Bush regeneration by contractors (hectares)	≥ 300 ha/year	75 ha	120 ha	240 ha

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

Workload Measures – Environment and Sustainability	September Quarter	December Quarter	March Quarter
No. sustainability education events	114	74	31
No. people attending sustainability education events	5,240	11,263	4,103
Gross pollutants removed from stormwater networks (tonnes)	165	150	300
No. DA referrals for assessment (of environmental controls and engineering requirements)	703	771	484

### **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

### Deliver programs to protect and restore our catchments, waterways and coast including ecological, risk and restoration programs -Executive Manager Natural Environment & Climate Change

Council undertakes an extensive program to protect, preserve and manage our coast and waterways. This program includes investigations and on ground works as well as monitoring of the condition of these areas.

As a result of the recent fire at a storage building in Brookvale, significant effort has gone into management of downstream impacts. Contaminated water entered the stormwater system, as a result of the firefighting, and flowed into Brookvale Creek and Manly Lagoon, and then discharged onto Queenscliff Beach. Works included installation of sandbags and booms, closure of the lagoon and beach as a precautionary measure, and ongoing water quality monitoring.

Council's estuary monitoring program continued with sampling at sites in the coastal lagoons and Pittwater for a range of ecological health indicators. Once this annual program is completed the results will be analysed to produce the annual rating for each of these waterways.

Lagoon, headland and dune bush regeneration contracts for 2018/19 are continuing in accordance with the annual program, as well as additional exotic tree and weed removal at Curl Curl lagoon where revegetation works will be ongoing for the next three years.

Council is working closely with the State Government to develop content for the Local Strategic Planning Statement, which is a precursor to development of a new Northern Beaches Local Environmental Plan. Council is also collaborating with a number of adjoining Councils to develop Coastal Management Programs for the Hawkesbury-Nepean Estuary and Sydney Harbour.

During this period, Council continued to develop the program to protect public assets at Collaroy-Narrabeen beach through the construction of coastal protection works. These works are scheduled to commence this financial year. Council resolved at its meeting of 26 March to



provide financial assistance to eligible properties of up to 20% (50/50 Council/NSW State Government) of the cost of construction works.

### Deliver strategic environmental sustainability programs and enhance resilience to climate change - Executive Manager Natural Environment & Climate Change

Council received and reviewed the draft final report for the Stage 2 Solar Feasibility Study which is investigating the viability of installing solar panels on Council facilities, with the results directing future capital works programs.

The draft Northern Beaches Environment Strategy was provided to the Steering Committee and other internal staff for final review. Upon completion of the review the strategy will be submitted to studio for graphics and design.

Council submitted an '*Increasing Resilience to Climate Change*' grant application to develop a Climate Resilience Design Guide in collaboration with the Institute of Public Works Engineering Australasia and Dubbo Regional Council. The planned project will build on previous award winning works to assist local governments to build resilience into infrastructure assets.

### Deliver effective and engaging sustainability education and volunteering programs to local residents, businesses and schools-

Executive Manager Natural Environment & Climate Change

The Greener Communities Program includes activities at the Coastal Environment Centre (CEC) in Narrabeen, the Manly Environment Centre (MEC), Environmental Volunteers and a wide range of Community Sustainability initiatives.

### **Environment Centres**

In March more than 2000 school students from 22 schools attended the Coastal Environment Centre (CEC). The CEC also partnered with various groups to host events including; Rotary to host a clean-up Australia Day event, the Department of Education for a local schools inservice and well-being day for teachers, the Peninsula Community of Schools for a teacher personal development day, and the University of the 3rd Age group held three workshops for their members. Other events included a snakes and spiders awareness workshop for the community and bushcare volunteers, nature play, rock platform and a family friendly earth hour energy hacks. The augmented realty sandbox is now operational and our most recent casual teaching recruits are now fully trained up and out in the field educating local school children and the community.

The Manly Environment Centre (MEC) cataloguing project is progressing well with more than 9,700 resources catalogued to date. Four Interns from Nigeria, China and Italy and also community volunteers are involved in this project with 620 volunteer hours being recorded in the Centre during March. The MEC hosted a walk and information session with students from Macquarie University to discuss developing a local App focusing on environmental and heritage locations. These students are part of Macquarie University's Professional and Community Engagement (PACE) Program.

In March celebrations were held at Shelly Beach to mark the 17th anniversary of the Aquatic Reserve status being granted to Cabbage Tree Bay. Friends of Cabbage Tree Bay Volunteers and their friends attended the event which consisted of a morning tea and talks from some of the original advocates for Cabbage Tree Bay and a talk from the Sydney Institute of Marine Science presented an update on Operation Crayweed. Also on display was a sonar poster image of Cabbage Tree Bay before it became an aquatic reserve which depicted the huge benefits of 'no take' protected areas.



### **Community Sustainability**

A Sustainable Surfing presentation was held in partnership with Surf NSW for the Vissla Surf Pro, with 40 attendees who heard about the issues of carbon, waste and toxicity in the surf industry. Attendees had the opportunity to engage with and ask questions of local and international shapers about what it would take to change the industry.

An Earth Hour Event was held with approximately 50 people in attendance. The Charge Ahead energy program continued throughout March with two events including an Advanced Solar event with more than 70 attendees and an Energy Efficiency for Apartments event with 30 attendees.



Deliver programs to protect our community from the effects of flooding including floodplain planning, response and mitigation options Executive Manager Natural Environment & Climate Change

The Northern Beaches flood program is on target with a number of important projects being delivered this year. During March the public exhibition commenced for both the Ingleside, Elanora and Warriewood Overland Flow Study and Newport Flood Study. The Narrabeen Lagoon Floodplain Risk Management Study and Plan report has been finalised following the collation and review of submissions.

The scope and environmental assessment has been finalised for sand removal at North Narrabeen to help improve the hydraulic efficiency of Narrabeen Lagoon entrance. Works will commence on-site this financial year.



Investigate and implement viable options to reduce minor flooding on Wakehurst Parkway - Executive Manager Natural Environment & Climate Change

A study to assess the feasibility of a range of options to reduce the frequency of flooding on Wakehurst Parkway is currently being finalised. A preliminary draft feasibility study was submitted in March 2019. This confirmed that many of the proposed options to reduce the frequency of flooding on Wakehurst Parkway have the potential for a number of environmental impacts. Further environmental analysis and costings are being finalised to help inform the environmental and economic feasibility of the various floodplain management options. The final feasibility report is expected to be delivered in April 2019.



### Investigate Scotland Island Wastewater feasibility -

Executive Manager Natural Environment & Climate Change

Council received funding from the New South Wales Government to conduct an independent investigation into the commercial feasibility of the supply of water and wastewater services to Scotland Island. The project is being administered by Council with the involvement of a working group comprising local representatives.

The consultants have finalised the high level review of social and environmental factors, property surveys and are close to completing options for water and wastewater services. Professional peer review of the project is continuing. The project is expected to conclude by December 2019.



$\bigcirc$	Deliver programs to protect and restore bushland including threatened species and
	pest species management and control of bushfire risk -

d control of bushfire risk -Executive Manager Natural Environment & Climate Change

Bushland management includes contractor bush regeneration, bushland maintenance works and response to customer requests relating to bushland areas. During March Council continued bush regeneration works across 350 bushland sites. The Bush Regeneration Team undertook drainage channel stabilisation works at Forestville Park. Approximately 100m of jute matting was installed along the channel/creek banks. This is part of a larger re-vegetation project where several large Coral Trees have been removed. The next stage is mulching, replanting with native species both into the creek banks and adjacent areas. Grant funded projects have also commenced for Grevillea caleyi in Terrey Hills.

The Bushfire Team is administrating the Rural Fire Service (RFS) Local Government Grants and Resilience Program. The funding will target mitigation works and fire trail upgrades across Councils bushland. During March the Bushfire Team has completed a desk top audit of all Extreme 1A Asset Protection Zones (APZ) under Council's care and control. A number of APZ's have been prioritised for second round funding under the RFS grants program. Council, in conjunction with the RFS responded to two hazard requests during this month.

Biodiversity management involves pest plant and animal control programs, operational management such as responding to customer requests, assessment of development applications and strategic programs. Councils Pest Animal Control Program operated in major reserves across the area with one fox and 48 rabbits culled. Council concluded its regional fox baiting program at five sites across the Northern Beaches. The Invasive Species Team undertook 20 weed inspections and completed 17 weed and pest customer requests. Council's trap hire program leased three traps for the control of vertebrate pest species on private property.

The Biodiversity referral body completed 27 development assessment referrals during March and provided advice for seven pre-lodgement meetings. The Biobanking Agreement for Ingleside Chase Reserve was put on public exhibition and community submissions are currently being reviewed. Staff provided expert Biodiversity input into the Council's Local Strategic Planning Statement the precursor to the development of the Northern Beaches Local Environment Plan. Guidelines are being developed to assist development applicants in addressing the legislative reforms under the NSW Biodiversity Conservation Act 2016.

### **CAPITAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

### **Coastal Protection Works**



Collaroy-Narrabeen Coastal Protection -**Executive Manager Natural Environment & Climate Change** 

This project relates to the construction of works to protect public and private property on Collaroy-Narrabeen Beach including road ends, public parks, South Narrabeen Surf Life Saving Club, and Collaroy carpark. The public works need to be aligned with the works being undertaken by residents to protect private property.

A number of private applications have been finalised, while tenure arrangements are being negotiated between residents and the State Government. At the meeting of 26 March, Council resolved to provide \$3,460,000 of financial assistance for up to 20% of the cost of construction works to eligible properties (split 50/50 between Council and New South Wales Government); the process of applying for and providing these funds is being finalised.

### **Coastal Protection Works**

Planning for the public works is underway, with works at Collaroy carpark expected to commence in this financial year. Detailed design of priority sites has been finalised, a Review of Environmental Factors is being finalised, and contractors are being engaged. This project is currently financially ahead of schedule, however it is likely that funding will be carried forward into the 19/20 financial year.

### Stormwater program

### Planned Stormwater new -

Executive Manager Natural Environment & Climate Change

The Planned Stormwater New Works Program provides new assets and upgrades to the existing stormwater network in order to reduce incidences of flooding and address water quality issues.

The installation and construction for a water quality improvement device at East Esplanade Manly has been forecast to commence in May 2019 following finalisation of the construction tender process and upon receipt of the prefabricated device.

The design works and environmental assessment for the proposed Crown of Newport Reserve project is being undertaken by a specialist engineering consultants, and is due for completion this financial year. The project is currently behind schedule due to phasing issues, however it is expected that the works will be completed by the end of the financial year.



### Warriewood Valley creekline works -

**Executive Manager Natural Environment & Climate Change** 

This project will deliver creekline works to mitigate flooding and improve the riparian ecosystem in Warriewood Valley. Designs have been completed for the main site for this year's works, and procurement is underway to deliver the works this financial year.

### Planned Stormwater renewals -

Executive Manager Natural Environment & Climate Change

The Jacksons Road Warriewood stormwater culvert replacement project is ongoing with key installations of the western culvert stage 1 works now complete. The proposed stage 2 will require Jacksons Road traffic lanes to be reduced to one lane and the two-way flow controlled by temporary traffic lights at the site. These necessary maintenance works have been scheduled over the school holidays to reduce the impact to local residents and also shoppers to the adjacent Warriewood Square.

The stormwater augmentation at Ilford Road Frenchs Forest has been delayed as a result of a Sydney Water watermain requiring Sydney Water to undertake protection of the service in May 2019. Construction works will be finalised in May/June 2019.

The South Steyne stormwater pipe concrete encasement has commenced with all excavation and demolition works complete. Concrete encasement will commence in April and overall works are to be completed in May 2019.

Stormwater relining of various poor conditioned stormwater pipe assets has been completed in Manly, Collaory, Balgowlah and Warriewood. Remediation of stormwater pits to enable relining in Pittwater, Manly and Forestville is forecast to commence in April 2019.

Concept designs for the Fairy Bower Pool stormwater outlet pipe is ongoing including hydrological/hydraulic investigation of the frequent overflow stormwater culvert covers along Marine Parade.



### Stormwater program

Proposed remediation of the Raglan Street Manly stormwater outlet requiring the replacement of the corroded strapping to the stormwater pipe is scheduled to commence in April and completed in May 2019.



### Reactive Stormwater renewals -

**Executive Manager Natural Environment & Climate Change** 

The Reactive Stormwater Renewal Works Program delivers minor renewal works on the existing stormwater network. This ensures that the assets are maintained in good condition and local flooding issues are addressed.

During March, a headwall reconstruction at Pittwater Road near Corniche Road, Bayview was completed. Closed circuit television pipe surveys were carried out as preliminaries for several minor renewal works projects. A request for quotation has also been prepared to engage a contractor to undertake various stormwater pit renewal projects that require confined space entry. Sites include: Edwin Ward Place - Mona Vale, Headland Road - Curl Curl, Hudson Parade - Clareville, Allington Crescent - Elanora Heights and The Walk, Clontarf.



### Gross Pollutant Trap renewal works -

Executive Manager Natural Environment & Climate Change

Council have received quotations to carry out the gross pollutant trap renewal works at North Harbour Reserve, Balgowlah and are currently assessing the submissions. It is anticipated that the construction works will commence in May and be completed by the end of the financial year.



### Community Nursery

Community Nursery - Curl Curl -Executive Manager Natural Environment & Climate Change

The community nursery provides opportunities for a host of activities in addition to growing native plants for Council programs. In March the internal fit out of the nursery and external landscaping was completed and power was connected. The nursery will be connected to water in April. The opening is scheduled for 7 April with volunteers set to begin working later in the month.



### Water and Energy Saving initiatives

Energy Saving Initiatives works program - special rate variation -Executive Manager Natural Environment & Climate Change

This project delivers energy savings works in the former Pittwater area.

During March, Council finalised the energy audit report of Council's top 23 energy consuming sites. This report provides detailed recommendations for specific sites and will inform a program of works for energy efficient upgrades at Council sites.

Council finalised the quotation process and awarded the contract for the installation of additional solar panels at Sydney Lakeside Holiday Park. The project will abate 20 tonnes of carbon emissions each year with works scheduled to begin in late April 2019.



Energy Saving Initiatives works program - revolving energy fund -Executive Manager Natural Environment & Climate Change

This project delivers energy efficiency and renewable energy works in Council properties.


#### Water and Energy Saving initiatives

Energy audit report of Council's top 23 energy consuming sites. This report provides detailed recommendations on energy reducing options for specific sites. Four lighting upgrade project business cases were selected to be implemented this financial year at Cromer Depot, Pittwater Rugby Park, Pittwater Golf Centre and Manly Art Gallery and Museum.

In March Council commenced the energy efficient lighting upgrade project at Pacific Waves Carpark in Manly aimed at reducing energy usage and improving safety. It is anticipated that the upgrade will save approximately 60 tonnes of carbon emissions each year and will also save costs through reduced energy and maintenance requirements. This project will be completed by the end of the financial year.

#### Water Saving and re-use initiatives - special rate variation -Executive Manager Natural Environment & Climate Change

This project will implement water saving and re-use projects in the former Pittwater area. During March Council received the draft final Water Audit report of two of its top water consuming sites, Sydney Lakeside Holiday Park and Pittwater Rugby Park. The report was reviewed internally. These audits will assist with a program of works to reduce water consumption at these sites.

Delays with the production of the final water audit report have slowed the development of business cases for current financial year water savings projects, however these works are expected to be completed by the end of the financial year.

#### **FINANCIALS**

#### ENVIRONMENT & SUSTAINABILITY SERVICES

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	23,331,907	23,331,907	0	32,860,125	32,860,126	32,860,126
User Charges & Fees	1,284,095	1,270,017	14,078	1,515,757	1,826,446	1,776,446
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	3,360	0	3,360	0	0	0
Purposes	406,227	465,648	(59,421)	894,518	894,552	816,024
Grants and Contributions - Capital Purposes	6,527	0	6,527	0	0	223,527
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	25,032,117	25,067,573	(35,456)	35,270,400	35,581,125	35,676,123
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(4,956,885)	(5,502,384)	545,499	(7,850,731)	(7,354,566)	(7,154,566)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(4,923,013)	(5,758,465)	835,452	(8,514,859)	(8,809,327)	(8,512,294)
Depreciation and Amortisation	(5,257,219)	(5,257,219)	0	(7,009,625)	(7,009,625)	(7,009,625)
Other Expenses	(4,200,078)	(4,194,317)	(5,761)	(5,592,400)	(5,592,400)	(5,602,400)
Internal Charges	(2,199,893)	(2,189,087)	(10,806)	(2,928,980)	(2,928,980)	(2,928,980)
Overhead Allocation	(2,530,355)	(2,530,355)	0	(3,373,807)	(3,373,807)	(3,373,807)
Total Expenses From Continuing Operations	(24,067,443)	(25,431,827)	1,364,384	(35,270,401)	(35,068,705)	(34,581,672)
Surplus / (Deficit) from Continuing Operations	964,674	(364,254)	1,328,928	(1)	512,420	1,094,451

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#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$964,674 is higher than forecast at the end of March primarily as a result of lower than forecast expenditure during the nine months.

Total Income from Continuing Operations of \$25,032,117 is lower than forecast by \$35,456 primarily due to the timing of receipt of Grants and Contributions for Operating purposes.

Total Expenses from Continuing Operations of \$24,067,443 are lower than forecast by \$1,364,384. This is principally the result of Employee Benefits & Oncosts and Materials and contracts that are, respectively, \$545,499 and \$835,452 lower than forecast. Employee Benefits & Oncosts are lower than forecast due to a significant number of vacancies across the service. Staff are working very hard to maintain service levels with these vacancies and are utilising temporary contractors where possible. Materials and Contracts are lower than forecast principally due to lower than anticipated expenditure in the floodplain and stormwater programs, and phasing of other works.

For the full financial year a surplus from Continuing Operations of \$1,094,451 is forecast, representing an increase of \$582,031. Income from Continuing Operations is forecast to increase by \$94,998 due to changes in grants and contributions to be received.

Expenses from Continuing Operations are forecast to decrease by \$487,033. This is comprised of a reduction in anticipated Materials and Contracts expenditure of \$297,033 primarily due to lower than anticipated expenditure in the floodplain program, and a reduction in employee costs for the reasons noted above. Capital grants increased \$217,000 for Collaroy-Narrabeen Coastal Protection Works and capital contributions have increased \$6,527 in recognition of energy savings certificates received. \$10,000 has also been allocated to the Eco Schools Grant Program (in other expenses) from the Merger Savings Fund.



# Waste and Cleansing

# HIGHLIGHTS

# New Waste Service - Contract Awarded for Replacement of Residential Waste Bins

In November Council awarded a tender to SULO to undertake the bin replacement and recovery program to support Council's new waste service commencing 1 July 2019.

All residents will be receiving new waste and recycling bins as part of the launch of the new waste services.

The new waste service, negotiated for the first time for the whole of the Northern Beaches, is an innovative, high-tech waste solution delivering better value, safer and more responsive services for the community with better outcomes for the environment.

All Northern Beaches residents for the first time will receive equal and consistent services including the same number of collections, and the same bin size, design and quality.

A communication strategy has been developed to make sure residents are well informed on changes to services prior to the new contact commencing in July.

#### Event Waste Management Strategy highlights

Council receives hundreds of major event bookings per year for which the Waste Education Team are required to assess and approve waste management plans. From January 2019 to end March the Waste Education Team have assessed 34 events.

For larger events, the Waste Education Team brief the stallholders on the policy and inspect their packaging prior to the day of the event. The team provide support to help event organisers comply with Council's policies.

Major events where the policy has been implemented this quarter include:

- Australia Day Celebrations 26 January 2019 12 portable water stations installed across three locations
- Disabled Surfers Association Hands on Day 23 February 2019 Collaroy Beach supply of reusable water station, paper cups and straws, 300 reusable water bottles
- Northern Beaches Youth Sport & Lifestyle Festival 10 February 2019 Pittwater Rugby Park – supply of two portable water fountain units
- The Drop Festival 23 March 2019 Keirle Park Manly supported implementation of a reusable cup return process.

# Permanent Water Fountains

Permanent water fountains have been purchased to be installed at the following sites where major events are held:

- Palm Beach
- Bilgola Beach
- Nolan Reserve (District Park)



# **Portable Water Fountains**

Council's 14 Portable water fountains have been available to loan for community groups and have been borrowed by 28 community groups.

The Waste Education Team have recently purchased four large water coolers that are available for loan to event organisers. The water coolers are practical for events such as fun runs and ocean swim events so water stations can be set up on beaches and reserves where taps are not available. They were recently utilised at the Cliffside Fun Run.

Performance Measures – Waste and Cleansing	Target	September Quarter	December Quarter	March Quarter
Domestic waste and recycling services: Compliance with schedules	100%	100%	100%	100%
Complaints on domestic waste collection service	<1%	Data not available	Data not available	* Data not available
Clean town centres and villages: Compliance with schedules	100%	100%	100%	100%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

#### Note on results:

\* Complaints on domestic waste collection: No result currently available as the data collection system is currently undergoing an upgrade.

#### **OPERATIONAL PROJECTS**



Implement Waste Strategy - Executive Manager Waste Management & Cleansing

Council's strategy to implement a holistic new residential waste management system is on track. A Processing and Waste Disposal contract was awarded in 2017 and the 10 year Waste Collection Contract was signed in September 2018 both of which commence on 1 July 2019. A contract for supply and delivery of new residential waste bins was awarded in November and the bin rollout has commenced.



Implement Event Waste Management Strategy -

Executive Manager Waste Management & Cleansing

Council's Waste Education team continued to support event organisers to comply with Council's Event Waste Management Strategy by providing active support at six major community events this guarter.



Waste Education and Behaviour change projects -Executive Manager Waste Management & Cleansing

This guarter Council commenced its bin replacement program in preparation for the commencement of the new waste contract starting 1 July 2019. Communications commenced to inform residents about Council's New Waste Service and Bin Replacement program.

Education specific to this program has included:

- Education campaign and artwork developed
- Website updated



- Social Media
- Paid advertisements in the Manly Daily, Peninsular Living and Pittwater Life
- All resident A5 Flyer
- Tailored letters with unique codes to all residents advising the process of ordering additional bins
- New call centre established and staff recruited and trained to handle resident enquires related to the new waste service
- Bin tags and bin stickers developed to educate residents on the process of what to do when new bins arrive and how old bins will be recovered.

Waste education and behaviour change projects have been planned to help residents reduce their waste going to landfill to support Council 's new waste service. Forty eight workshops/events have been organised for the calendar year including:

- Reducing waste in Bulky Goods clean up through 'Buy Sell Online' workshops and 'How to Ethically Declutter', Furniture Repair Café and e-repair café. Also Second Hand Saturdays, car boot sales and suitcase rummages
- Reducing waste in garbage bin, food waste reduction through learning to preserving & pickling and correct storage. Also 'Keeping Backyard chickens' and Composting
- Reducing single use plastics Beeswax wrap workshops and reusable nappy workshops
- Beeswax wrap workshop and composting and worms workshop
- Production of a how to composting video
- Supported Clean Up Australia Day 3 March
- Schools education program

# Implement Single Use Plastics Strategy -

Executive Manager Waste Management & Cleansing

The Waste Education Team have incorporated education related to Council's Single Use Plastics Policies at the New Staff Induction sessions. All new staff are given a reusable keep cup and drink bottle and encouraged to use these at work and out and about representing Council as well as being aware of their procurement responsibilities related to these policies.

The Waste Education Team is currently meeting with business units to discuss how these policies may affect them and help identify ways they can make simple changes in their operations in order to comply. For example, Children Services have phased out plastic bags for wet and soiled clothing and have replaced them with reusable wet bags.

Our 'Swap This for That' campaign to reduce community use of single use plastics has continued with the following education events and workshops this quarter:

- Beeswax wrap workshops
- Using portable water fountains at Council events and loaning them to event organisers
- Website updates
- Encouraging recycling soft single use plastics (which haven't been avoided) at Recycle bins at local supermarkets



• Discussing strategies for waste avoidance with residents who contact the Waste Education team regarding the 80L size of the garbage bin under the new waste service

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Working with business – responsible waste management -
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Executive Manager Waste Management & Cleansing

In 2018 all hospitality businesses (+1,000) on the Northern Beaches were contacted to encourage them to transition away from single use plastics. In February 170 newly registered businesses were contacted to encourage them to move away from single use plastics. Engaging directly with business continue being an integral part of reducing single use plastics on the Northern Beaches.

The Waste Education Project Officers have developed a strategy and are currently developing the resources required to commence their business engagement. The program includes:

- Face to Face engagement with local businesses
- Action plan with sustainability milestones
- Posters for staff and customers
- Behaviour change training guide with tips to educate and empower staff
- Sustainable procurement guide
- Supplier list
- Marketing guide to promote sustainability stories
- Pilot case study roll out in May
- Online networking hub on LinkedIn platform
- Collaboration with key Council departments (including Economic Development, Greener Communities, Food Safety & Environmental Health, Communications) and community groups (eg. Chamber of Commerce, Surfrider Ocean Friendly) (ongoing)
- Program launch event is planned for June 2019
- Business expo event showcasing sustainable packaging suppliers in July
- Data collection to capture sustainability journey
- Case studies of local heroes to enable behaviour change
- Presence at the Northern Beaches Business Awards Sustainability Award
- Ongoing webinar series
- Regular newsletter communications
- Corporate Beach Clean event for Clean Up Australia Day 2020



# Waste/Cleansing plant/fleet review -

Executive Manager Waste Management & Cleansing

Twelve new waste trucks for the new waste service were built this quarter and are ready for signwriting design.

The other new waste trucks are on track for delivery.

CAPITAL PROJECTS



 Key:
 Completed
 Progressing on schedule

 Waste and Cleansing

 Image: Clontarf Reserve new recycling station - Executive Manager Waste Management & Cleansing

 Bin installation works are underway.

 Image: Compactor bins trial - Executive Manager Waste Management & Cleansing

 Installation of the bins at Shelley Beach is expected in April/May.

 Image: Domestic waste bins - bin replacement - Executive Manager Waste Management & Cleansing

The rollout of the new waste bins is underway. Over 80,000 bins have been delivered to houses and 60,000 old bins recovered for recycling.



#### **FINANCIALS**

#### WASTE MANAGEMENT & CLEANSING

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD Actual \$	YTD Forecast \$	YTD Variance \$	Annual Budget \$	Approved Forecast \$	Current Forecast \$
Income From Continuing Operations						
Rates and Annual Charges	56,217,877	55,947,287	270,591	58,263,289	58,651,289	58,131,289
User Charges & Fees	210,575	288,730	(78,156)	654,138	250,805	250,805
Investment Fees and Revenues	53,633	36,808	16,825	49,077	49,077	49,077
Other Revenues Grants and Contributions - Operating	60,466	0	60,466	0	0	420,000
Purposes Grants and Contributions - Capital Purposes	641,356	687,072	(45,716)	714,050	660,050	660,050
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	57,183,907	56,959,896	224,011	59,680,554	59,611,220	59,511,220
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(6,038,438)	(5,724,224)	(314,214)	(7,576,307)	(7,746,307)	(8,203,307)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(30,157,034)	(35,484,107)	5,327,073	(46,304,390)	(46,155,927)	(43,135,927)
Depreciation and Amortisation	(423,529)	(423,529)	0	(564,706)	(564,706)	(564,706)
Other Expenses	(72,276)	(182,208)	109,932	(243,367)	(243,367)	(153,367)
Internal Charges	(2,468,664)	(2,489,016)	20,352	(3,327,865)	(3,327,865)	(3,320,892)
Overhead Allocation	(1,247,939)	(1,247,939)	0	(1,663,919)	(1,663,919)	(1,663,919)
Total Expenses From Continuing Operations	(40,407,881)	(45,551,024)	5,143,143	(59,680,554)	(59,702,091)	(57,042,118)
Surplus / (Deficit) from Continuing Operations	16,776,026	11,408,872	5,367,154	(0)	(90,871)	2,469,103

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations \$16,776,026 is higher than forecast by \$5,367,154 at the end of March as a result of both higher income and lower than forecast expenditure.

Total Income from Continuing Operations of \$57,183,907 is higher than forecast by \$224,011. Rates and Annual Charges are higher than forecast by \$270,591 due to additional domestic waste services provided throughout the year. Investment Fees and Revenues are higher by \$16,825, partially offsetting lower User Charges & Fees of \$78,156 and lower Grants and Contributions for Operating Purposes of \$45,716 due to lower pensioner rebates. The lower User Charges and Fees principally relates to the cessation of the Commercial Waste service during the second quarter. The first of three instalments of the "goodwill" payment negotiated under the container deposit scheme (CDS) was received under 'Other Revenues'.

Total Expenses from Continuing Operations of \$40,407,881 are lower than forecast by \$5,143,143. This is the result of lower Materials and Contracts of \$5,327,073 and lower Other Expenses of \$109,932, which are partially offset by higher Employee Benefits & Oncosts of \$314,214. The lower Materials and Contracts expenses are primarily arising from delays in determining additional expected costs due to change in import conditions for recycling in China. There is also a general decline in tonnes for all waste streams resulting in lower tipping and processing costs. The higher than forecast Employee Benefits and On Costs are related to lower than anticipated vacancies throughout the year with a fairly stable workforce, additional temporary and casual staff associated



with the bin rollout program and additional cleansing service requirements within commercial centres.

For the full financial year, the result is forecast to increase by \$2,559,974 to a surplus of \$2,469,103 for the reasons noted above. This is comprised of a reduction in Domestic Waste Charges income of \$520,000 for credits for customers reducing their bin service and an increase in Other Revenue (\$420,000) for the CDS income noted above. The forecast change in Expenses is a result of lower Materials and Contracts and Other Expenses of \$3,110,000 partially offset by an increase in Employee Costs of \$457,000 for the reasons noted above. Of the \$2,559,974 budget variation proposed, \$1,639,974 is attributable to the Domestic Waste Service, with the balance of \$920,000 related to the Public Place Waste Service.



# Kimbriki Resource Recovery Centre

# HIGHLIGHTS

In February Kimbriki commenced full operation of the Leachate Treatment Plant, Since coming online 500,000 litres of waste water has been treated per day dramatically reducing the environmental risks associated with the operation.

Work has commenced constructing the next engineered, fully lined landfill cell. The cell is is expected to be completed and ready to receive waste in early 2020.

The EcoHouse has expanded its services to include an Honesty Shop. This sells plants and gardening supplies locally sourced and in many cases propagated on site in the purpose-built nurseries constructed from re-use materials. Check out the website for details (www.ecohouseandgarden.com.au).

Kimbriki has entered into a new charity partnership with *Bikes4Life* who refurbish old bikes donated by the public and ship them to various locations in south-east Asia, since December they have received 420 bikes and have 250 loaded in a shipping container about to leave for Cambodia. They conduct monthly workshops with around 40-50 volunteers refurbishing bikes and packing spare parts, check out their website for details (www.bikes4life.com.au/sydney-north/).

Performance Measures - Kimbriki	Target	September Quarter	December Quarter	March Quarter
Total waste diverted from landfill (onsite at Kimbriki Resource Recovery Centre)	79%	84.2%	86.0%	84.3
Domestic dry waste diverted onsite from landfill	10%	4.2%	2.0%	* 8.0%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

#### Note on results:

\* **Domestic dry waste diverted onsite from landfill** – Resource recovery from landfill is being adversely impacted by delays in procuring a new contractor. This procurement has been delayed to align it with the construction and demolition processing tender to maximise the potential for synergies between the two operations.

# **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

Review site operations and develop new business plan consistent with Council's vision for the site - Executive Manager Waste Management & Cleansing

Interim Business Plan consistent with the Council's vision for the site has been submitted and is subject to periodic review.

Site operations are primarily conducted under four Contracts, all of which expire in 2019. The vegetation tender has been assessed and recommendation made with respect to the preferred tenderer. The tender for the receipt, transport and processing of recyclables onsite close in May 2019.

In February Kimbriki commenced full operation of the Leachate Treatment Plant which has been treating 500,000 litres per day of waste water. This facility has dramatically reduced the environmental risks associated with the operation and will be a key site asset up to and beyond closure of the landfill operations.

 $<sup>\</sup>odot$ 



Work has commenced constructing the next engineered, fully lined landfill cell which is expected to be completed and ready to receive waste in early 2020.

Services provided by the Ecohouse and Sustainability Hub have been expanded to additional programs and social enterprises benefiting impoverished communities here and internationally.

# **CAPITAL PROJECTS**





# **Kimbriki improvements**

Kimbriki renewal program - Executive Manager Waste Management & Cleansing

This quarter improvements were made to the ANL work area and surface water management system, installation of Weighbridge D Racking commenced and design of the pump system for the dam which services the vegetation processing platform was finalised.



Kimbriki other - Executive Manager Waste Management & Cleansing

This quarter a new computer switch panel was purchased and faulty printers were replaced.

# **FINANCIALS**

# KIMBRIKI RESOURCE RECOVERY CENTRE

#### Income Statement – 1 July 2018 to 31 March 2019

Actual \$ 0 24,430,313 174,463 2,541,532 0 0 27,146,307 (3,737,833)	Forecast \$ 0 24,664,198 137,765 2,406,919 0 0 27,208,882	Variance \$ 0 (233,885) 36,698 134,612 0 0 (62,575)	Budget \$ 0 33,704,105 97,000 2,823,448 0 0 36,624,553	Forecast \$ 0 33,246,948 162,018 3,094,230 0 0 36,503,196	Forecast \$ 0 33,013,063 198,716 3,228,842 0 0 36,440,621
0 24,430,313 174,463 2,541,532 0 0 27,146,307	0 24,664,198 137,765 2,406,919 0 0	0 (233,885) 36,698 134,612 0 0	0 33,704,105 97,000 2,823,448 0 0	0 33,246,948 162,018 3,094,230 0 0	0 33,013,063 198,716 3,228,842 0 0
24,430,313 174,463 2,541,532 0 0 27,146,307	24,664,198 137,765 2,406,919 0 0	(233,885) 36,698 134,612 0 0	33,704,105 97,000 2,823,448 0 0	33,246,948 162,018 3,094,230 0 0	33,013,063 198,716 3,228,842 0 0
24,430,313 174,463 2,541,532 0 0 27,146,307	24,664,198 137,765 2,406,919 0 0	(233,885) 36,698 134,612 0 0	33,704,105 97,000 2,823,448 0 0	33,246,948 162,018 3,094,230 0 0	33,013,063 198,716 3,228,842 0 0
174,463 2,541,532 0 0 27,146,307	137,765 2,406,919 0 0	36,698 134,612 0 0	97,000 2,823,448 0 0	162,018 3,094,230 0 0	198,716 3,228,842 0 0
2,541,532 0 0 27,146,307	2,406,919 0 0	134,612 0 0	2,823,448 0 0	3,094,230 0 0	3,228,842 0 0
0 0 27,146,307	0	0	0	0	0
0 27,146,307	0	0	0	0	0
27,146,307					
	27,208,882	(62,575)	36,624,553	36,503,196	36,440,621
(3 737 833)					
(3 737 833)					
(0,101,000)	(3,788,079)	50,246	(5,458,347)	(5,049,375)	(5,105,614)
(1,155,389)	(1,048,059)	(107,330)	(1,112,772)	(1,540,519)	(1,540,519)
(8,947,231)	(8,972,854)	25,623	(13,654,264)	(12,328,962)	(12,328,962)
(1,189,723)	(1,235,125)	45,402	(1,730,374)	(1,696,857)	(1,655,335)
(8,974,189)	(9,091,133)	116,944	(11,737,395)	(12,295,289)	(12,234,575)
0	0	0	0	0	0
0	0	0	0	0	0
24,004,366)	(24,135,250)	130,885	(33,693,152)	(32,911,001)	(32,865,005)
					3.575.616
	0 0 14,004,366)	0 0 0 0 4,004,366) (24,135,250)	0 0 0 0 0 0 4,004,366) (24,135,250) 130,885	0 0 0 0 0 0 0 0 0 4,004,366) (24,135,250) 130,885 (33,693,152)	0 0 0 0 0 0 0 0 0 0

Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$3,141,942 is \$68,309 higher than forecast at the end of March as a result of lower than forecast expenditure which has been partially offset by lower than anticipated income.

Total Income from Continuing Operations of \$27,146,307 is lower than forecast by \$62,575. User Charges and Fees are \$233,885 lower than forecast (0.9%) as a result of lower than anticipated



landfill revenue due to discounting from competitors prior to the introduction of the Queensland EPA levy and lower than anticipated C&D revenues due to partial closure to commercial customers of brick loads due to capacity issues. The lower User Charges and Fees are partially offset by higher investment interest earned of \$36,698, and higher Other Revenues of \$134,612 continuing the year to date trends.

Total Expenses from Continuing Operations are \$24,004,366 which is lower than forecast by \$130,885. Materials and Contracts are tracking closely to forecast with the minor variance being due to a reduction in lower than anticipated running costs of the Leachate Treatment Plant and the continued focus on cost control. Depreciation and Amortisation expenses are lower due to the timing of the completion of a number of capital works projects and Other Expenses are lower than forecast due to a reduction in the EPA waste levy as a result of lower volumes. Employee Benefits & Oncosts are \$50,246 lower due to reductions in headcount. Borrowing Costs are higher than forecast by \$107,330 due to the reassessment of future rehabilitation costs noted in previous quarters.

A minor reduction to the Surplus from Continuing Operations for the full financial year of \$16,578 is forecast. Income from Continuing Operations is forecast to decrease by \$62,575 in line with year to date actual results. This includes a reduction in User Charges and Fees of \$233,885 for the reasons noted above. This reduction is offset by an increase in Investment Revenues and an increase in Other Revenues in line with the year to date trends. Expenses from Continuing Operations are forecast to decrease by \$45,996 due to a reduction in Depreciation of \$41,522 and a reduction in Other Expenses of \$60,714, partly offset by an increase in Employee Benefits and Oncosts of \$56,239.



# Strategic Land Use Planning

# HIGHLIGHTS

# Local Environmental Plans (LEP) Review

Council commenced preparation of our *Local Strategic Planning Statement* (LSPS). The LSPS will include a 20-year vision for land use planning and development across the Northern Beaches. A joint Strategic Reference Group (SRG) meeting was held to develop priorities for the LSPS and seven focus group meetings were held (one for each Ward, one Culturally and Linguistically Diverse and one Youth) to test the priorities developed. An on-line survey also received over 150 responses.

Council also retained consultants to develop a Housing Strategy, Employment Study, Social Infrastructure Study and Environment Study to support the preparation of the LSPS.

The draft LSPS and related discussion papers on housing, employment and social infrastructure will be reported to Council in mid-2019 and formally exhibited in the third quarter of the year.

# Affordable Housing

Council has been working closely with the Department of Planning & Environment (DPE) to determine the exact feasibility of affordable rental housing provision in the Frenchs Forest Planned Precinct.

A draft Affordable Rental Housing Scheme has been prepared and this will be exhibited together with rezoning documentation for Frenchs Forest in the second quarter of 2019.

Consultants were also appointed to prepare a Housing Strategy. This strategy will also analyse the supply of and demand for affordable housing in the Northern Beaches.

# Dee Why Town Centre Local Environmental Plan (LEP)

Amendments to the Warringah Development Control Plan (DCP) to support the LEP changes were adopted by Council in February 2019 and will commence with the making of the LEP amendments by the Minister for Planning.

# My Place: Avalon - Avalon Place Plan

The Spotlight on Avalon document was released in January 2019 and presented the key findings of the community engagement phase of the My Place: Avalon project.

The document outlined the community vision for Avalon, community values, priorities for action and future directions. The report informs the development and preparation of the Avalon Place Plan.

# **Pittwater Waterway Review**

The *draft Pittwater Waterway Strategy 2038* was placed on public exhibition for 8 weeks commencing on the 8 December 2018 to 3 February 2019.

Community and stakeholder input was sought through a range of online and face-to-face engagement activities, including pop up sessions and stakeholder meetings. A total of 47 written submissions were received during the exhibition period. Where appropriate, the *draft Pittwater Waterway Strategy 2038* has been amended in line with submissions and is anticipated to be reported to Council, in the middle of the year for endorsement and implementation.



# Dee Why Town Centre Contributions Plan

Public exhibition of the Draft Dee Why Town Centre Contributions Plan commenced on 30 March 2019 for six weeks. This draft plan will deliver high quality, functional and much needed public facilities for the Dee Why Town Centre.

# Northern Beaches Council Contributions Plan

The Draft Northern Beaches Council Contributions Plan has been prepared to assist in the provision of appropriate infrastructure to support the growth of the Northern Beaches population and workforce. Public exhibition of the Draft Northern Beaches Council Contributions Plan commenced on 30 March 2019 for six weeks.

# **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule



Develop Place Plans for Avalon, Mona Vale and Manly -Executive Manager Strategic & Place Planning

The Avalon Place Plan is progressing:

- Spotlight on Avalon document has been published.
- Community Reference Group workshop in February established quick wins that can be initiated prior to completion of the place plan: Avalon netball courts; Avalon Beach Whale Wash Stone sculpture; and Dunbar Park and playground improvements.
- Traffic modelling of key intersections and parking study is now underway.

Work on the Mona Vale Place Plan is also underway and progress includes

- Review and analysis of previous community engagement activities completed.
- Commenced planning for community engagement.
- Commenced development of project pages for website.
- Structure Planning and Rezoning Ingleside to deliver a new sustainable suburb. This will include achieving a Green Star Communities rating Executive Manager Strategic & Place Planning

Department of Planning and Environment, Council and NSW Rural Fire Service has established a Steering Committee to oversee the bushfire evacuation study now underway as part of the planning investigation for Ingleside.



#### Precinct Planning - Frenchs Forest – to deliver a sustainable town centre and precinct. This will include achieving a Green Star Communities rating -Executive Manager Strategic & Place Planning

The project was registered with the Green Building Council Australia to initiate the certification process as a GreenStar Communities rated project.





# Develop an Aquatic Reserve Masterplan which includes the development of a state of the art education and recreation precinct -

Executive Manager Strategic & Place Planning

All relevant documentation and technical reports have been completed ahead of presentation of the reports to the Working Group meeting in April.

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# Structure Planning and Rezoning - Brookvale - to deliver revitalisation to Brookvale town centre - Executive Manager Strategic & Place Planning

The Brookvale Structure Plan is on hold for the following reasons:

- The North District Plan, released in March 2018, contains requirements to retain and manage industrial land. Council has commenced an employment study (incorporating a strategic review of industrial lands).
- Consultation with Transport for NSW and Roads and Maritime Service has confirmed the existing transport study is outdated and a new study is required to support the Structure Plan. Council has commenced a new transport study for Brookvale - Dee Why

These additional studies will inform the forward path of this Structure Plan.

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#### Implement the Pittwater Waterway Review -Executive Manager Strategic & Place Planning

The community exhibition of the draft Pittwater Waterway Strategy is completed. A total of 46

submissions were received resulting in minor amendments to the draft Strategy prior to adoption by Council. A draft report has been prepared and Studio are finalising the document prior to reporting to Council in May 2019.

# Undertake Northern Beaches Strategic Land Use Planning Study -

Executive Manager Strategic & Place Planning

We have undertaken successful engagement with seven focus groups - one with each ward, one for culturally and linguistically diverse people and one with youth.

A significant amount of work is underway, from consultant studies to continuing engagement with the Greater Sydney Commission in finalising the Local Strategic Planning Statement framework.



#### Implement an Affordable Housing policy -Executive Manager Strategic & Place Planning

Council has been included in State Environmental Planning Policy 70 (Affordable Housing Revised Schemes) and is working with the Department of Planning to include provisions in Council's Local Environment Plan (LEP) to enable affordable rental housing contributions in the Frenchs Forest Planned Precinct.

A draft Affordable Rental Housing Scheme to accompany the LEP amendments will be reported to Council when the proposed amendments are adopted.

SGS Economics preparing Council's Housing Strategy - analysing supply of and demand for affordable housing



#### **FINANCIALS**

#### STRATEGIC & PLACE PLANNING

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	3,664,543	3,664,543	0	4,955,168	4,955,168	4,955,168
User Charges & Fees	598,600	788,779	(190,178)	1,267,219	1,106,536	961,227
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	1,522	0	1,522	0	0	0
Purposes	267,500	192,500	75,000	206,500	305,250	355,250
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	4,532,165	4,645,821	(113,656)	6,428,887	6,366,954	6,271,645
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(2,388,196)	(2,489,951)	101,755	(3,390,560)	(3,400,560)	(3,250,560)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(448,405)	(839,396)	390,991	(1,143,792)	(1,173,192)	(1,223,192)
Depreciation and Amortisation	(24,622)	(24,622)	0	(32,830)	(32,830)	(32,830)
Other Expenses	(691,815)	(556,489)	(135,327)	(888,441)	(778,941)	(756,441)
Internal Charges	(187,540)	(190,592)	3,052	(258,700)	(258,700)	(258,700)
Overhead Allocation	(535,924)	(535,924)	0	(714,565)	(714,565)	(714,565)
Total Expenses From Continuing Operations	(4,276,502)	(4,636,973)	360,471	(6,428,887)	(6,358,787)	(6,236,287)
Surplus / (Deficit) from Continuing	255,663	8.848	246.815	(0)	8,167	35.358

#### Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$246,815 is higher than forecast at the end of March primarily as a result of lower than forecast expenditure which has been partially offset by lower than anticipated income during the quarter.

Total Income from Continuing Operations of \$4,532,165 is lower than forecast by \$113,656 primarily as a result of lower User Charges & Fees associated with planning proposals and planning certificates.

There has been a marked softening in the development industry. This has resulted in fewer planning proposals received in addition to a reduction in the number of Planning Certificates requested. This trend appears to be continuing. Accordingly, a reduction in anticipated income is proposed from User Charges and Fees by \$145,309. Operating grants and contributions were also reforecast due to an unanticipated grant of \$50,000 for the Manly West Esplanade project.

Total Expenses from Continuing Operations of \$4,276,502 is lower than forecast by \$360,471. Employee Benefits & Oncosts are lower than forecast by \$101,755 due to vacant positions. A \$150,000 reduction in this budget is proposed.

Materials and Contracts are \$390,991 lower than forecast principally due to the timing of budgeted expenditure on the Local Strategic Planning Statement project. The project will continue to progress this financial year within the allocated budget. Other Expenses were \$135,327 higher than forecast due to the timing of the payment of the Dept of Planning & Environment Levy – the levy has been paid in full for the financial year.



Other expenses were also impacted by advertising and other costs associated with the community engagement and exhibition of the Brookvale Structure Plan and Ingleside Land Release. Both of these projects have been delayed and as such it is proposed to reduce anticipated expenditure on promotional costs by \$22,500.

For the full financial year, the Total Surplus from Continuing Operations is forecast to be by \$35,358 as a result of the above forecast changes.



# **Development Assessment**

# **HIGHLIGHTS**

This quarter 309 Development Applications, 134 Modifications of Consent were received for assessment; and 61 pre-lodgement meetings were held.

The Development Assessment team have commenced investigating the implementation of the electronic lodgement of Development Applications. Electronic lodgement will be via the NSW Department of Planning Portal and is anticipated to be introduced in late 2019.

Performance Measures – Development Assessment	Target	September Quarter	December Quarter	March Quarter
Applications for new additional housing stock determined under delegation within 40 days (Development Applications and Complying Development Certificates)	90%	34%	38 %	* 24%
DAs determined under delegation within 60 days	90%	47%	43 %	** 29%
DAs referred to independent panels within 90 days	90%	44%	45 %	*** 55%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

#### Notes on results:

\* Applications for new additional housing stock - The total number of Development Applications (DAs) for new additional housing stock is very similar to that of Q2. However, the number of Complying Development Certificates approved for new additional housing stock during this guarter has decreased, substantially impacting the Q3 percentage. This percentage consists of four DAs approved in under 40 days, 41 in total and eight Complying Development Certificates.

\*\* DAs determined under delegation - There has been a reduction in the percentage of determinations under 60 days from the previous quarter. 95 DAs were approved by delegation within 60 days. The total number of DAs approved in the period was 330.

\*\*\* DAs referred to independent panels - This is a 10% improvement from the previous period. Six approved DAs were referred to independent panels within 90days, from a total of 11 DA Applications.

# **OPERATIONAL PROJECT**



A review has taken place and no changes have been made to the Local Planning Panel delegations.



#### **FINANCIALS**

#### **DEVELOPMENT ASSESSMENT**

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	ŝ	s	ŝ	\$	s	ŝ
Income From Continuing Operations						
Rates and Annual Charges	2,346,798	2,346,798	0	3,256,641	3,256,641	3,256,641
User Charges & Fees	2,635,072	3,232,248	(597,175)	4,313,781	4,313,781	3,689,781
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	0	0	0	0	0	0
Purposes	0	0	0	0	0	0
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	4,981,871	5,579,046	(597,175)	7,570,422	7,570,422	6,946,422
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(3,579,060)	(4,182,840)	603,781	(5,757,993)	(5,497,993)	(5,017,993)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(253,243)	(392,017)	138,775	(641,090)	(463,490)	(464,890)
Depreciation and Amortisation	(46,397)	(46,397)	0	(61,863)	(61,863)	(61,863)
Other Expenses	(132,758)	(141,757)	8,999	(196,210)	(186,210)	(181,210)
Internal Charges	(225,484)	(234,704)	9,220	(319,943)	(319,943)	(319,943)
Overhead Allocation	(444,991)	(444,991)	0	(593,322)	(593,322)	(593,322)
Total Expenses From Continuing Operations	(4,681,932)	(5,442,707)	760,775	(7,570,421)	(7,122,821)	(6,639,221)
Surplus / (Deficit) from Continuing Operations	299,938	136,339	163,600	0	447,600	307,200

#### Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$163,600 is higher than forecast at the end of March which relates to lower than anticipated income and lower than forecast expenditure in the first three quarters of the financial year.

Total Income from Continuing Operations of \$4,981,871 is lower than forecast by \$597,175 primarily as a result of lower User Charges and Fees, as a result in a lower number of applications submitted.

Total Expenses from Continuing Operations of \$4,681,932 are lower than forecast by \$760,775. Employee Benefits & Oncosts are \$603,781 lower than forecast due to a large number of vacancies. Materials and Contracts are lower than forecast by \$138,775 as a result of fewer than expected applications requiring referral to the Local and Regional Planning Panel meetings. Other expenses are lower than forecast by \$8,999 as a result of lower advertising and other costs associated with the lower overall number of development applications.

For the full financial year, the Surplus from Continuing Operations is forecast to reduce by \$140,400 due to a reduction in income of \$624,983 offsetting a reduction in employee costs of \$480,000 for the reasons noted above.



# **Environmental Compliance**

# **HIGHLIGHTS**

# Being proactive

Council continued night Ranger patrols in Manly regulating alcohol prohibited areas between 6pm - 11pm. These have proven effective in reducing alcohol consumption at prohibited times in beach and reserve areas.

Council's food safety inspection program is on target with 100% of critical and high risk inspections being completed this quarter.

Northern Beaches Council also delivered its first public swimming pool inspection program. This has seen a significant reduction in cryptosporidium notifications.

# Being responsive

Over 6,000 customer requests were responded to in relation Environmental Compliance matters this quarter such as:

- Illegal building works or land use
- Fire safety
- Swimming pool barriers
- Pollution, including noise, air, water
- Drainage and flooding enquiries/complaints
- Unhealthy conditions including sewer leaks and asbestos related enquires
- Food safety and public health
- Keeping of animals
- Barking, menacing and dangerous dogs
- Illegal trailers and abandoned vehicles
- Illegal parking

Performance Measures – Environmental Compliance	Target	September Quarter	December Quarter	March Quarter
Critical and high risk retail food premises inspections completed, in line with schedule	100%	97%	100%	100%
Critical and high risk public health inspections completed, in line with schedule	100%	100%	100%	100%

Results Key: 📕 Achieved 📕 Approaching - within 5% of target 📕 Behind - more than 5% off target



#### **FINANCIALS**

#### ENVIRONMENTAL COMPLIANCE

#### Income Statement - 1 July to 31 March 2019

	YTD Actual	YTD Forecast	YTD Variance	Annual Budget	Approved Forecast	Current Forecast
		rorecast	variance	Budget\$	s s	s s
Income From Continuing Operations						
Rates and Annual Charges	629,139	629,139	0	1,600,444	1,600,444	1,600,444
User Charges & Fees	1,451,238	1,567,878	(116,639)	2,106,015	2,106,015	2,106,015
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	6,194,319	7,254,618	(1,060,299)	9,672,500	9,672,500	8,422,500
Purposes Grants and Contributions - Capital	0	0	0	0	0	0
Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	8,274,696	9,451,635	(1,176,939)	13,378,959	13,378,959	12,128,959
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(5,665,033)	(6,143,460)	478,427	(9,109,383)	(8,009,383)	(7,689,383)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(2,133,084)	(1,990,367)	(142,717)	(2,016,730)	(2,716,730)	(2,996,730)
Depreciation and Amortisation	(78,999)	(78,999)	0	(105,332)	(105,332)	(105,332)
Other Expenses	(78,107)	(64,126)	(13,981)	(86,379)	(86,379)	(106,379)
Internal Charges	(716,354)	(731,389)	15,035	(995,331)	(995,331)	(995,331)
Overhead Allocation	(799,353)	(799,353)	0	(1,065,804)	(1,065,804)	(1,065,804)
Total Expenses From Continuing Operations	(9,470,930)	(9,807,693)	336,764	(13,378,960)	(12,978,96 0)	(12,958,96 0)
Surplus / (Deficit) from Continuing Operations	(1,196,233)	(356,058)	(840,175)	(0)	400,000	(830,000)

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Deficit from Continuing Operations of \$1,196,233 is higher than forecast at the end of March as a result of lower than anticipated income, which has been partially offset by lower than forecast expenditure.

Total Income from Continuing Operations of \$8,274,696 is lower than forecast by \$1,176,939 as a result of lower Other Revenues income, in particular relating to parking fines, as well as lower User Charges and Fees. While fines income is lower than anticipated, it is consistent with the average income received from parking fines annually (\$7.3m average per year over 4 years).

Total Expenses from Continuing Operations of \$9,470,930 are lower than forecast by \$336,764. This is principally the result of lower than anticipated Employee Benefits & Oncosts partially offset by higher Materials and Contracts. The lower Employee Benefits & Oncosts are largely resulting from vacant positions, with the higher Materials and Contracts in particular relating to agency personnel to cover these vacancies.

Changes are proposed to the annual forecast to reduce fines income by \$1,250,000 partially offset by reductions in fine processing costs of \$100,000 and Other Expenses by \$20,000. It is also proposed to reduce Employee Benefits and Oncosts by \$320,000 offset by an increase in Agency Personnel costs of \$320,000.



# Parks and Recreation

# HIGHLIGHTS

# **Beach Safety**

Good weather conditions resulted in a busy quarter with over 5.66 million people attending our beaches. Our lifeguards and Volunteer Surf Life Savers kept them safe, with 977,919 preventative actions, undertaking 394 rescues and managing 3,505 incidents requiring first aid. They also undertook 15,535 regulatory actions, such as dealing with anti-social behaviour, litter and dogs on beaches.

#### Sportsgrounds

We continue to implement the Sportsground Strategy to improve the availability and quality of the fields, courts and facilities. The following 2018/ 19 sport and recreation Infrastructure grant funded projects were completed:

- The renewal of St Matthews Farm Reserve resulted in an additional field, better playing surface and improved lighting. These are some of the final actions in the St Matthews Farm masterplan which included a new clubhouse, skatepark and cricket nets for this popular Cromer park.
- Improved playing surface and better lighting at Rueb Hudson and Denzil Joyce Ovals at John Fisher Park, Curl Curl.
- Improved drainage for Beacon Hill Oval fields 1 & 2 and the installation of irrigation at Newport Oval.
- The annual winter sportsground allocations and change-over were completed.

A series of sportsfield renovation activities were delivered this quarter. Drainage improvements by sand grooving were undertaken at John Fisher Park (Fields 3, 4 and 5), Curl Curl; Weldon Oval Freshwater; Manly West, Balgowlah; Lionel Watts Oval, Belrose; and Forestville War Memorial Playing field. Topdressing, over-sowing and fertiliser programs were also implemented across a variety of fields in this period.

New fencing was installed at Bantry Bay Reserve, North Balgowlah.

The replacement of the 12th Green at Mona Vale Golf Club and the new watering system at the Manly Croquet Club have been completed as part of the 2018/19 Sport and Recreation Infrastructure Grants Program.

# Parks, Beaches and Playgrounds

The renewal of walking trails at Manly Dam has progressed well with work completed on renewing the trails and stairs in the southern area of the Park. The improved quality of the tracks creates a safer and better experience for users and makes its more attractive to people who have never experienced walking around this natural park area.

Council completed the renewal of the playgrounds at Gilbert Park (Manly), Tania Park (Balgowlah Heights), Cross St (Balgowlah) and May Road (Dee Why) during the quarter. Tania Park has been upgraded to an inclusive playground that offers multiple play experiences for children of all ages and abilities.

Avalon Beach Reserve dog off leash area was approved as a permanent facility. This is an additional off leash area for the dogs of the Northern Beaches.

Additional park benches have been installed at the gardens adjacent to Narrabeen Beach.



# **Tree Management**

Trees are actively managed to improve the streetscape, shade and local environment, as well as for safety. As part of our street tree planting program, local residents are encouraged to request a tree for their nature strip, and they agree to care for it until fully established. This quarter 127 trees were planted under this arrangement.

During this quarter the proactive public tree maintenance program was completed in the Pittwater Ward. The aim of this program is to reduce the risks of tree failure through proactive management.

202 private tree permit applications and 1,973 Customer requests were received and actioned during this quarter. There were also 64 illegal tree removal investigations and 124 requests for advice received.

Rockpools cleaned weekly during summer season and every two weeks outside of summer     95%     100%	95%
	0070
Sportsfields mowed weekly in summer playing season and monthly in winter95%95%	95%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

Workload Measures – Parks and RecreationSeptember<br/>QuarterDecember<br/>QuarterMarch<br/>QuarterNumber of preventative actions by professional lifeguards on<br/>patrolled beaches\* 7,778\* 163,208\* 997,919

\* Preventative actions are highly seasonal and reflect the increase in beach visitors.

# **OPERATIONAL PROJECTS**





This project was completed ahead of schedule due to the State Government introduction of the Vegetation State Environmental Planning Policy requirement late 2017.

Develop and implement a system for measuring customer experience for Parks and Recreation - Executive Manager Parks & Recreation

This project will not commence this year. It is considered that this is a small component of a larger project for the organisation. The experience of Parks and Recreation customers will be considered in the development of a broader customer experience project for Council.

#### Develop and Implement Operational Plans for Manly Oval and North Narrabeen Reserve including Pittwater Rugby Park - Executive Manager Parks & Recreation

Project is scheduled to start in April.

1

Develop an Open Space Strategy (including for Playgrounds) -Executive Manager Parks & Recreation

This project is behind schedule. A Project Initiation Document has been reviewed and updated.

 $\boldsymbol{\heartsuit}$ 

Implement recommendations from the review of Beach Lifesaving services -Executive Manager Parks & Recreation

The final report is under review. The execution of the Life Saving agreement is planned to be completed by 30 June 2019.



Develop Masterplans – Little Manly, Clontarf Beach and Terrey Hills Oval -Executive Manager Parks & Recreation

Council has completed the first stage of community engagement for both Little Manly and Clontarf Beach Masterplans. It is envisaged that the draft masterplans will be presented to Council for endorsement to conduct further community engagement in May 2019.



Implement a tree planting program - Executive Manager Parks & Recreation

The next programmed tree planting period will commence in July 2019. In the meantime we will continue to develop the tree planting program, this will include consulting with residents and community groups on the replacement of trees across the Northern Beaches.

Projects Implement proactive tree maintenance program that aims to reduce risk of public progressing tree failure - Executive Manager Parks & Recreation

Proactive tree maintenance works were completed in Church point, Elvina Bay, Lovett Bay, Morning Bay, Great Mackeral Beach, Scotland Island and Cottage Point this quarter.

Auditing of the Narrabeen Ward was carried out this month, in preparation for commencement of proactive tree works in April.

There were 1,978 customer requests related to trees this quarter.



САРІТ	AL PROJECTS
Key: 🗸	Completed Progressing on schedule Behind schedule
	Foreshore and Building improvements
~	Collaroy Beach - new accessible public amenities and ramp upgrades - Executive Manager Parks & Recreation
	This project has been completed.
$\mathbf{\mathbf{S}}$	Dinghy storage new - Executive Manager Parks & Recreation
	Community engagement is complete and construction of dinghy racks at Jamieson Park and a new launch ramp at Berry Reserve will commence in April 2019.
	Foreshores - new and upgrades - Executive Manager Parks & Recreation
	Implementation of the South Palm Beach Masterplan is on schedule. The next stage of work will extend south from Ocean Place to Horden Park. Council has recently received a grant for further works at South Palm Beach including road works, drainage and improvements at Kiddies Corner. The Ocean Street works will be completed this financial year and work at Kiddies Corner will commence early next financial year.
1	Mona Vale Surf Life Saving Club - new building works - Executive Manager Property
	Proposed changes to the internal layout will require a modification to the approved development application. There will be further community consultation on the proposed changes.
	Long Reef Surf Life Saving Club new building works - Executive Manager Property
	At the February meeting, Council resolved to proceed with a proposed alternative concept that included design changes requested by Long Reef Surf Life Saving Club at the completion of the community engagement. The design changes will be incorporated into a development application that will be lodged in mid 2019.
	Foreshores renewal program - Executive Manager Parks & Recreation
	The concept plan for Clontarf Beach seawall and bleachers has been completed and is currently being documented for construction. The construction will be delayed until after the dredging of the tidal pool. Work will shortly commence on the renewal of the seawall in Aitken Reserve, North Manly.
	Rockpool - renewal program - Executive Manager Parks & Recreation
	A tender has been released to reconstruct the boardwalk in North Narrabeen rockpool. It is expected that construction will commence in May 2019, after the conclusion of the swimming season.
1	Mona Vale Surf Life Saving Club - renewal works - Executive Manager Property
	Proposed changes to the internal layout will require a modification to the approved development application. There will be further community consultation on the proposed changes.
~	Dinghy storage replacement of racks - Executive Manager Parks & Recreation
	This project is completed.



#### Foreshore and Building improvements

#### Rowland Reserve Boating Facilities Renewal - Executive Manager Property

This project has now been fully completed.

Long Reef Surf Life Saving Club renewal works - Executive Manager Property

At the February meeting, Council resolved to proceed with a proposed alternative concept that included design changes requested by Long Reef Surf Life Saving Club at the completion of the community engagement. The design changes will be incorporated into a development application that will be lodged in mid 2019.

#### **Playground improvements**

Connecting all Through Play - Inclusive Play - Executive Manager Capital Projects

Lionel Watts playground construction is progressing well.

The Frenchs Forest Showground car park design being reviewed internally by Council's drainage section.



Playground renewal program - Executive Manager Parks & Recreation

Tania Park playground in Balgowlah Heights has been completed. This playground will provide a wonderful play opportunity for people of all abilities. Gilbert Park, Frenchs Forest, playground has also been completed. Playground renewals were also completed at Warri Reserve, Narraweena and Cross Street Reserve, Balgowlah.

Work on the renewal of the playground in Fairway Reserve, and King Street Reserve playground both in Manly Vale will commence in April.

#### Sportsgrounds improvements

Connecting all Through Play - Active Play - Executive Manager Capital Projects

Work on the Calabria Club Futsal is expected to commence in May.

The contract for works on the South Narrabeen Surf Club lift has been awarded and works are commencing in May.

Further planning and approval works are ongoing for surf life saving club works stream with majority of construction delayed until 2019/20 due to lease agreements not having been finalised.

1

Sportsgrounds - new and upgrades - Executive Manager Parks & Recreation

The contract for the installation of irrigation at Tania Park has been awarded. Construction will start in April on the ring main, pump and control system. Lateral lines in the sportsfield itself will be installed following the winter sports season.



Sports Club Capital Assistance Program - Executive Manager Parks & Recreation

In this quarter these Sports and Recreation Infrastructure Grant Program funded projects were completed:

- Mona Vale Golf Club's replacement of the 12th green at the Mona Vale Golf Course
- Newport Bowling Club's new shade structures
- Manly Croquet Club's new watering system at Keirle Park



# Sportsgrounds improvements

- Narrabeen Lakes Sailing Club's upgrade to change rooms at Jamieson Park
- Mona Vale Bowling Club's upgrade to one bowling green and a new access ramp



Forestville War Memorial playing fields masterplan implementation -Executive Manager Parks & Recreation

Work on the shared path and ANZAC Memorial Pathway extension has been completed.



Sportsfield renewal program - Executive Manager Parks & Recreation

Work is progressing on schedule to renew the sportsfield lighting systems at Collaroy Plateau Park and Newport Oval. Work has been completed on renewing the lighting at Reub Hudson/Denzil Joyce Ovals in North Curl Curl.



Warriewood Rugby Park clubhouse - Executive Manager Property

All construction work for the new sports amenities and clubhouse building at Pittwater Park / North Narrabeen Reserve has been completed. The documentation and finalisation of the project are now in hand.

#### **Reserves and Parks improvements**

Reserves - new and upgrades - Executive Manager Parks & Recreation

Work will shortly commence on the construction of the permanent off leash dog park at Avalon Beach following Council approval.



Warriewood Valley - public space and recreation -Executive Manager Parks & Recreation

Detailed design for this project has been delayed and as a consequence it is unlikely that construction will commence this financial year.



Glen Street masterplan implementation - Executive Manager Parks & Recreation

Work is progressing well on the delivery of the Glen Street Masterplan. The conversion of Lionel Watts 3 and 4 is behind schedule due to the inclement weather experienced in December and March, while the new regional playground is on schedule for completion in September 2019. Council will shortly issue a tender for the construction of the car park in the Showground and shared paths.



Community engagement has commenced on the development of the skate park at Lionel Watts Reserve in Frenchs Forest. A design and construction tender was released in March 2019 using the design input from the community. It is expected that works will commence on site in June 2019.



Reserves renewal program - Executive Manager Parks & Recreation

Council has commenced work on replacing the Central Road East Bridge in Avalon. It is expected works will be completed in April 2019.



#### **Recreational trails**

Narrabeen Lagoon Trail - aquatic boardwalk - Executive Manager Parks & Recreation

Council has engaged a contractor to undertake the design and construction of the overwater boardwalk. Work on site is expected to commence in May 2019.



Recreational trails - renewal program - Executive Manager Parks & Recreation

The renewal of walking trails at Manly Dam has progressed well with work completed on renewing the trails and stairs in the southern area of the Park.

# Town centre and village upgrades

Town and Village Enhancements (Pittwater) - Executive Manager Parks & Recreation

Work on the Powder Works Road shops streetscape upgrade has been completed. A contractor has been engaged to undertake paving works on Barrenjoey Road, Mona Vale. It is anticipated these works will be undertaken in May 2019.



Minor streetscape improvements - Executive Manager Parks & Recreation

Work has been completed on the latest stage of the Balgowlah shops upgrade.

In this quarter, Council also completed the upgrade of the western side of Pittwater Road, Narrabeen.



#### **FINANCIALS**

#### PARKS & RECREATION

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	24,486,150	24,486,150	0	32,665,203	32,665,202	32,665,202
User Charges & Fees	1,749,953	1,681,822	68,131	1,902,666	2,302,666	2,302,666
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	212,492	129,519	82,973	178,542	178,542	266,726
Purposes	204,276	63,000	141,276	30,000	68,000	215,784
Grants and Contributions - Capital Purposes	359,958	353,175	6,783	250,250	472,250	747,500
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	27,012,828	26,713,666	299,162	35,026,662	35,686,661	36,197,879
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(8,927,259)	(8,595,540)	(331,719)	(11,574,345)	(11,654,344)	(11,654,344)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(9,327,731)	(9,462,682)	134,951	(12,861,284)	(12,861,285)	(13,011,285)
Depreciation and Amortisation	(3,814,522)	(3,814,522)	0	(5,086,029)	(5,086,029)	(5,086,029)
Other Expenses	(264,632)	(326,458)	61,826	(458,449)	(458,449)	(458,449)
Internal Charges	(1,050,064)	(1,079,702)	29,638	(1,457,985)	(1,457,985)	(1,457,985)
Overhead Allocation	(2,691,427)	(2,691,427)	0	(3,588,569)	(3,588,569)	(3,588,569)
Total Expenses From Continuing Operations	(26,075,635)	(25,970,331)	(105,305)	(35,026,660)	(35,106,661)	(35,256,661)
Surplus / (Deficit) from Continuing Operations	937.193	743.336	193.857	1	580.000	941.218

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$193,857 is higher than forecast at the end of March as a result of higher than anticipated income.

Total Income of \$27,012,828 is higher than forecast by \$299,162. Higher User Charges and Fees of \$68,131 are primarily due to additional income related to large new events such as the Drop Music Festival at Keirle Park, Manly and additional filming projects across the LGA. Other Revenue is \$82,973 higher than anticipated as Council received some budgeted lease and license income earlier that anticipated and additional income related to tree works undertaken by Council on behalf of private residents. Grants and Contributions for Operating Purposes are above forecast due to a \$99,784 grant from Crown Land for the Plan of Management Support Program and a \$20,000 grant from Local Land Services for sandune rehabilitation. Council has also received grants and contributions for Avalon Netball courts, Lionel Watts and the implementation of the South Palm Beach masterplan, which have been added to the forecast for the next quarter.

Total Expenses of \$26,075,635 is \$105,305 lower than forecast. Employee Benefits & Oncosts are \$331,719 higher than forecast (3.8%) primarily due to lower than anticipated vacancies throughout the year and additional staff training. Materials and contracts are \$134,951 lower than forecast, primarily related to the delay in the implementation of the geotechnical works at Marine Parade, Manly. Other Expenses are \$61,826 lower than forecast primarily due to less than anticipated public tree insurance claims and not all requests from Surf Lifesaving Clubs for their annual subsidy has been received to date.

For the full financial year, the Surplus from Continuing Operations forecast has increased by \$361,218 to \$941,218. This is principally due to a forecast increase in Grants and Contributions – Capital Purposes relating to additional grants received for the Lionel Watts Masterplan (\$150,000) and Council's Sportsfield Renewal Program (\$170,000).

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# Children's Services

# HIGHLIGHTS

Council offers a range of quality education and care services for children aged 0 to 12 years:

- Seven Long day care and three pre-school centres catering for children aged 6 weeks to 5 years.
- Family day care consists of 56 educators caring for children aged up to 12 years.
- Vacation care offered children care during the Summer school holiday period at four locations.

# Supporting Our Community

Council is proud to work with children and families who need additional support. Currently this includes:

- Caring for and educating 46 children with additional needs
- Supporting inclusion of 19 socio-disadvantaged children:
  - Ten children at risk in conjunction with Dalwood Spilstead early intervention and Manly Warringah Women's Resource Centre – a not for profit community-based service for women and vulnerable families, including women and children escaping domestic violence
  - o Nine low income families who receive additional resources from other providers

# National recognition

Council is proud to be recognised for the outstanding services provided at our Ivanhoe Park Preschool and Brookvale Children's Centre. These services have been officially rated as 'Exceeding the National Quality Standard' under the National Quality Framework. The National Quality Standard sets the national benchmark for the quality of children's education and care services across Australia. We are now in the top 13% in NSW for the standard of services we provide to our families and children.

# Great practice

Belrose Children's Centre achieved *Little Scientist Certification* with Mayor Michael Regan presenting the Children, Families and Staffing team with a plaque to recognise this achievement of supporting STEM (Science, Technology, Engineering and Maths) in the curriculum.

Narrabeen Children's Centre has started a collection point for the recycling of bread tags, that once recycled go towards providing wheelchairs for children in developing nations.

# Renovations

Manly Community Pre-school has closed for renovations and families and educators have moved to Ivanhoe Park Pre-school and North Harbour Pre-school during this time while we create a new and exciting expanded pre-school at Kangaroo Street

The Roundhouse Children's Centre renovations in the 0-2 year old room were completed with a new cot room, bathroom, flooring and painting. The additional cot room and refurbished ergonomic nappy change rooms ensure a quality space for our younger children

Harbour View Children's Centre has re-opened after expansion and renovations of the play spaces, outdoor areas and kitchen. The centre is now offering more places for children under 3 years.



Performance Measures – Children's Services	Target	September Quarter	December Quarter	March Quarter
No. children attending Long Day Care programs	<u>≥</u> 700	783	745	706
No. children attending Family Day Care programs	≥ 380	482	383	* 361
No. children attending Preschool programs	<u>≥</u> 100	142	130	114
No. children attending Vacation Care programs	March $\geq$ 800	596	477	** 636

Results Key:	Achieved	Approaching - within 5% of target		Behind - more than 5% off target
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Notes - \* Lower number of educators, recruitment is ongoing.

\*\* Vacation Care targets are seasonal and vary each quarter. Beacon Hill Vacation Care is closed for renovation of the Community Centre.

# **OPERATIONAL PROJECTS**

Key: 🗹 Completed 🛛 😥 Progressing on schedule 💶 Behind schedule



Providing quality education and care – meeting or exceeding the National Quality Standard - Executive Manager Children's Services

# National Quality Framework updates

- Services celebrated Harmony Week (17 23 March), and provided educators with a range of information and resources to support their program of experiences for children in care.
- A newsletter was distributed to families covering the following topics, International Women's Day, children's brain development and tips to raising a multilingual child.

# **Community and Service Achievements**

- Family Day Care worked closely with Council's Marketing and Communication team, producing an article for the 'Northern Beaches Mum e-newsletter' about one family day care educator's journey in setting up her service.
- Belrose Children's Centre achieved Little Scientist Certification with Mayor Michael Regan
  presented the Children, Families and Staffing team with a plaque to recognise this
  achievement of supporting STEM (Science, Technology, Engineering and Maths) in the
  curriculum.
- The Centres hosted Parent Information Evenings, including School Transition night featured Primary School teachers as guest speakers from our Local Public School.
- Narrabeen Children's Centre has continued in their sustainability ethos with acquiring books from a "free" website to be added to the street library and Bi-lingual books for the Centre
- Narrabeen Children's Centre has started a collection point for the recycling of bread tags, that once recycled go towards providing wheelchairs for children in developing nations
- Vacation Care successfully applied to become a 'plot holder' at the Manly Vale Community Garden. The Centre Coordinator and Educational Leader will be attending an induction session with the Manly Vale Community Garden volunteers



# Upgrades to Children's Services

- Belrose Children's Centre has finalised the painting of the outdoor Pre-school space, ensuring the environment looks fresh.
- Belrose Children's Centre has revitalised the outdoor play space gardens with additional landscaping works and wood chipping.
- With a focus on the mental health and Educator well-being, Narrabeen Children's Centre has purchased, through a recycling site, outdoor seating for educators to have time away from the children in a calming environment.
- Narrabeen Children's Centre has a newly designated space marked for emergency
  egress from the building for children ensuring clear pathway into car park and to the
  Emergency Assembly place.
- A new on-line booking system called 'BookMe' will be introduced for the April holidays and will also include a new payment system called iPay. Families have been updated with this new system via email and the brochure.



#### Support children from diverse socio-disadvantaged backgrounds to participate in quality early education and vacation care programs - Executive Manager Children's Services

Children's Services supported 27 children with additional needs across early childhood services. Nine children with additional needs have been approved for funding from the Inclusion Development Fund (IDF) provided to address barriers to inclusion, funding is being sought for an additional four children.

Government funding supported ten children from families at risk or facing difficult circumstances to receive early childhood education and care. Seven low income families with children attending pre-school pay reduced fees through the Government's Start Strong program.

# CAPITAL PROJECTS

Key:	Completed Progressing on schedule Behind schedule
	Dee Why Children's Centre design works - Executive Manager Property
	The project is on schedule. The proposed site for the new building is at Arthur Reserve in Dee Why.
	Stage 1 community engagement has now closed with a report being prepared for publication.
~	Harbourview Preschool/Community Centre upgrades - Executive Manager Property
	Works to upgrade and extend the existing Harbourview Child Care Centre in Seaforth were completed as scheduled in October 2018, followed by preparing the internal space for reopening. The Centre is due to re-open in early 2019.
$\mathbf{>}$	Kangaroo Street Preschool new works - Executive Manager Property

Council has selected a builder and has resolved to proceed to the construction phase of the project.





#### Children's centres works program - Executive Manager Property

Work at the Roundhouse has been completed.

Works on play area renewal works at Brookvale Children's Centre are on schedule to be completed by mid June 2019.

#### **FINANCIALS**

#### CHILDREN'S SERVICES

#### Income Statement - 1 July to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	1,000,554	1,000,554	0	1,336,066	1,336,066	1,336,066
User Charges & Fees	9,014,950	9,315,463	(300,513)	12,800,552	12,604,552	12,282,314
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues	5,384	7,497	(2,113)	10,000	10,000	10,000
Grants and Contributions - Operating Purposes	781,784	704,431	77,352	590,196	939,329	977,329
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	10,802,672	11,027,945	(225,274)	14,736,814	14,889,947	14,605,710
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(7,608,237)	(8,055,990)	447,753	(10,981,517)	(10,881,517)	(10,406,063)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(1,873,813)	(1,797,355)	(76,458)	(2,366,469)	(2,366,469)	(2,482,547)
Depreciation and Amortisation	(211,016)	(211,016)	0	(281,354)	(281,354)	(281,354)
Other Expenses	(104,357)	(122,659)	18,302	(144,836)	(144,836)	(135,745)
Internal Charges	(157,689)	(166,271)	8,581	(221,455)	(221,455)	(220,401)
Overhead Allocation	(555,887)	(555,887)	0	(741,182)	(741,182)	(741,182)
Total Expenses From Continuing Operations	(10,510,998)	(10,909,177)	398,178	(14,736,814)	(14,636,814)	(14,267,293)
Surplus / (Deficit) from Continuing Operations	291,673	118,769	172,904	0	253,134	338,417

Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$291,673 is higher than forecast by \$172,904 at the end of March.

Total Income from Continuing Operations of \$10,802,672 is lower than forecast by \$225,274 primarily as a result of lower than anticipated fee revenue. User Charges & Fees are lower than forecast as a result lower utilisation of places while renovations are undertaken at Roundhouse in the baby room and Beacon Hill Vacation care closure while the building is being renovated. Grants and Contributions for Operating Purposes are \$77,352 higher than anticipated as a result of unanticipated grant funding for Quality Learning Environments at pre-schools. Other Revenues are slightly lower than forecast as a result of timing with suppliers paying for advertising in the Vacation Care brochure.

Total Expenses from Continuing Operations of \$10,510,998 are lower than forecast by \$398,178. This is principally the result of staff vacancies to reflect centres undergoing renovations. Employee Benefits & Oncosts are \$447,753 lower than forecast mainly due to vacancies and a higher use of

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agency staff. Materials and Contracts are \$76,458 higher than forecast as a result of higher agency usage due to vacant staff positions.

For the full financial year the Surplus from Continuing Operations is forecast to increase to \$338,417 which reflects the unanticipated operational grant funding noted above.



# **Community Arts and Culture**

# HIGHLIGHTS

# Arts and Culture

Numerous exhibitions have been held at the Creative Space, including;

- Siblings Exhibition Gap Studios
- Everyone's Backyard Cre8ive Studios
- Oceanic Bodies Fiona Dobrijevich
- Free Flowing Free Falling Carmel Creighton

The Creative Toolkit community education series continues with a workshop on Creative Collaborations. Council facilitated the *Made For You* exhibit by the Artists & Craftsmen of Pittwater and the *Caber-ra Nanga - Weaving Baskets* projects. The Heritage Near Me '*Great Wall of Manly*' project was presented with internal partners, Youth Services and Manly Art Gallery and Museum.

# Manly Art Gallery & Museum

The first quarter of 2019 saw the highest attendance numbers at MAG&M this financial year. *Destination Sydney: Reimagined*, the second in this series of three gallery exhibitions, drew over 15,000 visitors from all over Sydney and NSW and 25 booked tours were organized. Critically and commercially, this was a very successful exhibition. The resulting retail sales were the highest of the year. Also received was the *Natural Collection* of Warringah Printmakers works on paper. The complementary Ceramics exhibition has been featured in the *Ceramics Australia* journal and was hailed as an innovative way to display a large number of works.

Express Yourself (the HSC major works from 21 high schools in the region) is again a very popular exhibition, and so far it has equalled Destination Sydney in visitor numbers. The \$5,000 Theo Batten Award for tertiary students was divided between two students and the \$3,000 Gallery Society prize was divided among three students. Council's Youth Services KALOF group sponsored the opening night musicians and the People's Choice award. Complementing this exhibition is the Valerie Taylor children's book drawings. Both exhibitions had well attended artists' talks.

Refurbishment of the gallery continued with the piers of the Theo Batten Gallery replanked and packed and in the next month, acoustic sound panels will be installed, the Ceramics Room stairs will be replaced, floors will be sanded and new skirting boards will be fitted.

# **Glen Street Theatre**

Theatre subscriptions have increased by 60% from last year. The 2019 Season opened with the sold-out *Girls on Tap*, followed by *The Caretaker* which was extended by popular demand and International Women's Day was celebrated with the dance theatre show *RED*. Our music and family show offering continues to be well received.

# Support for our Community

Meals on Wheels continues to deliver meals to older people in the community to enable them to live at home with premature admission into an aged care facility. A number of community lunches were held in March with a theme of St Patricks Day that proved very popular. Staff are promoting the Service to CALD Carers Groups across the Northern Beaches Community.

The Hop Skip & Jump Service operated every day in March and carried 29,657 passengers. 93% of the trips were on time.


A successful move saw the Adolescent and Family Counsellors moved from Kangaroo Street to 1 Pittwater Road, Manly. The new offices are larger, more central and have rooms for a wide variety of uses. In March, the Counsellors delivered four very successful parenting workshops at the Seaforth Village Community Centre.

The Seniors Festival 2019 *Love Your Life* in March featured 16 activities with over 1,600 people. Events included healthy and creative ageing, exercise and dance, sustainable living and an *Express Yourself Expo* including local performers *The Third Age Rock Orchestra* and *The Big Sing*.

The *Big Ideas Forum* launched in March at Glen Street Theatre with over 300 people gathered to hear acclaimed social researcher Hugh Mackay AO and several local community representatives on the topic *Why Neighbourhoods Matter*. This new forum seeks to engage the community in the robust exchange of ideas.

The Northern Beaches Local Business Awards now has a new Inclusion category for 2019, encouraging local businesses to take active steps in making their businesses accessible and inclusive. Nominations close 14 May.

The Community, Arts and Culture Grants Program 2019/20 opened on 18 March providing grants of \$2,000 - \$10,000 to eligible, not for profit organisations. Grant applications close 30 April.

# Youth Events and Programs

Two Summer Skate Nights were held in the summer School holidays with 600 people taking part.

Three Heats of Northern Composure Youth Band Competition were held at Frenchs Forest, Mona Vale and Dee Why with 850 people attending. The Final will be a part of Youth Week celebrations in April.

The ArtDecko Skate Deck Art Exhibition engages young people with numerous local artists to produce artworks on skateboard decks. Workshops were held at YOYOS Youth Centre, Manly Library and Mona Vale Library, with 267 young people taking part. The Exhibition is to be held at Northern Beaches PCYC, as part of National Youth Week celebrations in April.

An All Ages Band Night was held at the Northern Beaches PCYC on 31 March with 430 tickets sold. The show was part of headline band's National Tour.

# Volunteer recruitment

Volunteer recruitment continues to grow across Council, with over 60 new volunteers added to a total of over 590 regular volunteers covering seven areas of interest: Meals on Wheels, Manly Art Gallery & Museum, Libraries, Bushcare, Cemeteries, Environment Centres and Manly Visitor Information Centre. Recruitment for the Taste of Manly special event volunteers is currently in progress, aiming to recruit over 100 volunteers across the event weekend.

New volunteers can now access more information on the Council website regarding volunteer roles, and can contact the Volunteer Coordinator to assist with placement into a suitable role.

# **Community Centres**

The annual Community Centre Course and Activity brochure for 2019 was printed and distributed to libraries, community centres and customer service centres across the Northern Beaches. Over 130 community centre groups and activities are included in the brochure.

Peter Watson was awarded an 'Outstanding Community Service, Australia Day Award' for his volunteer work for the Forest Men's Kitchen. The Kitchen brings senior men together to learn cooking skills and also provides social connectedness. The Forest Men's Kitchen has been such as success at Forestville Youth Centre, Peter has now opened new groups at Ted Blackwood Community Centre at Warriewood and also at Curl Curl Youth & Community Centres.



The project for the new organisational booking system went through a tender and evaluation process. The proposed new booking system for community centres will be implemented to replace two systems currently being used by the business unit.

The community engagement process for the proposed Warriewood Valley Community Centre commenced with the user groups from the Nelson Heather Centre and residents of the Warriewood Valley.

Beacon Hill War Memorial Hall is still closed for major renovations; it is hoped to be reopened for the community to hire by mid - year. The Beacon Hill Community Kindergarten is temporarily relocated at Cromer Community Centre for the duration of the building works at Beacon Hill.

Performance Measures – Community Arts and Culture	Target	September Quarter	December Quarter	March Quarter
Community centres: no. bookings	March ≥ 7,500	9,401	8,500	8,205
No. arts and culture events/ performances	March ≥50	111	131	* 45
No. community development events/ programs	March ≥30	47	57	52
Direct services: No. Meals services	March $\geq$ 4,250	4,571	4,551	** 4,151
No. clients for Youth and Family counsellors	<u>&gt;</u> 125	179	163	128
No. Hop Skip and Jump passengers	March ≥ 95,200	86,569	82,775	* 80,606
No. volunteers who actively participate in ongoing programs	<u>&gt;</u> 250	675	785	<b>*</b> 590

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

Notes on results: some targets are seasonal and vary each quarter.

- \* Number of arts and culture events and performances was down this quarter because Glen Street Theatre and the Creative Space were very quiet in January
- \*\* Number of Meals on Wheels services were down this quarter because a number of our clients entered respite / aged care accommodation during the January school holidays when family members are away and unable to provide them with support. January is traditionally the quietest month of the year in terms of Meals on Wheels services delivered.
- The Hop Skip Jump bus service had lower than anticipated passengers this quarter. Target is aspirational and based on potential expansion of the service.
- <sup>v</sup> This figure acknowledges the over 590 regular volunteers covering seven areas of interest: Meals on Wheels, Manly Art Gallery & Museum, Libraries, Bushcare, Cemeteries, Environment Centres and Manly Visitor Information Centre.

# **OPERATIONAL PROJECTS**



Develop an Arts Strategy - Executive Manager Community, Arts & Culture

Over 100 submissions were received during the public exhibition period of the draft Arts & Creativity Strategy. These are now being analysed and collated and will be used to make

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relevant alterations to the strategy prior to presentation to Council for adoption. In addition, an Action Plan is being compiled to give further structure to the Strategy.

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Develop a Community Centre Strategy - Executive Manager Community, Arts & Culture

The Draft Community Centre Strategy is still being reviewed by staff and the consultant. New catchment data is being prepared for Council's Social Infrastructure study that will assist informing the Community Centre Strategy's Planning Areas. It is now proposed that the Community Centre Strategy will go to Council in the second half of 2019.



Develop a Public Art Policy and guidelines -Executive Manager Community, Arts & Culture

Public Exhibition of the draft Collection Cultural Management and Gifts Policy and Draft Public Art Policy closed on 28 January. Submissions are being reviewed, prior to presentation to Council for adoption, with amendments if required.



Develop and support disability education and awareness initiatives -Executive Manager Community, Arts & Culture

Regular information is available to the community via Council's website, LINCS Community database and regular Disability Newsletter (1400+ members). There is also ongoing work on two other related DIAP actions - establishing Inclusion Awards for local businesses and the disability inclusion and information access hub.



# Support biennial inclusion awards to recognise local businesses and community organisations demonstrating best practice - Executive Manager Community, Arts & Culture

Inclusion Awards will be a new category in the established Northern Beaches Local Business Awards in July. Online and targeted community promotion has commenced.



Develop a Social Plan (2018/19), and specialised Plans for specific demographics (Youth, Aged, Disability, CALD, etc.) - Executive Manager Community, Arts & Culture

The Social Plan framework will commence following the completion of Demographic Profiling and the Social Infrastructure Study, both currently underway.



Develop a Volunteer Management Framework -Executive Manager Community, Arts & Culture

The internal working party met to consider the key elements of the Volunteer Framework.



Youth activities at PCYC - Executive Manager Community, Arts & Culture

Headline band DZ Deathrays led an 'All Ages' show at the PCYC on Sunday 31 March, with 430 tickets sold. The show was part of the band's Australian tour, with this being the only Sydney show. There were three support bands with one (Dysfunction) being the winner of Northern Composure Unplugged Competition, held in late 2018.



Develop a Manly Art Gallery and Museum Masterplan -Executive Manager Community, Arts & Culture

Work commenced on refurbishment of the Theo Batten Gallery.





Expansion of the Meals on Wheels Service -Executive Manager Community, Arts & Culture

A number of presentations have been made to community groups in the Brookvale and Dee Why area with a focus on the promotion of home-delivered meals to potential clients.



Develop a programming strategy for Glen Street Theatre -Executive Manager Community, Arts & Culture

The Glen Street Theatre Programming Assessment Framework has been finalised, creating an overarching rationale to ensure future quality programming. As a result of this project, the 2019 annual theatre program has enjoyed a 60% increase over 2018, and subscriptions continue to sell.



Develop and promote an online disability inclusion and access information hub -Executive Manager Community, Arts & Culture

This Project is being completed over two years 2018/19. The Community Development Team is currently working on webpage design.



Support the establishment of a youth and wellbeing hub at Mona Vale -Executive Manager Community, Arts & Culture

Sixteen ongoing counselling sessions were held with young people at the Avalon Youth Hub in March. The Wednesday community engagement afternoons continue to see good attendance with service partners Mission Australia, Street Works, Headspace and Burdekin Association all actively involved. Youth Hub staff facilitated three high school presentations and were also a part of the Northern Beaches Youth Interagency (NBYI) activation at the Sydney Vissla Surf Pro held at Manly Beach.

# **CAPITAL PROJECTS**

Completed 🛛 🔄 Progressing on schedule 💶 Behind schedule



#### Art Works

Manly Art Gallery - art works - Executive Manager Community, Arts & Culture

Two Brett Stone ceramic pots were purchased during the quarter. Curators will continue to search for exemplary works for the collection in the remaining months of the financial year.

Theo Batten Bequest - art works - Executive Manager Community, Arts & Culture

All funds from the Theo Batten bequest for 2018/19 have been expended.



#### **Community Centre Improvements**

Warriewood Valley Community Centre - Executive Manager Capital Projects

The Heather Nelson Centre site has been confirmed as the location for the new Warriewood Valley Community Centre. Consultation with key users and a building assessment is ongoing. Broader community consultation is expected to commence by mid-2019.



Community centres minor works program - Executive Manager Property

Works were completed in November, including Beacon Hill Community Centre building



# **Community Centre Improvements**

upgrades; refurbishment of the Harbord Literary Institute to accommodate the Aboriginal Heritage Office; and minor works required at the Tramshed building in Narrabeen.

1	Beacon Hill Community Centre and Youth Club - Executive Manager Property
	The project is behind schedule and the builder's contract was terminated due to non-performance. A report on options will be presented to the next available Council meeting.
	Cultural Improvements
1	New creative art space - northern end of the Northern Beaches - Executive Manager Property
	A dual approach to providing arts facilities has recently been selected by Council with some provision within the Avalon Golf Clubhouse and more extensive provision in the Mona Vale Administration building.
	Coast Walk - art trail - Executive Manager Community, Arts & Culture
	The public exhibition period for the draft Coast Walk Public Art Strategic Plan closed, with submissions under review prior to presentation to Council.
	Manly Art Gallery renewal works - Executive Manager Property
	Acoustic panels will be installed in May. Various minor works have been completed with additional flooring works scheduled for during the gallery shut-down in June.
	Glen Street Theatre renewal works - Executive Manager Property

This project is on schedule with remaining purchases to be made before June 2019.



#### **FINANCIALS**

#### **COMMUNITY ARTS & CULTURE**

#### Income Statement - 1 July to 31 March 2019

Surplus / (Deficit) from Continuing Operations	374,897	(503,880)	878,777	(1)	(867,637)	(368,494
Operations	(9,082,703)	(9,812,304)	729,601	(12,572,193)	(13,041,307)	(12,609,665
Overhead Allocation Fotal Expenses From Continuing	(1,017,298)	(1,017,298)	0	(1,356,398)	(1,356,398)	(1,356,398
nternal Charges	(288,627)	(274,163)	(14,464)	(372,354)	(372,354)	(380,381
Other Expenses	(772,898)	(806,538)	33,640	(694,666)	(949,114)	(920,944
Depreciation and Amortisation	(577,631)	(577,631)	0	(770,174)	(770,174)	(770,174
Materials and Contracts	(2,040,141)	(2,495,296)	455,155	(3,119,300)	(3,294,044)	(3,111,544
Borrowing Costs	0	0	0	0	0	
Employee Benefits & Oncosts	(4,386,108)	(4,641,378)	255,270	(6,259,301)	(6,299,224)	(6,070,223
Expenses From Continuing Operations	;					
Total Income From Continuing Operations	9,457,600	9,308,424	149,176	12,572,193	12,173,670	12,251,17
Gains on disposal of Assets	0	0	0	0	0	
Grants and Contributions - Capital Purposes	180,000	0	180,000	0	0	180,00
Grants and Contributions - Operating Purposes	546,950	521,424	25,526	676,132	676,132	682,63
Other Revenues	1,190,999	1,112,967	78,032	1,673,696	1,534,683	1,534,68
nvestment Fees and Revenues	0	19,500	(19,500)	26,000	26,000	
User Charges & Fees	1,990,098	2,104,980	(114,882)	3,000,735	2,741,226	2,658,22
Rates and Annual Charges	5,549,553	5,549,553	0	7,195,630	7,195,630	7,195,63
ncome From Continuing Operations		Ť	¥	· · · ·	Ť	¥
	\$	\$	\$	S	\$	s
	YTD Actual	YTD Forecast	YTD Variance	Annual Budget	Approved Forecast	Current Forecast

The Total Surplus from Continuing Operations of \$374,897 is higher than forecast at the end of March primarily as a result of a capital grant received, unspent salaries due to vacancies and lower than forecast expenditure.

Total Income from Continuing Operations of \$9,547,600 is higher than forecast by \$149,176. This is the result of a capital grant received of \$180,000 for the Coast Walk Art Trail. The lower than anticipated User Charges & Fees of \$114,882 is primarily related to the Beacon Hill Memorial Hall remaining closed for renovations during the reporting period.

Total Expenses from Continuing Operations are \$9,082,703 which is lower than forecast by \$729,601. Materials and Contracts are \$455,155 lower than forecast as a result of lower than forecasted expenditure in community centres due to renovation closures and a number of savings in social planning, community and arts development.

Changes are proposed to the annual forecast to address the variances noted above. These include:

- Community Centres \$82,999 net decrease in income primarily due to the impact of renovation closures, and a net decrease in expenditure in Materials & Contracts of \$83,000.
- Employee Benefits & Oncosts reduction of \$219,000 as this relates to vacant positions that, whilst vacant during January to March, will be recruited in May and June 2019.



 Materials & Contracts - \$99,500 net decrease due to savings in community development programs.



# Library Services

# HIGHLIGHTS

# Engagement

An additional 2,122 people became library members this quarter, taking the library membership to 181,938, equating to 67.7% of the Northern Beaches population. eLoans continued to rise, reaching 50,870, an increase of over 10% from the previous quarter. Engagement on digital platforms continues to appeal to the community with 90,742 visits to the library website over the past three months. Local Studies 'Flashback Friday' posts proved to be the most popular Facebook post this period, reaching a record 14,000 community members.

The Library service delivered 355 programs with 10,742 community members participating. Program highlights included:

- 108 adult programs, including seven author talks, attended by 1,430 people
- Seven youth programs with 837 youth participants
- Pop Up library showcased at six events across the Northern Beaches, and
- Annual summer reading club with 155 participants.

#### Improvements

New computers were purchased to increase the speed of the catalogue search experience. Three more 'Your Voice' customer feedback kiosks were purchased for branches experiencing high volumes of feedback. Customers can also now submit feedback through the library 'Your Voice' web link.

In planning for the future library spaces, a comprehensive strategy paper was shared with Strategic Planning for consideration in upcoming town planning initiatives.

A project to house all Local Studies digital images commenced in March with the aim to de-mystify local studies and improve access as well community engagement on their local history archives.

The project to improve the ways items are loaned, returned and secured through the service progressed and a tender was awarded.

Performance Measures – Library Services	Target	September Quarter	December Quarter	March Quarter
No. library memberships	≥ 177,700	178,415	179,816	181,938
No. youth memberships	≥ 26,900	30,493	30,859	31,233

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target



#### OPERATIONAL PROJECTS



Single library management system for customers to improve and increase access to all library loanable items and services across the Northern Beaches public libraries - Executive Manager Library Services

Project was completed in August 2018, and resulted in a single Library Management System for the Northern Beaches.



Modernise library spaces and identify opportunities to increase the number of spaces available in line with customer demand - Executive Manager Library Services

Draft report on the future strategic direction for library facilities and spaces has been submitted to the Executive Manager, Library Services for review and finalisation.



Implement a single library card to access all library services across the Northern Beaches public libraries - Executive Manager Library Services

The single library card for all Northern Beaches libraries was available in July 2018. There are four designs to choose from, all elements from the Council logo - Grevillea, Whale tail, Sunshine and Blue Tongue Lizard.



#### Implement the 'Tiny Doors' project as part of the Youth Opportunities Grant 2017/18 - Executive Manager Library Services

A plan for the ongoing management and maintenance of the Tiny Doors has been established. This includes plans for new promotional activities during future school holidays and other special events.

Workshops will be held throughout April and May to build 'back-up' doors for those identified as being at risk.



Implement new library opening hours to improve consistency and access to the service - Executive Manager Library Services

The improved library opening hours and seven day operational roster project working groups presented a joint proposal to the Chief Executive Team in March. There is support for the proposal subject to funding. Funding options are being explored.



#### Increase engagement with youth through a range of programs and activities -Executive Manager Library Services

Several engagement initiatives were run throughout the month, including the Pop Up library at Manly Surf Festival as well as a promotional high school visit. Two 'Art Decko' workshops were also delivered with 174 youth attending the events.

Youth Week information packs were prepared and sent to branches for distribution.



#### Increase volunteering opportunities across the service -Executive Manager Library Services

The Justice of the Peace register has been reviewed and a further 19 volunteers have been identified for inclusion in the regular roster.

Planning has commenced for a Volunteer Week afternoon tea in May to thank volunteers for their contribution to the service.



Three new Justice of the Peace volunteers have commenced at Manly and Warringah Mall libraries.



Implement consistent loan and security processes across the public library service -**Executive Manager Library Services** 

The tender was awarded and contract documentation is being prepared.

Implement on-line customer suggestion and feedback process across all the public libraries to improve service delivery - Executive Manager Library Services

The approved customer suggestion and feedback tool - 'Your Voice' - has now been installed in the six library branches. Customer response has been positive, with many already engaging with the tool and providing valuable insights into their experience of their library service.



Key:

Review and improve eServices for library customers in line with customer needs and demands - Executive Manager Library Services

The working group are finalising recommendations for the trial or purchase of additional eServices based on extensive research and usage statistics. Examples include Niche Academy and access to art resources.

# **CAPITAL PROJECTS**

/:	Completed Progressing on schedule Behind schedule
	Community Space and Learning
0	New library technology - printing and emerging technologies - Executive Manager Library Services
	The docket printers have been replaced in several branches to ensure better functionality with the self-check out machines.
/	New Library Books - Executive Manager Library Services
	Purchases during the quarter focused on magazine subscriptions, eBooks and eAudio. All funds have now been expended.
	New Library Technology - Executive Manager Library Services
	The tender was awarded and contract documents are being prepared.
0	Replacement of Library Books - Executive Manager Library Services
	A range of resources were purchased in the quarter, covering adult fiction, adult non-fiction and the junior collection. The range included e-books and e-audio, DVDs and audio visual collections.
	Library Upgrades
	Mona Vale Library upgrades and new works - Executive Manager Property
	Delays have been experienced due to changes in the scope. However, a concept has been agreed and detailed designs are now being finalised.

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#### **Library Upgrades**

#### Mona Vale Library renewal works - Executive Manager Property

The scope of this project has been varied to include replacement of a component of the air conditioning unit.

#### Manly Library renewal works - Executive Manager Property

The designer is progressing with the preparation of the plans for the new layout. Works will continue into next financial year.



#### Library buildings works program - Executive Manager Property

This project will create a new outdoor reading area at Dee Why Library.

Construction works are expected to be completed by the end of April.

#### FINANCIALS

# LIBRARY SERVICES

#### Income Statement - 1 July to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual \$	Forecast \$	Variance \$	Budget \$	Forecast \$	Forecast \$
Income From Continuing Operations	4			<b>₽</b>	<b>₽</b>	
Rates and Annual Charges	6,784,411	6,784,411	0	9,645,125	9,645,125	9,645,125
User Charges & Fees	136,040	197,054	(61,014)	263,279	263,279	177,857
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	88,054	115,560	(27,506)	176,716	176,716	115,461
Purposes Grants and Contributions - Capital	148,598	180,000	(31,402)	180,000	180,000	180,000
Purposes	498,349	469,557	28,792	469,557	469,557	498,349
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	7,655,452	7,746,582	(91,129)	10,734,676	10,734,676	10,616,792
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(4,683,239)	(4,957,628)	274,389	(6,751,671)	(6,751,671)	(6,461,671)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(543,271)	(695,282)	152,011	(1,000,968)	(1,000,968)	(891,208)
Depreciation and Amortisation	(1,159,627)	(1,159,627)	0	(1,546,169)	(1,546,169)	(1,546,169)
Other Expenses	(163,015)	(262,761)	99,745	(345,279)	(345,279)	(209,746)
Internal Charges Overhead Allocation	(114,742) (697,156)	(118,102) (697,156)	3,360 0	(161,048) (929,541)	(161,048) (929,541)	(161,048) (929,541)
Total Expenses From Continuing Operations	(7,361,051)	(7,890,556)	529,505	(10,734,676)	(10,734,676)	10,199,382)
Surplus / (Deficit) from Continuing Operations	294,402	(143,974)	438,376	0	(0)	417,410

#### Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations is \$438,376 higher than forecast at the end of March as a result of lower than forecast expenditure, partially offset by lower than anticipated income over the nine months.



Total Income from Continuing Operations of \$7,655,452 is lower than forecast by \$91,129 due to lower User Charges & Fees, lower Other Revenues as well timing of the receipt of Grants and Contributions. The lower User Charges & Fees are primarily due to reduced print revenues due to library customers preferring the less expensive option of scanning. Other Revenues are lower than forecast as a result of the new and improved library management system notifying customers of pending overdue book fees prior to the due date.

Total Expenses from Continuing Operations of \$7,361,051 is lower than forecast by \$529,505. This is primarily due to lower Employee Benefits & Oncosts of \$274,389, reduced spend in Materials and Contracts of \$152,011 and in Other Expenses of \$99,745. The lower Employee Benefits & Oncosts are due to existing vacancies as a result of the phased implementation of the new library structure. The reduced spend in Materials and Contracts and Other Expenses is due to timing and reduced costs associated with improving library services and facilities.

A Surplus from Continuing Operations of \$417,410 is now expected for the full financial year in line with the lower trends in both income and expenditure noted above.



# **Transport Traffic and Active Travel**

# HIGHLIGHTS

# Youth bicycle workshop

A Youth Bicycle Workshop was held on the 22 January 2019 with 12 kids participating. They learnt about basic bike maintenance and shared pathway etiquette, which included a ride on the shared pathway from Cromer to Narrabeen Lagoon. The feedback from the workshop was very positive and the kids enjoyed the day.

# 'Stepping On' pedestrian safety workshop

This workshop is organised externally and encourages older people to keep active and independent. The workshop covers pedestrian and road safety. There were 20 participants at the workshop that was run on 14 March at the Forestville Community Arts Centre.

# Child car restraints

The February child car seat check tested 68 restraints of which over 80% failed, mainly due to the seats being too loose allowing children to bounce around. Fifty five children are now safer in their cars because they came to the free checking session and had their seats correctly adjusted and fitted.

# Senior road safety workshops

Two free road safety workshops were offered in January and February to a vulnerable road user group of seniors, with 126 people attending. Over 90% were very satisfied with the session, especially with updating their awareness on roundabouts, driving and parking rules and tips.

# Safety around schools

We have initiated a dedicated program to monitor and prioritise needs for the 80 schools on the Northern Beaches. Council has developed a Safety Around Schools brochure that is available to all schools as well as on Council's website to help educate parents on rules and regulations which support safety around their schools. Council's Road Safety team have liaised with various primary and high schools to assist with safety around their schools as well as promoting Ride to School day on 22 March, which encourages bicycle safety and active travel.

# **Clontarf tidal pool**

Work is progressing on the maintenance upgrades of the tidal pools, the renewal project and the dredging of the Clontarf tidal pool.

# Northern Beaches Roads and Transport Infrastructure Asset Management Plan

The Roads and Transport Infrastructure Asset Management Plan has now been completed. The purpose of this Plan is to provide a framework to manage Council's transport network assets throughout their life. It sets out management standards, current condition and the status of assets enabling appropriate funding for necessary maintenance and improvements into the future.

The portfolio of assets included in this plan consists of 845km roads, 552km footpaths, 17 road and pedestrian bridges, 30 wharves and jetties as well as car parks, kerb and gutter, traffic facilities, retaining walls, bus shelters and other infrastructure that is located within the road reserve boundaries.



Performance Measures – Transport and Active Travel	Target	September Quarter	December Quarter	March Quarter
Works on schedule for active travel assets	100%	100%	100%	100%
Road renewals program on schedule	100%	100%	100%	100%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

# **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

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Develop a Northern Beaches Transport Strategy -

Executive Manager Transport & Civil Infrastructure

The Northern Beaches Transport Strategy was adopted at the Council Meeting on 27 November 2018. Implementation of this strategy is through the Walking Plan, the Bike Share Mobility Plan and the Bike Plan.



Review Accessible Parking Provision -Executive Manager Transport & Civil Infrastructure

Completed road safety audit for accessible car parking spaces at Forestville shopping centre with identified changes to be implemented.

Report expected to go to June Traffic Committee.



#### Develop a Northern Beaches Walking Plan -Executive Manager Transport & Civil Infrastructure

The Draft Walking Plan was approved by Council on 17 December 2018 for public exhibition. Community consultation closed on 3 March 2019.



Deliver an active to schools initiative to encourage walking and cycling to school in partnership with the Roads and Maritime Service - Executive Manager Transport & Civil Infrastructure

We conducted a survey of local schools to enable us to better understand their traffic and transport issues. We obtained a very satisfying 70% rate of return.

The data will allow us to plan our 'Active to School' initiatives.

Four of our six initiatives have been implemented this year to date:

- Speed cushions at Raglan Street for St. Mary's Catholic School, Manly
- Abbott Street raised pedestrian crossing Balgowlah Heights Public School
- Grevillea Street pedestrian safety improvements Wheeler Heights Public School
- Maretimo Street pedestrian crossing Balgowlah Boys Campus NBSC

Our next projects this financial year are:

- Starkey Street raised pedestrian crossing
- Mimosa Street parking changes to improve the kiss and drop area Davidson High School and Mimosa Public School





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#### Active Travel – cycleways and footpaths

#### Connecting Communities cycleways program - Executive Manager Capital Projects

Main sections of the shared path at Collaroy are on hold due to utility delays.

Minor works at Warriewood and Manly Vale are completed.

Newport to Avalon cycleway consultation is ongoing and construction is expected in late 2019.



Warriewood Valley - pedestrian and cycleway network -Executive Manager Parks & Recreation

Works has commenced on the construction of the new pedestrian bridge at Brands Lane, Warriewood. Work is progressing on schedule and is likely to be completed in May 2019.



Bayview to Church Point - timber walkway - Executive Manager Capital Projects

Preliminary investigations and preparation of an options report for the walkway between Bayview baths and the Bayview tennis courts are ongoing and will be completed by June 2019.



Footpath renewal - Executive Manager Capital Projects

Footpath renewals are tracking ahead of schedule with the years program nearing completion.

Works completed in this quarter:

Dee Why: Pacific Parade

#### Road and related infrastructure upgrades



The Traffic Facilities program is progressing as planned. Works completed in this guarter:

New traffic facilities - Executive Manager Capital Projects

- Wheeler Heights: public school pedestrian fencing
- Balgowlah Heights: Abbott Street crossing



Scotland Island - roads and drainage improvements -Executive Manager Capital Projects

Planning and design has continued this quarter for the design projects to be delivered by June 2019.



Warriewood Valley - Macpherson Street Bridge restoration works -Executive Manager Capital Projects

MacPherson Street was reopened to the public in late 2017. All major roadworks are complete. Final defect remediation, fencing and landscaping was completed in March.

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Warriewood Valley – traffic and transport infrastructure -Executive Manager Capital Projects

Designs are ongoing for the following projects:

- Boondah Road and Jackson Road roundabout
- Pittwater Road and Jackson Road intersection



# Road and related infrastructure upgrades

- Pittwater Road and Warriewood Road intersection
- Warriewood Road and Brands Lane roundabout
- Warriewood Road and Jubilee Avenue roundabout

The purchase of splay corners for future round about projects will be deferred until future years due to the duration of the land acquisition process.

Church Point – Stage 2 road works - Executive Manager Capital Projects

Designs for the Stage 2 road works have been issued to the Roads and Maritime Service for review and comment. Environmental approvals are in progress. Construction has been deferred until after June 2019 when environmental approvals are expected to be obtained.

Eramboo, Terrey Hills - new driveway - Executive Manager Capital Projects

Works at Eramboo are complete.



Bus stop renewal - Executive Manager Capital Projects

Contracts have been awarded for the bus stop renewal program. Construction works are ongoing in 2019.

Construction of the Palm Beach bus shelter is expected to commence in late April 2019.

Car park renewal - Executive Manager Capital Projects

The following car park renewal projects have been completed:

- Avalon Beach: Careel Bay Playing Fields off Barrenjoey Road (near Careel Head Road)
- Warriewood: Rat Park carpark access road
- Palm Beach: car park off Ocean Road near Palm Beach Road intersection, including the parallel parking on Ocean Road (just linemarking to complete)

Work on the Palm Beach car parking bays between Ocean Place and the south end is currently underway.

Design of the Clareville Beach car park has been completed with construction due to commence in May-June 2019.



Kerb and gutter renewal - Executive Manager Capital Projects

The kerb and gutter renewal program is progressing as planned, in conjunction with the road resheeting program.

Kerb and gutter renewals were completed at the following locations this quarter:

- Cromer: Cromer Road
- Cromer: Little Willandra Road
- Cromer: Toronto Avenue
- Bayview: Kennedy Place
- Collaroy Plateau: Hilma Street
- Mona Vale: Waratah Street, Mona Street, Bungan Street

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# Road and related infrastructure upgrades

Whale Beach: Whale Beach Road

Retaining wall renewal - Executive Manager Capital Projects

Stage 2 works at The Esplanade, Narrabeen are near completion with minor rectification work to be undertaken in March and April.

Concept designs and investigations are in progress for retaining walls at McCarrs Creek Road Church Point and Moore Street Clontarf.

Commencement of the construction of these retaining walls is deferred until next financial year.



Road re-sheeting program - Executive Manager Capital Projects

Road resurfacing was completed at the following locations this quarter:

- Allambie Heights: Allambie Road and Wyrama Sreet
- Bayview: Kennedy Place and Pittwater Road
- Belrose: Munnamba Avenue and Coora Avenue
- Cromer: Toronto Avenue, Little Willandra Road and Cromer Road
- Dee Why: Pacific Parade, Hawkesbury Avenue, Griffin Road, Avon Road and Holborn Avenue
- Forestville: Alkoomie Avenue, Ashton Avenue, Bentley Avenue, Cleary Avenue and Woodlands Road
- Freshwater: Kooloora Avenue, Undercliff Street and Oliver Street
- Killarney Heights: Glenarm Crescent
- Mona Vale: Bungan Street and Waratah Street
- Narraweena: Willandra Road
- Whale Beach: Surf Road

Bridge renewal - Executive Manager Capital Projects

Geotechnical investigations are complete and structural assessments are in progress. Construction works will be deferred until next financial year.



Parking Station and Meters Infrastructure - Executive Manager Transport & Civil Infrastructure

All Pay and Display meters have now been replaced, and works for electric vehicle charging points are on track for this financial year.



#### Wharf upgrades

Church Point - wharf extension - Executive Manager Capital Projects

Detailed design is near completion. Construction commencement has been delayed.





Wharf upgrades

Works are progressing on the maintenance upgrades of the tidal pools, the renewal project and the dredging of the Clontarf Pool.



#### **FINANCIALS**

#### TRANSPORT, TRAFFIC AND ACTIVE TRAVEL

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	10,924,610	10,924,610	0	14,554,781	14,554,781	14,554,781
User Charges & Fees	12,048,884	10,548,696	1,500,188	12,305,959	13,567,875	14,337,819
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	1,200,747	754,000	446,747	952,000	952,000	1,295,143
Purposes	1,579,430	2,458,479	(879,050)	4,189,710	4,189,710	4,627,837
Grants and Contributions - Capital Purposes	1,839,045	1,471,944	367,101	1,222,512	2,171,372	2,680,709
Gains on disposal of Assets	860,222	633,750	226,472	765,000	765,000	1,280,000
Total Income From Continuing Operations	28,452,939	26,791,480	1,661,459	33,989,962	36,200,738	38,776,289
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(7,644,515)	(7,901,813)	257,298	(11,344,442)	(10,509,953)	(10,359,953)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(8,189,621)	(7,796,057)	(393,564)	(11,282,001)	(10,243,381)	(11,842,711)
Depreciation and Amortisation	(8,633,885)	(8,633,885)	0	(11,511,847)	(11,511,847)	(11,511,847)
Other Expenses	(3,532,110)	(3,909,411)	377,301	(5,426,865)	(4,925,125)	(4,915,075)
Internal Charges	7,368,008	7,345,685	22,323	9,797,326	9,894,343	9,894,343
Overhead Allocation	(3,166,600)	(3,166,600)	0	(4,222,133)	(4,222,133)	(4,222,133)
Total Expenses From Continuing Operations	(23,798,722)	(24,062,080)	263,358	(33,989,962)	(31,518,096)	(32,957,376)
Surplus / (Deficit) from Continuing Operations	4,654,217	2,729,399	1,924,818	(0)	4,682,642	5,818,913

Commentary - Year to Date Actuals and Annual Forecast

The Surplus from Continuing Operations of \$4,654,217 is higher than forecast at the end of March as a result of lower than forecast expenditure and higher than anticipated income.

Total Income from Continuing Operations of \$28,452,939 is higher than forecast by \$1,661,459. This principally relates to higher User Charges and Fees of \$1,500,188, higher Other Revenues of \$446,747 and higher Grants and Contributions for Capital Purposes of \$367,101 offset by lower Grants and Contributions for Operating Purposes of \$879,050.

The higher User Charges & Fees primarily relates to higher fees from Parking of \$9.86m attributable to upgraded parking station and meter infrastructure, higher Road Permits fees of \$0.89m and Road Restoration charges of \$1.2m reflecting the continued higher levels of construction activity. Grants and Contributions for Operating Purposes are lower than forecast by \$879,050 of which \$839,192 relates to the prepayment of 50% of the 2018/19 Local Roads component of the Financial Assistance Grant and the balance to the timing of receipt of the operational component of the Roads and Maritime Services – Traffic Facilities Block Grant.

Total Expenses from Continuing Operations of \$23,798,722 are lower than forecast by \$263,358. This is principally the result of lower than anticipated Employee Benefits & Oncosts of \$257,298 and lower Other Expenses of \$377,301. Employee Benefits & Oncosts are lower than forecast mainly due to vacant positions, which has been offset by higher Materials and Contracts costs for Agency Personnel of \$830,000 to continue to meet service levels. Materials and Contracts were higher than forecast by \$393,564, mainly due to the above Agency Personnel costs. The lower



Other Expenses principally relates to lower third party insurance costs, public liability claims and street lighting costs.

For the full financial year, the Surplus from Continuing Operations is forecast to increase by \$626,934. User Charges and Fees are forecast to increase for parking fees (\$283,532), Road Inspection and Permit fees (\$231,755 and Road Restoration charges (\$250,648) for the reasons noted above. Grant and Contributions for Operating Purposes is forecast to increase by \$438,127 for additional Adshel Grants Income. Grants and Contributions for Capital Purposes is forecast to increase by \$509,337 primarily due to grants received for the Regional Road Repair Program, and Other Expenses has been reduced by \$10,050 for insurance for motor vehicles. Materials & Contracts are forecast to increase by \$1,599,330. In addition to Agency Personnel costs mentioned above, additional materials and contracts of \$769,330 are forecast due to carrying out works associated with increased revenue and grants above (eg restoration works) and critical infrastructure works on Tidal Pools.



# **Economic Development, Events and Engagement**

# HIGHLIGHTS

# **Community Engagement**

The community was consulted on a broad range of projects. In total, 58 engagement events were held with 897 citizens engaged in face to face sessions. The key Council projects for consultation this quarter were:

# **Planning and transport**

- Northern Beaches Planning Our Sustainable Future
- Northern Beaches Bike Plan
- Northern Beaches Walking Plan

#### Environment and open space

- Avalon Dog Park Trial
- Clontarf Reserve Masterplan
- Manly West Esplanade Heritage Activation Plan
- Station Beach Dog Off-Leash Area
  Trial
- Pittwater Waterways Strategy
- Ingleside Elanora Warriewood
   Overland Flood Study

# Supporting our community and culture

- Arts and Creativity Strategy
- Northern Beaches Coast Walk – Public Art Trail
- Manly LSC Renewal
- Warriewood Valley
   Community Centre
- · Dee Why Children's Centre

The number of people interested in ongoing engagement grew, with 2,056 more contacts joining our Community Engagement Register.

# Events

# Australia Day

Council marked Australia Day celebrations across the Northern Beaches at a variety of events. These events included BBQ breakfasts at Newport Beach, Narrabeen Lagoon and Dee Why Beach, and pool parties at the Manly Andrew 'Boy' Charlton and Warringah Aquatic Centres. The events were supported by 35 local community groups, with over 500 volunteers taking part in various activities and fundraising on the day.

In addition, Council awarded the 2019 Australia Day Award recipients for Citizen of the Year, Young Citizen of the Year, Senior Citizen of the Year, Community Event of the Year, Sportsperson of the Year, and 15 recipients for Outstanding Community Service.

# **Citizenship Ceremonies**

Citizenship Ceremonies were held on Australia Day, 25 February and 18 March, with 326 people becoming Australian citizens.



# World Food Markets

The World Food Markets were held in Gilbert Park, Manly each Friday from 11 January through to 29 March. Over 5,000 people enjoyed the relaxed vibe of live entertainment by local bands with a range of international food stallholders, including stalls from two local businesses.

# International Women's Day

An International Women's Day fundraising breakfast was held at Manly Golf Club on Friday 8 March. Over 160 guests heard from inspirational guest speaker Tracey Spicer AM. A record number of local businesses supported the event with raffle prizes which raised over \$1,400 for local charities the Northern Beaches Women's Shelter and Manly Warringah Women Resource Centre.

# Vissla Sydney Surf Pro

Council supported the Vissla Sydney Surf Pro major event held in Manly from 16 to 24 March. Thousands of visitors enjoyed the world class surfing competition and beachside activations. Highlights of the event included appearances by 11-time World Surf League World Champion Kelly Slater as well local Northern Beaches surfer Jordy Lawler claiming victory for the 2019 event.

# Place and Economic Development

#### Tourism

Council has completed the first phase in developing its Destination Management Plan (DMP) (Tourism Plan) for the Northern Beaches. During January and February 2019, Council staff and consultants undertook a series of one-on-one and group workshops with 45 local tourism industry and Government stakeholders. This provided industry insights into how the visitor economy is performing, where strengths of the area are and where opportunities for improvement lie. The DMP will guide the visitor economy development and growth in the region for the next decade.

The second phase of the project commences in May with a two-week community media campaign and a tourism industry summit 20 May at the Manly Art Gallery and Museum.

During the January peak summer period, Council also conducted a series of face-to-face visitor surveys at Palm Beach and Manly to build an understanding of the types of visitors coming to our area, what they did and how much they spent, as well as satisfaction with their experience. In total 613 visitor surveys were completed and this builds upon the 2018 Visitor Survey to enhance our understanding who our visitors are and what they contribute to the local economy. The visitor survey findings will inform the Northern Beaches DMP.

# **Economic Development**

Council has commenced a Northern Beaches Employment Study to identify key opportunities to accommodate growth industries, reduce rates of commuting and stimulate employment opportunities matching the skills of our community. This study will consider emerging industry trends and the changing nature of business and work over the next 20 years while assessing the capacity of our industrial precincts and commercial centres to meet this future demand. This study will inform our new Local Environment Plan and Economic Development Plans.

Council's sustainable education and economic development teams reached out to our local surfboard industry with a 'Sustainable Surfing' event to coincide with Vissla Sydney Surf Pro. This event looked to start a conversation about the potential for improving sustainability in the surfboard industry with a local academic providing insights into innovative approaches trialled internationally and consumer appetite. While the challenges in this space were widely recognised, the evening inspired thought provoking conversations and a networking opportunity for the local industry.



Council has continued to partner with Service NSW to deliver the "Easy to do Business Program", which provides personalised business advice (through a business concierge) to new and growing businesses. Initially focused on 'small bars, cafes and restaurants', this program has been expanded to the housing construction, printing, clothing retail and road freight sectors. Between January and March 2019, 10 new local businesses signed up to this program, adding to the 120 businesses that had already engaged in the program since its inception with Northern Beaches Council in May 2017.

# Place Coordination

# Mona Vale SWAT

The Special Works and Transformation team (SWAT) worked on a blitz of Mona Vale Town Centre in March, with a focus on enhancing general upkeep of the centre. The surveys conducted around the blitz showed an improvement in the level of satisfaction with cleanliness following the blitz, changing from an average score of 3.54 (Slightly Satisfied-Satisfied) to 4.31 (Satisfied-Very Satisfied)

# Green our Streets - Brookvale

In response to Place Score findings, Council trialled the installation of 40 planter boxes on Chard Road and Pittwater Road, Brookvale. Titled 'Greening our streets', the trial ran for two weeks and tested community and business sentiment to increased vegetation. Feedback was extremely positive: 100% of businesses and visitors surveyed were supportive of planter boxes in the longer term, and 50% of businesses noted that the trial had generated positive outcomes for their business.

# Seaforth & Newport Activation Plans

The Seaforth Activation Plan is currently underway with business workshops undertaken and community engagement to commence in April. The Newport Activation Plan has commenced with consultants undertaking the initial assessment of the centre. These plans will include actions for activations and include suggestions of partnerships for delivery of the actions.

# Forestville Business Network

The Forestville Business Network Group has been established to bring together a range of businesses from around the shopping mall at Forestville to drive the development of opportunities and liaison with Council.

Performance Measures – ED, Events, Engagement	Target	September Quarter	December Quarter	March Quarter
High impact projects with a Community Engagement Plan	100%	100%	100%	100%
No. businesses registered on Council's contact database	<u>≥</u> 613	1,300	1,675	2,471
No. participating in business engagement	March $\geq 250$	375	596	1,005
No. community and civic events organised by council	March ≥26	10	34	* 23

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

# Notes on results:

\* Council delivered the following events in the March quarter: 5 Australia Day events, Australia Day Awards, Australia Day Volunteer Thank You Reception, 3 citizenship ceremonies, 12 world food markets and one event for International Women's Day.



#### **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule



Seek to establish a university presence on the Northern Beaches -Executive Manager Strategy, Performance & Improvement

This project is in the preparation phase. The potential sites for the University will now be focused on Frenchs Forest and Dee Why. Priority being given to Frenchs Forest and looking for options to consolidate Council assets with a University. This will be dependent upon the precinct planning process which is now to be released post NSW Election due to caretaker mode.

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#### Develop a Placemaking Strategy -

Executive Manager Community Engagement & Communications

The Placemaking Framework project has been deferred to commence once the new reporting lines have been implemented and internal consultation has taken place with the Director Planning & Place and the Executive Manager Strategic & Place Planning.



Develop town and village centre profiles, including place and business audits -Executive Manager Community Engagement & Communications

The Mona Vale Town Centre Profile is being finalised and will be uploaded to Council's website.

The Forestville Town Profile is currently being drafted.



Support development and stakeholder engagement of Place Plans -Executive Manager Community Engagement & Communications

Community Engagement and Place & Economic Development teams continue to work with project teams.



# Develop Place Activation Plans for key centres -

Executive Manager Community Engagement & Communications

The first activation plan (Seaforth) is nearing completion, while the second (Newport) is under investigation.



Prepare an Economic Development Plan for the Northern Beaches -Executive Manager Community Engagement & Communications

Phase One of the Economic Development Plan, the Northern Beaches Employment Study, has commenced.



Develop a Northern Beaches Destination Management Plan -Executive Manager Community Engagement & Communications

The Northern Beaches Destination Management Plan is progressing with completion of Phase 1 (Situation Analysis) and commencement of Phase 2 (Strategic Directions Paper and Tourism Summit) is underway.





# Implement the Events Strategy -Executive Manager Community Engagement & Communications

The Events Strategy was adopted by Council in June 2018. Implementation of the strategy continues with the roll out of the Events Grants and Sponsorship Program and review of Council's events program. See the highlights report (above) for more information.

# CAPITAL PROJECTS

Key:	Completed Progressing on schedule Behind schedule
	Town and Village Centre Activations
$\mathbf{>}$	Dee Why Town Centre – design - Executive Manager Capital Projects
	The design for St David's Park is progressing with design reviews currently in progress.
	Dee Why Town Centre – construction phase 1 - Executive Manager Capital Projects
	Streetscape works on Howard Avenue and Oaks Avenue are nearing completion.
	The commencement of Pittwater Road paving works between Dee Why Parade and Howard Avenue and between Oaks Avenue and Pacific Parade is delayed slightly due to paver supply issues.
	Manly Laneways – new works - Executive Manager Capital Projects
	Planning for construction of Market Place Triangle has started. Construction is scheduled for next financial year for these works.
$\bigcirc$	Manly Laneways – renewal works - Executive Manager Capital Projects
	Electrical upgrades at Whistler Street car park continued through February. Stage 1 remediation and the ground floor bike cage works at Whistler Street car park commenced in March and are progressing ahead of schedule.



#### **FINANCIALS**

#### ECONOMIC DEVELOPMENT, EVENTS AND ENGAGEMENT SERVICES

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	6,704,700	6,704,700	0	8,671,078	8,671,078	8,671,078
User Charges & Fees	12,795	6,910	5,885	9,319	9,319	9,319
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	654,072	669,983	(15,910)	704,239	1,090,299	1,031,180
Purposes	5,500	0	5,500	0	0	0
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	7,377,068	7,381,593	(4,526)	9,384,636	9,770,696	9,711,577
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(3,631,059)	(3,391,019)	(240,040)	(4,426,809)	(4,678,034)	(4,859,034)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(2,409,878)	(2,727,433)	317,555	(3,116,225)	(3,436,025)	(3,436,025)
Depreciation and Amortisation	(39,105)	(38,402)	(703)	(51,203)	(51,203)	(51,203)
Other Expenses	(242,879)	(305,588)	62,709	(394,435)	(408,135)	(361,700)
Internal Charges	(153,906)	(172,101)	18,195	(231,156)	(231,156)	(231,156)
Overhead Allocation	(873,607)	(873,607)	0	(1,164,809)	(1,164,809)	(1,164,809)
Total Expenses From Continuing Operations	(7,350,435)	(7,508,150)	157,715	(9,384,637)	(9,969,362)	(10,103, <b>9</b> 27)
Surplus / (Deficit) from Continuing Operations	26,633	(126,556)	153,189	(0)	(198,665)	(392,350)

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$26,633 is \$153,189 higher than forecast at the end of March primarily as a result of lower than forecast expenditure during the quarter relating to the timing of the delivery of some key projects.

Total Income from Continuing Operations of \$7,377,068 is tracking closely to forecast. The small variance relates primarily to lower than forecast income and revenue from events such as the World Food Markets that was impacted by poor weather conditions, and Taste of the Beaches that had reduced income due to lower than anticipated attendance numbers.

Total Expenses from Continuing Operations of \$7,350,435 is lower than forecast by \$157,715. Employee costs were higher than forecast primarily due to lower than anticipated vacant positions throughout the year. Materials and Contracts were \$317,555 lower than forecast due to the timing of the delivery of a number of projects that will be delivered in the last quarter. Other Expenses are also lower than forecast by \$62,709, in part due to savings in advertising.

For the full financial year the Deficit from Continuing Operations is forecast to increase by \$193,685. While income reduced by \$4,526 in line with year to date trends, Employee Benefits and Oncosts increased by \$181,100 and Other Expenses decreased \$46,435 for the reasons noted above.



# **Property and Facilities**

# HIGHLIGHTS

# Manly Andrew Boy Charlton Aquatic Centre (MABC)

During the January to March period MABC Aquatic Centre received high visitation numbers and continued growth within the swim school and squad program. The appointment of a dedicated elite level squad coach has been beneficial for MABC swimmers who now have a competitive swimming pathway. Overall attendance numbers for the quarter were 178,063 compared to 148,972 for the same period last financial year. MABC held an open day on Australia Day on Saturday 26 January with a gold coin donation entry going to charity.

# Warringah Aquatic Centre

The Centre has seen a high number of families visiting the centre during January with the splash pad being particularly popular. February and March saw our annual schools swimming carnival season with the centre hosting 40 carnivals. The centre also hosted an Australia Day event which saw more than 1,000 visitors attend, enjoying the giant pool inflatable, an aqua disco, thong races, a dive bomb competition and much more.

# **Property and Facilities**

In February Council completed a major construction in the delivery of long-awaited North Narrabeen Reserve sporting facilities. These amenities consist of a modern purpose-built clubhouse building containing club rooms, storage, toilets and change rooms, a canteen and a breezeway and replaces the old clubhouse and adjacent portable public amenities building. The new building also contains several sustainable features, such as rain water collection, solar hot water and solar energy and will be a great facility for the local community for years to come.

Council worked closely with the two clubs who use the clubhouse, Pittwater Baseball and the Narrabeen Tigers Junior Rugby Union, on this project with the two sports clubs and the NSW State Government providing a portion of the funds for these works.

Additionally, the delivery of a new surf life saving club building in Mona Vale came a step closer to reality on 13 February 2019 when the Sydney North Planning Panel gave consent for the Development Application (DA). The project, which became fully funded after a 23 October 2018 announcement by the Member for Pittwater Rob Stokes that the NSW Government has provided an additional \$2.5m, is now progressing to detailed design with construction due to commence later in the calendar year.

Performance Measures – Property and Facilities	Target	September Quarter	December Quarter	March Quarter
Learn to Swim attendance (Manly and Warringah Aquatic Centres)	March ≥ 22,600	21,817	24,267	* 22,295
Total visitation to swim centres (Manly and Warringah Aquatic Centres)	March ≥ 246,100	178,312	216,924	275,467
Occupancy of Council buildings: % utilised by the community	100%	99.5%	** 99.5%	** 99.5%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

Notes on results: Targets for aquatic centres are seasonal and vary each quarter

\* Learn to Swim attendance - Learn to Swim numbers fluctuate. Preschool attendance was low at the WAC, whilst MABC swim enrolments continue to increase steadily.



\*\* Occupancy of Council buildings – Three buildings remain unavailable. All three (Currawong Games Room, Elanora Scouts Hall and the Jacka Park Shed) are on the 2019/20 program for renewal to bring back into community use.

# **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

Beach Building Works Program including major works at Mona Vale SLSC, Long Reef SLSC and the Narrabeen Swimming Club - Executive Manager Property

Progress on the beach building works program this quarter included:

- Collaroy SLSC boat storage roof contractor has been engaged and works have commenced.
- South Curl Curl SLSC concrete repairs the works were completed in October 2018.
- South Narrabeen SLSC lift and foyer upgrades the preferred tenderer has been appointed to undertake the works.
- North Narrabeen rockpool amenities upgrades the works have commenced but following representations from the clubs the start date for the project was delayed meaning that it will not be completed this financial year.
- Mona Vale SLSC renewal the DA was approved but further changes to the design will delay commencement of the project until later this calendar year.
- Long Reef SLSC renewal the Council meeting in February 2019 agreed to continue the project.

Sports Buildings Works Program including the creation of a new sports building in Nolan's Reserve and a new sports building in Pittwater Park - Executive Manager Property

The new amenities building at North Narrabeen Reserve has been finished and is now open for use.

Work at Nolan's Reserve has been suspended for contractual reasons.

Currawong Cottages and surrounds refurbishment and modernisation -Executive Manager Property

Approval for the initial DA works is being assessed by the Office of Environment and Heritage. A second DA for the remaining cabins is being prepared for submission.

The purchase of the Pasadena site - Executive Manager Property

In line with Council's Resolution on 1 August 2018 an offer was made to purchase the Pasadena site, which was subsequently rejected by the owner. Council will no longer be purchasing the Pasadena site. The State Government has since re-allocated these funds towards the delivery of other Council projects.

The review, consolidation and potential transfer of lands to Council from Crown Lands as part of the Crown Land Transfer Program. - Executive Manager Property

Council representatives have met with participants in the Crown Land Transfer Program for formal negotiations on five occasions with discussions progressing. The first batch of proposed land transfers for reporting and approval to the various governance bodies has been



determined and agreements are being finalised. The intent is to have these transfers agreed prior to the end of the financial year.



Develop a new customer friendly online booking and payment system for outdoor eating, watercraft storage permits, parking etc. - Executive Manager Property

This project has been rolled into the greater Council booking systems project. Council is in the process of procuring a contract for phase two of the project to commence.

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Identify Council's top 10 public assets/locations to be accessible -Executive Manager Property

An initial list of ten locations / properties has been prepared and circulated internally.



Conduct accessibility audits of Council's public facilities and assets - Executive Manager Property

Collation of existing accessibility reports has commenced with further research required; followed by analysis to identify gaps.

Implement priority asset improvements - Executive Manager Property

This action is reliant on the completion of the accessibility audit of Council's public facilities and assets. An initial list has been prepared and circulated for comment. Works will then be incorporated into Asset Management Plans and future years' capital renewal programs.



Work with the Department of Education on the future recreation use of the Manly Warringah War Memorial Park and plans to modernise the Warringah Aquatic Centre -Executive Manager Property

Council officers have been working closely with the Department of Education on the potential for funding the redevelopment of the Warringah Aquatic Centre in line with the proposed new school on Aquatic Reserve. The details are yet to be agreed, and discussions are continuing.

# CAPITAL PROJECTS

Key: Completed Progressing on schedule Behind schedule

# **Rural Fire Service program**



Terrey Hills Emergency Services Headquarters design works -Executive Manager Property

The project is currently on hold pending funding commitment from relevant organisations. No further work will be carried out this year.



Rural Fire Service building works program - Executive Manager Property

Work has commenced at Elvina Bay. Planning is in progress for Coal and Candle with work to commence in June and run over two financial years.



#### Civic building and compliance works

#### Currawong Cottages - new cottages, games room and amenities -Executive Manager Property

The project has been submitted to the Office of Environment and Heritage for approval before the work can be tendered. A further development application for the remaining six cabins is ready for submission.



#### Operational buildings works program - Executive Manager Property

Various office alterations have been undertaken in response to organisational changes. An access card project is progressing well with most buildings are now on the single card.



#### Sport buildings works program - Executive Manager Property

The new sporting amenities at Cromer Park opened earlier this financial year.

Upgrades to Forest Playing Fields Sports Amenities are due to commence in early April and be completed by June 2019.

Community engagement for the amenities extension at LM Graham Reserve has closed with construction works planned for the 2019/20 financial year.



#### Beach buildings works program - Executive Manager Property

Work at South Curl Curl SLSC was completed earlier in the year and the roofing contract for the boat storage area at Collaroy SLSC is progressing on schedule.



#### Swim Club Buildings Works Program - Executive Manager Property

Funds will be used on the amenities at North Narrabeen swim club building.

# Disability access compliance works (DDA) - Executive Manager Property

This program of works aim to improve accessibility to Council buildings. In this current financial year, the funds have been spent on works on the Beacon Hill Community Centre building upgrades and Nolan Reserve amenities as part of the expanded building works.

#### Building Code of Australia compliance works - Executive Manager Property

This program of works aim to address building code non-compliances to Council buildings. In this current financial year, the funds are allocated to works on the Beacon Hill Community Centre building upgrades.



#### Sydney Lakeside Holiday Park renewal works - Executive Manager Property

Upgrades to the facilities and cabins at Sydney Lakeside Caravan Park will be delivered under this project. Works to repair the bunk rooms have been completed along with several cabin upgrades. Further works will be scheduled for the quieter winter months and will be based on the results of the condition audit.



#### Pittwater Golf Driving Range renewal works - Executive Manager Property

This project aims to deliver upgrades to the Pittwater Golf Centre. A program of works is currently under preparation, in consultation with the Golf Centre management group with works to be undertaken after the busy summer period.





Works completed.



#### FINANCIALS

#### PROPERTY AND FACILITIES SERVICES

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	9,714,213	9,714,213	0	12,119,941	12,119,941	12,119,941
User Charges & Fees	12,590,922	12,331,073	259,849	15,108,526	15,609,776	15,820,776
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	8,867,910	8,335,090	532,820	11,874,748	11,673,498	11,963,199
Purposes Grants and Contributions - Capital	24,171	0	24,171	0	0	0
Purposes	1,881,163	(106,817)	1,987,980	1,142,688	417,582	1,984,171
Gains on disposal of Assets	(1,669,858)	(1,670,000)	142	0	(1,670,000)	(1,670,000)
Total Income From Continuing Operations	31,408,521	28,603,559	2,804,962	40,245,903	38,150,797	40,218,087
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(7,697,979)	(7,729,644)	31,665	(10,683,330)	(10,433,330)	(10,417,574)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(9,731,333)	(9,124,203)	(607,130)	(11,883,624)	(11,883,624)	(12,641,449)
Depreciation and Amortisation	(3,716,199)	(3,589,881)	(126,318)	(4,786,508)	(4,786,508)	(4,786,508)
Other Expenses	(5,599,486)	(5,558,884)	(40,602)	(7,418,104)	(7,418,104)	(7,481,852)
Internal Charges	(723,383)	(667,281)	(56,102)	(901,870)	(901,870)	(901,870)
Overhead Allocation	(3,429,350)	(3,429,350)	0	(4,572,467)	(4,572,467)	(4,572,467)
Total Expenses From Continuing Operations	(30,897,730)	(30,099,242)	(798,488)	(40,245,903)	(39,995,903)	(40,801,720)
Surplus / (Deficit) from Continuing						
Operations	510,791	(1,495,683)	2,006,474	(0)	(1,845,107)	(583,634)

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$510,791 is higher than forecast at the end of March primarily as a result of the financial impact of the transfer of TAFE lands to Council. Additionally there are greater than forecast income from both User Charges and Fees and Other Revenues and greater than forecast expenditure in Materials and Contracts.

Total Income from Continuing Operations of \$31,408,521 is greater than forecast by \$2,804,962. This result is principally due to the unbudgeted income relating to the transfer of TAFE land in Belrose from NSW Department of Education to Council of \$1,573,000, which is reflected in Grants and Contributions - Capital Purposes. The greater than forecast User Charges & Fees are primarily due to higher than anticipated patronage at the Manly Andrew Boy Charlton Aquatic Centre (MABC) leading to a positive position for the aquatic centres of \$211,379. Other Revenues income is trending greater than forecast due to additional retail sales in the aquatic centres, greater than forecast lease income from Kimbriki site rental and greater than forecast lease outgoings recoveries. The year end position for these three areas has been reforecast to reflect these increased income positions.

Total Expenses from Continuing Operations of \$30,897,730 are greater than forecast by \$798,488. Employee Benefits & Oncosts are \$31,665 lower than forecast primarily due to vacancies in the Property and Commercial team and Trades Services team, which has been mostly offset by the higher than budgeted casual staff requirements for the Aquatic Centres, which is related to the increased visitation and corresponding income. The end of year forecast for Employee Benefits and Oncosts have been revised down slightly (\$15,756) to reflect these positions and trends. Materials and Contracts are currently over budget by \$607,130, which reflects both the need to

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deliver services by contractors and agency personnel due to current staff vacancies, as well as an increased requirement in maintenance and operational works both in the Property area and the Aquatic Centres. It is anticipated that this trend will continue and the Material and Contracts year end forecast has been increased by \$757,825 to reflect this.

For the full financial year, the Deficit from Continuing Operations is forecast to decrease by \$1,261,474 to \$583,633 as a result of the changes noted above.



# Governance and Assurance Services

# HIGHLIGHTS

# Strategic Reference Groups (SRGs)

The six SRGs held meetings and provided valuable advice on how Council can address the community's aspirations and goals, in line with our *Community Strategic Plan*. Valuable feedback was received on a range of initiatives.



- Environment Strategy
- Naming Northern Beaches Open Space and Facilities
- Bushland and Biodiversity Policy

# Supporting our community and culture

- Community Grants
- Diplomatic Ties and Civic Relationships
- "Be Connected" Digital Literacy Initiative - Northern Beaches Library Services
- Live Music on the Northern
  Beaches
- Inclusive Business Award
- Manly Jazz Festival 2018 Wi-Fi

# Stimulating our economy

- Employment Study
- Destination Management Plan

The SRGs are proving to be vital stakeholders in assisting Council's strategic decision-making, by reviewing various strategies, plans and other initiatives presented each quarter.

# Office of Integrity and Complaints Resolution (OICR)

The first phase OICR's complaints management and reporting system, 'Mike', was deployed in early 2019.

'Mike' leverages the reporting and workflow management capability of Council's Salesforce-based Customer Relationship Management platform, OneCRM, to deliver significantly improved operational efficiencies and provide an enhanced view of risks and opportunities through a sophisticated reporting interface.

Working with Council's Head of Internal Audit and KPMG with oversight from the Audit, Risk and Improvement Committee (ARIC), the OICR have taken the first steps towards establishing the Northern Beaches Fraud and Corruption Control Plan and Policy.

Council's current Complaints Management Policy is being reviewed by the OICR to ensure currency and relevance.



Performance Measures – Governance and Assurance	Target	September Quarter	December Quarter	March Quarter
Council meeting minutes finalised and published within 3 working days of meetings	95%	100%	100%	100%
Council's compliance with Governance Framework to meet Governance statutory requirements	100%	100%	100%	100%
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Results Key: 📕 Achieved 📕 Approaching - within 5% of target 📕 Behind - more than 5% off target

# **OPERATIONAL PROJECTS**

Key: Completed Progressing on schedule Behind schedule

9

Design and delivery of a comprehensive Enterprise Risk and Opportunity Management (EROM) framework - Executive Manager Governance & Risk

The EROM Framework reference document the Risk & Opportunity Assessment Guidelines have been finalised.



Provide an Internal Audit program that is fully aligned with the Enterprise Risk and Opportunity Management (EROM) framework and is responsive to key strategic risks - Executive Manager Governance & Risk

The Strategic Internal Audit Plan: FY19 - FY21 was approved by Council at its Ordinary Meeting on 26 March 2019, following endorsement by the ARIC at its meeting on 19 February 2019.

Internal audit activity is underway in accordance with the approved Strategic Internal Audit Plan for FY19.

Ongoing monitoring and reporting on the implementation of internal audit recommendations is continuing.

#### Maintain and coordinate the committees framework and register, including the provision of support to establish and manage committees and joint external stakeholder groups - Executive Manager Governance & Risk

This project was completed in August 2018. Governance support is now established for committees and joint external stakeholder groups. The Committee Register is being maintained.



Coordinate the development and review of an integrated policy framework and maintain Council's Policy Register. - Executive Manager Governance & Risk

The Local Government (Council Amalgamations) Proclamation 2016 states that all of the policies of the three former councils (255 in total) are still in effect until Council adopts a new policy or the former policy is revoked. Since the amalgamation:

- 110 policies have been revoked and either replaced by a new similar policy, or revoked
- 27 new policies have been adopted by Council, 22 of these replaced some that were revoked
- The current policy register consists of 172 policies.


Develop and implement a technology platform to enable enhanced complaints management workflows and detailed reporting - Head of Integrity & Complaints

Phase one of Council's Complaint Management and Reporting tool is complete.



Develop and facilitate Code of Conduct training to Councillors and Council staff -Head of Integrity & Complaints

Code of Conduct training and awareness is an ongoing program for both Councillors and staff.

The anticipated adoption of the new Northern Beaches Council Code of Conduct in June 2019 represents another opportunity to raise awareness and remind staff of their obligations under the Code.



Deliver on initiatives identified in the OICR three year strategic plan -Head of Integrity & Complaints

Work continued on range of project in the OICR Strategic Plan. Extended leave by staff in the unit slowed progress on a number of projects this quarter

#### **FINANCIALS**

#### GOVERNANCE AND ASSURANCE SERVICES

#### Income Statement – 1 July to 31 March 2019

	YTD	YTD	YTD	Annual	Approved	Current
	Actual	Forecast	Variance	Budget	Forecast	Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	8,848,940	8,848,940	0	11,865,734	11,865,734	11,865,734
User Charges & Fees	1,434	7,263	(5,830)	9,735	9,735	9,735
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	249,694	250,000	(306)	0	250,000	250,000
Purposes	0	0	0	0	0	0
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets	0	0	0	0	0	0
Total Income From Continuing Operations	9,100,068	9,106,203	(6,135)	11,875,469	12,125,469	12,125,469
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(2,325,227)	(2,487,805)	162,579	(3,440,743)	(3,340,743)	(3,220,743)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(2,935,583)	(3,168,368)	232,785	(4,209,724)	(4,209,724)	(4,239,724)
Depreciation and Amortisation	(25,167)	(25,167)	0	(33,556)	(33,556)	(33,556)
Other Expenses	(2,088,613)	(2,217,862)	129,249	(2,958,718)	(2,958,718)	(2,958,718)
Internal Charges	(78,998)	(99,172)	20,174	(135,676)	(135,676)	(135,676)
Overhead Allocation	(822,789)	(822,789)	0	(1,097,052)	(1,097,052)	(1,097,052)
Total Expenses From Continuing Operations	(8,276,376)	(8,821,163)	544,787	(11,875,469)	(11,775,469)	(11,685,469)
Surplus / (Deficit) from Continuing Operations	823,691	285.040	538.652	(0)	350.000	440.000

#### Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$823,691 is higher than forecast at the end of March primarily as a result of lower than forecast expenditure.



Total Income from Continuing Operations of \$9,100,068 is consistent with the year to date forecast.

Total Expenses from Continuing Operations of \$8,276,376 is lower than forecast by \$544,787. This is principally the result of lower than anticipated Employee Benefits & Oncosts of \$162,579, lower Materials and Contracts of \$232,785 and lower Other Expenses of \$129,249.

Employee Benefits & Oncosts are lower than forecast primarily due to vacancies within the Governance and Risk business unit. The lower Materials and Contracts expenditure mostly relates to the delayed commencement of the contract for scheduled internal audit services. The program of audits is now on track to be completed by the end of the financial year. The variance in Other Expenses is principally due to the nature and variability of claims within the public liability and professional indemnity insurance and claims environment.

The Surplus from Continuing Operations for the full financial year is forecast to increase by \$90,000. This is comprised of a decrease of \$120,000 in Employee Benefits and Oncosts, partially offset by an increase in Materials in Contracts of \$30,000 primarily for the reasons noted above.



## **Customer Service**

## HIGHLIGHTS

Customer Service has introduced a number of measures this quarter to improve the customer experience.

Rates notices are now being produced with Council bar codes to allow for faster and more accurate processing of rates payments by using a bar code reader. This reduces the amount of time customers spend in our service centres which has a flow on effect to customer wait times.

Renewal of Manly residential parking permits has been streamlined by sending reminder emails to customers who previously bought permits, highlighting the documentation they require and also directing them to renew via email. This has seen a marked increase in early renewal rates and therefore permit compliance. There has also been a corresponding reduction in the number of customers visiting us to renew and therefore a reduction in wait times for customers who do choose to renew in person or who are visiting to conduct other council business.

We have also opened our Manly branch extended hours during peak parking permit renewal times to accommodate customers unable to reach us during normal business hours.

Performance Measures – Customer Service	Target	September Quarter	December Quarter	March Quarter
Calls answered within 30 seconds	80%	77 %	77 %	* 71%
Customer satisfaction with service calls	80%	90 %	90 %	90%
Customer satisfaction with online requests	80%	** Data not available	** Data not available	** Data not available
Customer requests conducted online	15%	17%	20%	39%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

#### Notes on results:

\* Calls Answered within 30 seconds - Target not met and lower than previous quarters. This is due to a 13% increase in call volume, more complex calls from significant projects such as the new Waste contract and staff vacancies.

\*\* Customer satisfaction with online requests – Feedback functionality for customers currently exists however no feedback has been received during this quarter. The functionality whereby customers are automatically prompted to provide feedback following an online interaction is under development but has been delayed by other development priorities. It is envisaged this prompting will result in increased customer feedback.

Workload Measures – Customer Service	September Quarter	December Quarter	March Quarter
No. calls to Customer Service 1300 434 434	49,048	46,117	52,065



### **OPERATIONAL PROJECTS**



Key: 🗹 Completed 🛛 😥 Progressing on schedule 📕 Behind schedule

Continued improvement to customer portal to enhance the customer experience -Executive Manager Customer Service

Project is on target for providing improved functionality to customer portal through delivery of customer interface into new waste contract and customer console.

Building a customer centric culture by continued delivery on Customer Experience (CX) Strategy Measures of Success program - Executive Manager Customer Service

Project is focusing on the measures of success of the 5-year strategy.



Investigation of a concierge and customer queuing system across all front counters -Executive Manager Customer Service

The project is currently gathering qualitative and quantitative customer data and feedback, across front counter operations, to help plan staffing levels and business improvements.

Investigate service delivery options for customer service locations including hours of operation. - Executive Manager Customer Service

On 25 September, Council adopted the recommendations of a review of Customer Service Centres, and will not to proceed with an additional facility in Frenchs Forest ward. We will continue investing in digital services, and monitor customer needs across all Service Centres. Project completed.



#### **FINANCIALS**

#### CUSTOMER SERVICE

## Income Statement - 1 July to 31 March 2019

	YTD Actual	YTD Forecast	YTD Variance	Annual Budget	Approved Forecast	Current Forecast
	Actual \$	Forecast \$	variance \$	budget\$	Forecast \$	Forecast \$
Income From Continuing Operations	Ť		Ť	<b>`</b>	•	
Rates and Annual Charges	1,723,858	1,723,858	0	2,495,218	2,495,218	2,495,218
User Charges & Fees	965,351	1,017,665	(52,314)	1,274,112	1,274,112	1,274,112
Investment Fees and Revenues	0	0	0	0	0	0
Other Revenues Grants and Contributions - Operating	0	0	0	0	0	0
Purposes	0	0	0	0	0	0
Grants and Contributions - Capital Purposes	0	0	0	0	0	0
Gains on disposal of Assets Total Income From Continuing Operations	0 2.689.210	0 2.741.523	0 (52,314)	0 3.769.330	0 3.769.330	0 3,769,330
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(2,489,733)	(2,582,484)	92,751	(3,523,107)	(3,523,107)	(3,523,107)
Borrowing Costs	0	0	0	0	0	0
Materials and Contracts	(180,659)	(212,758)	32,099	(282,720)	(282,720)	(282,720)
Depreciation and Amortisation	(34,843)	(34,843)	0	(46,457)	(46,457)	(46,457)
Other Expenses	(20,728)	(33,286)	12,558	(44,803)	(44,803)	(44,803)
Internal Charges	495,338	492,148	3,190	654,824	654,824	654,824
Overhead Allocation	(395,301)	(395,301)	0	(527,067)	(527,067)	(527,067)
Total Expenses From Continuing Operations	(2,625,925)	(2,766,523)	140,599	(3,769,330)	(3,769,330)	(3,769,330)
Surplus / (Deficit) from Continuing Operations	63,285	(25,000)	88,285	0	0	0

#### Commentary – Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$63,285 is higher than forecast at the end of March due to lower than forecast income and lower than forecast expenditure during the quarter.

Total Income from Continuing Operations of \$2,689,210 is lower than forecast by \$52,314 primarily due to the budgeted timing of the sale of parking permits, with sales allocated evenly over the financial year rather than the actual timing of the sales.

Total Expenses from Continuing Operations of \$2,625,925 are lower than forecast by \$140,599. Employee Benefits & Oncosts are lower than forecast by \$92,751 due to a number of vacancies that are now being recruited. Materials and Contracts are \$32,099 lower than forecast because of customers using our online reporting tool after-hours thereby allowing customers to self-serve for non-urgent issues rather than contact our contracted after-hours service.

No changes have been made to the annual forecast during this quarter review.



## **Corporate Support Services**

## **HIGHLIGHTS**

## Grant Funding secured

Council secured an addition \$1,194,454 in funding for:

Project	Agency	Grant
Northern Beaches Coast Walk Public Art Project	Liquor & Gaming NSW	\$200,000
Coastal Connections – Mona Vale to Narrabeen Coastal Dune restoration	NSW Department of Industry – Local Land Services	\$20,000
Hostile Vehicle Mitigation at Manly Corso & Wharf	Department of Industry, Innovation and Science (Federal)	\$400,000
Saving Sydney's Freshwater Wetlands on the Northern Beaches	NSW Environmental Trust	\$320,000
Collaroy Flood Study	NSW Office of Environment & Heritage	\$94,000
Middle Harbour Flood Study	NSW Office of Environment & Heritage	\$148,000
Avalon Netball Courts – Ancillary Infrastructure	Department of Premier & Cabinet	\$12,454

## Community grants and sponsorship

Applications for the 2019/20 Community, Arts and Culture grant program and the Events Grant and sponsorship program. These program support community organisations with seed funding for the delivery of services and events to the community. The applications for both programs close in April/May 2019.

Two grant writing seminars have also been held in March coinciding with the opening of Council's grant programs. These sessions assist participants in writing good application and securing much needed funding. Both sessions were well attended and received positive feedback.

Performance Measures – Corporate Support	Target	September Quarter	December Quarter	March Quarter
Correspondence replied to within 5 working days	80%	83%	91%	89%
Operational projects progressing or completed	80%	89%	92%	84%
Capital projects progressing or completed	80%	91%	90%	78%*
Quarterly and annual reports submitted to Council on time	100%	100%	100%	100%

Results Key: Achieved Approaching - within 5% of target Behind - more than 5% off target

#### Notes on results:

\* Capital projects progressing or completed - of the 125 capital projects 27 are behind schedule for delivery this financial year.



## **OPERATIONAL PROJECTS**

Key: Completed 😥 Progressing on schedule 💶 Behind schedule



Implement the Procurement Framework - Chief Financial Officer

Work to implement the Procurement Framework in 2018/19 is complete.

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#### Prepare and present Council's Quarterly Budget Review Statement -Chief Financial Officer

The third Quarterly Budget Review Statement for March 2019 is currently being prepared, and will be presented to the Council meeting on 28 May 2019.



#### Develop and refine processes, procedures, policies and management standards -Chief Financial Officer

Both the 'Invoicing and Debt Management Policy' and the "Rates & Annual Charges Hardship Policy" have been drafted and are being reviewed by the Deputy Chief Financial Officer - Transactional Accounting.



#### Deliver a program of service reviews -Executive Manager Strategy, Performance & Improvement

This project will start in April when the Service Improvement Framework and prioritised list of service reviews has been finalised by the Chief Executive Officer and Chief Executive Team.



#### Develop strategic directions and plans based on Integrated Planning and Reporting framework for Local Government -Executive Manager Strategy, Performance & Improvement

Continuing to provide strategic guidance into the development of the Local Strategic Planning Statement, Environment Strategy and Arts Strategy implementation plan.



Develop the Delivery Program and annual Operational Plan -Executive Manager Strategy, Performance & Improvement

Council's Delivery Program 2019-2023, including the Operational Plan and Budget 2019/20 were prepared this quarter for public exhibition during April and May.



### Implement disability awareness education and training for all staff -Executive Manager Human Resources

This project is driven by our Disability Inclusion Action Plan, and aligns to our draft Equal Employment Management Plan (EEO Plan). It also links to our People Plan by addressing our culture, values and behaviours, as well as increasing diversity in our workforce.

EEO, diversity and disability awareness:

- Are currently being reviewed as a part of our blended / e-learning capability investigations
- Will be incorporated into the review of Council's Trainee Management program
- Will be incorporated in to our 2019 induction program for new employees
- Are part of our ongoing training of our people leaders in Recruitment and Selection





Soldiers, Manly

The configuration has commenced with project completion now by end of May 2019.

#### IT Software – new works - Chief Information Officer

The IT Software New Works Program will consist of the following projects:

1. Identity Management Software - will not commence this financial year due to other priorities



## **IT** improvements

- 2. Facilities & Events Bookings System Tender evaluation report approved at the April Council meeting. Contract negotiation stage
- 3. Staff Roster Management System Library and children's Services Procurement stage tender closed, tender evaluation stage
- 4. Timesheet System Procurement stage tender closed, tender evaluation stage , a combined tender with the Rostering requirement report to be approved

Due to the long lead time to complete the procurement process for item 2, 3 and 4 spending is behind schedule.

### IT Infrastructure - replacements - Chief Information Officer

Network infrastructure replacements including switches firewalls and servers are on track for replacement.



#### IT Software - replacements - Chief Information Officer

This project is for the renewal of specialist software and is on schedule.



## PC and Mobile Device Replacements - Chief Information Officer

A program of replacements continued, to meet staff hardware requirements for both PCs and mobile devices.



### **FINANCIALS**

## **CORPORATE SUPPORT SERVICES**

#### Income Statement - 1 July 2018 to 31 March 2019

	YTD Actual	YTD Forecast	YTD Variance	Annual Budget	Approved Forecast	Current Forecast
	\$	\$	\$	\$	\$	\$
Income From Continuing Operations						
Rates and Annual Charges	49,189,331	48,997,752	191,580	8,975,128	9,175,128	9,175,128
User Charges & Fees	554,707	615,593	(60,886)	737,970	762,054	742,054
Investment Fees and Revenues	4,749,208	4,460,902	288,306	5,576,010	5,836,010	6,089,010
Other Revenues Grants and Contributions - Operating	487,678	406,015	81,663	134,941	639,426	639,426
Purposes	3,937,288	6,060,004	(2,122,716)	7,262,682	7,732,682	7,732,682
Grants and Contributions - Capital Purposes	7,709,410	7,741,619	(32,209)	8,900,000	10,150,000	10,250,000
Gains on disposal of Assets	1,692,500	1,270,000	422,500	0	1,270,000	1,690,000
Total Income From Continuing Operations	68,320,121	69,551,884	(1,231,763)	31,586,731	35,565,300	36,318,300
Expenses From Continuing Operations						
Employee Benefits & Oncosts	(18,284,181)	(18,390,293)	106,112	(26,286,653)	(25,476,444)	(25,261,748)
Borrowing Costs	(1,327,125)	(1,409,693)	82,569	(2,459,338)	(1,911,591)	(1,744,691)
Materials and Contracts	(6,374,637)	(6,711,367)	336,730	(8,057,879)	(9,299,032)	(8,769,228)
Depreciation and Amortisation	(2,217,979)	(2,674,807)	456,828	(1,768,024)	(3,768,024)	(3,768,024)
Other Expenses	(1,209,561)	(1,368,550)	158,989	(1,692,806)	(1,671,146)	(1,688,392)
Internal Charges	501,999	573,746	(71,747)	860,213	763,196	763,196
Overhead Allocation Total Expenses From Continuing	19,207,976	19,207,976	0	25,610,635	25,610,635	25,610,635
Operations	(9,703,507)	(10,772,988)	1,069,481	(13,793,852)	(15,752,405)	(14,858,251)
Surplus / (Deficit) from Continuing Operations	58,616,614	58,778,897	(162,282)	17,792,879	19,812,895	21,460,049

#### Commentary - Year to Date Actuals and Annual Forecast

The Total Surplus from Continuing Operations of \$58,616,614 is lower than forecast by \$162,282 at the end of March as a result of both lower than anticipated income and lower than forecast expenditure.

Total Income from Continuing Operations of \$68,320,121 is lower than forecast by \$1,231,763 for the following reasons:

- Rates and Annual Charges are higher than forecast by \$191,580 principally as a result of the timing of pensioner rates rebates;
- Investment Fees and Revenues are higher than forecast by \$288,306 as a result of higher than anticipated investments funds available;
- Other Revenues are higher than forecast by \$81,663 principally due to unbudgeted insurance costs recovered;
- The higher Gains on Disposal of Assets of \$422,500 relates to the sale of road reserves under Council resolution in Clontarf, Whale Beach and Palm Beach;
- User Charges & Fees were \$60,886 lower than forecast primarily due to a reduction in the volume of s603 rating certificates requested;



- Grants and Contributions for Operating Purposes was \$2,122,716 lower than forecast due to the prepayment of 50% of the 2018/19 Financial Assistance Grant at the end of the last financial year; and
- The higher Grants and Contributions for Capital Purposes of \$32,209 largely relates to higher development contributions.

Total Expenses from Continuing Operations of \$9,703,507 are lower than forecast by \$1,069,481:

- Employee Benefits & Oncosts were lower than forecast by \$106,112, principally due to vacant positions through the period and the timing of FBT expenses;
- Lower Borrowing Costs of \$82,569 reflects lower interest rates payable on loans;
- Materials and Contracts were \$336,730 lower than forecast primarily due to the timing of NCIF projects and the Mona Vale Performance Space, offset by increases in Information & Digital Technology due to the timing of software licence renewals.
- Depreciation is \$456,828 lower than forecast due to the timing of the completion of capital works projects; and
- The lower Other Expenses of \$158,989 principally relates to lower data services charges than anticipated and the timing of the remaining SCF community grants payments.

For the full financial year the Surplus from Continuing Operations is forecast to increase by \$1,647,154 to \$21,460,049.

Total Income from Continuing Operations is forecast to increase by \$753,000. Investment Fees and Revenues are forecast to increase by \$253,000 as a result of higher interest earnings. Grants and Contributions for Capital Purposes are forecast to increase by \$100,000 as a result of the receipt of a grant for works carried out in 2017/18 on the Marine Parade Landscape Masterplan. The increases have been partially offset by a decrease in User Charges and Fees of \$20,000 as a result of a lower level of s603 certificates. No forecast adjustment has been made in respect of the Financial Assistance Grant as we cannot anticipate whether the prepayment will again occur in this financial year. Gains on the Disposal of Assets are forecast to increase by \$420,000 due to the road reserve sales noted above.

Total Expenses from Continuing Operations are forecast to decrease by \$894,154. Employee Benefits and Oncosts are forecast to decrease by \$214,696 due to the vacancies noted above and a reforecast of the FBT anticipated payable. Borrowing Costs are forecast to decrease by \$166,900 due to interest rate variations on loans. Materials and Contracts are forecast to decrease by \$529,804 as a result of forecast decreases in Finance of \$210,000, in Strategy, Performance and Improvement of \$35,304, CEO's office of \$79,500 and \$330,000 in Systems & Information. The decrease in Finance relates to lower bank charges, postage costs and software costs, in Strategy, Performance and Improvement to Other Contract Services and in Systems & Information to a decrease in costs associated with system improvement programs through the utilisation of inhouse staff and the timing of the records digitalisation project. These decreases were partially offset by an increase in Capital Projects of \$30,000 for agency staff and \$95,000 for works to 19-21 Oaks Avenue Dee Why as per Council resolution (399/18 18 December 2018). Other Expenses are forecast to increase by \$17,246, with an increase of \$96,246 for the final SCF community grants, partially offset by a reduction of \$79,000 in other expenses for the CEO's office.



# MODEL CODE OF MEETING PRACTICE for Local Councils

for Local Councils in NSW

2018





## MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW 2018

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## **1** Introduction





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This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".



# 2 Meeting Principles





## 2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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## **3** Before the Meeting





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# Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings].
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use <u>either</u> clause 3.1 <u>or</u> 3.2

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

## **Extraordinary meetings**

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

# Notice to the public of council meetings

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

## Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

## Notice to councillors of ordinary council meetings

3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

## Note: Clause 3.7 reflects section 367(1) of the Act.

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.



# Notice to councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

## Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required] business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
  - (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

## **Questions with notice**

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

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## Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

### Note: Clause 3.21 reflects section 9(2A) (a) of the Act.

3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

## Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.



3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

### Note: Clause 3.24 reflects section 9(2A) (b) of the Act.

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

## Note: Clause 3.25 reflects section 9(3) of the Act.

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

## Note: Clause 3.26 reflects section 9(5) of the Act.

## Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.



## Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



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Model Code of Meeting Practice for Local Councils in NSW

## **4** Public Forums





- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number** to be specified by the council] minutes to address the council. This time is to be strictly enforced by the chairperson.



- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to [number to be specified by the council] minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.

- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.







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## **5** Coming Together





## Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

## Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils <u>must not</u> adopt clause 5.3.

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

## Note: Clause 5.7 reflects section 234(1) (d) of the Act.

5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

# The quorum for a meeting

5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.



5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

## Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
  - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

## Entitlement of the public to attend council meetings

5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

## Note: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

## Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council



and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

## Webcasting of meetings

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19-5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19-5.22.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

# Attendance of the general manager and other staff at meetings

5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

## Note: Clause 5.23 reflects section 376(1) of the Act.

5.24 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

## Note: Clause 5.24 reflects section 376(2) of the Act.

5.25 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

## Note: Clause 5.25 reflects section 376(3) of the Act.

5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.



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## 6 The Chairperson





## The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

## Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
  - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

# Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
  - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



## 7 Modes of Address





- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].


# 8 Order of Business for Ordinary Council Meetings





- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs]
  - 01 Opening meeting
  - 02 Acknowledgement of country
  - 03 Apologies and applications for a leave of absence by councillors
  - 04 Confirmation of minutes
  - 05 Disclosures of interests
  - 06 Mayoral minute(s)
  - 07 Reports of committees
  - 08 Reports to council
  - 09 Notices of motions/Questions with notice
  - 10 Confidential matters
  - 11 Conclusion of the meeting

Note: Councils must use <u>either</u> clause 8.1 <u>or</u> 8.2.

8.3 The order of business as fixed under [8.1/8.2] [delete whichever is not applicable] may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

> Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause8.3 may speak to the motion before it is put.



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# 9 Consideration of Business at Council Meetings





2018

## Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
  - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.



9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

# Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.







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# **10 Rules of Debate**





#### Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### **Notices of motion**

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
  - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council..

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause
  10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

# Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.



- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### **Foreshadowed motions**

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

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- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## Participation by nonvoting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

> Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations <u>must</u> adopt clause 10.31. Councils <u>must not</u> adopt clause 10.31.



# 11 Voting





2018

### Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations <u>must</u> adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils <u>must not</u> adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

# Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.



# Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.







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# 12 Committee of the Whole





12.1 The council may resolve itself into a committee to consider any matter before the council.

# Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

# Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.



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# 13 Dealing with Items

# by Exception





- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.



# 14 Closure of Council Meetings to the Public





2018

## Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret,

- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

# Note: Clause 14.3 reflects section 10B(1) of the Act.



- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
  - (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

# Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

# Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

### Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
  - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.



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### Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

# Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number** to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.



# Expulsion of noncouncillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the firstmentioned person from that place and, if necessary restrain that person from reentering that place for the remainder of the meeting.

## Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
  - (a) the relevant provision of section 10A(2) of the Act,

- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

## Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.







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# **15 Keeping Order at Meetings**





### **Points of order**

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### **Questions of order**

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### **Motions of dissent**

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

### Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
  - (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or



- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
  - (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
  - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

## How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

### **Expulsion from meetings**

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

# Note: Councils may use either clause 15.14 or clause 15.15.

- 15.16 Clause [15.14/15.15] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.



- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

## Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the firstmentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



# **16 Conflicts of Interest**





16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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# 17 Decisions of the Council





### **Council decisions**

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

# Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

# Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

# Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

# Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

# Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.



- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
  - (a) a notice of motion signed by three councillors is submitted to the chairperson, and
  - (b) a motion to have the motion considered at the meeting is passed, and
  - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
  - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
    - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.







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# 18 Time Limits on Council Meetings





- 18.1 Meetings of the council and committees of the council are to conclude no later than [council to specify the time].
- 18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.


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## **19 After the Meeting**





2018

### **Minutes of meetings**

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
  - (a) details of each motion moved at a council meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

## Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

#### Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting. 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

## Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

## Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

## Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

## Note: Clause 19.10 reflects section 11(3) of the Act.



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19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

# Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.







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## **20 Council Committees**





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2018

## **Application of this Part**

20.1 This Part only applies to committees of the council whose members are all councillors.

## Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
  - (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### **Functions of committees**

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

# Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
  - (a) the time, date and place of the meeting, and

- (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
  - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

### Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
  - (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.



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## Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

# Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations <u>must</u> adopt clause 20.17 and omit clause 20.16. Councils <u>must not</u> adopt clause 20.17.

20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).



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# Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

# Disorder in committee meetings

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

## Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



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## **21** Irregularities





2018

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
  - (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.



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## 22 Definitions





2018

the Act	means the Local Government Act 1993
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and
	in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for</i> Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor unde clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 o this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act



Model Code of Meeting Practice for Local Councils in NSW

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the Local Government (General) Regulation 2005
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June











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## **DRAFT Code of Meeting Practice February 2019**

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Black text – mandatory clauses from Model Code of Meeting Practice *Black italics text* – non mandatory clauses from Model Code of Meeting Practice *Blue italics text* – Northern Beaches Council tailored clauses from May 2018 *Bold blue italics text* – New Northern Beaches Council tailored clauses



## **1** Introduction

This Code of Meeting Practice is made under section 360 of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

This code applies to all meetings of council and committees of council of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in italics



## 2 Meeting Principles

2.1 Council and committee meetings should be	2.1	Council ar	nd committee	meetings	should be:
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Transparent	Decisions are made in a way that is open and accountable.
Informed	Decisions are made based on relevant, quality information.
Inclusive	Decisions respect the diverse needs and interests of the local community.
Principled	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful	Councillors, staff and meeting attendees treat each other with respect.
Effective	Meetings are well organised, effectively run and skilfully chaired.
Orderly	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



## **3 Definitions**

chief executive officer	means the person who carries out the role of the general manager of a council in accordance with the Local Government Act 1993.	
the Act	means the Local Government Act 1993.	
the Regulation	means the Local Government (General) Regulation 2005.	
act of disorder	means an act of disorder as defined in clause 16.10 of this code.	
amendment	in relation to an original motion, means a motion moving an amendment to that motion.	
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.	
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 7.1 and 7.2 of this code; and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 21.11 of this code.	
this code	means the council's adopted code of meeting practice	
committee of council	means a committee established by the council in accordance with clause 21.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 13.1.	
council official	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council.	
day	means calendar day	
division	means a request by two councillors under clause 12.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion.	
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 11.16 of this code during debate on the first amendment.	
foreshadowed motion	means a motion foreshadowed by a councillor under clause 11.15 of this code during debate on an original motion.	
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.	
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.	
performance improvement order	means an order issued under section 438A of the Act.	
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.	
year	means the period beginning 1 July and ending the following 30 June.	
urgent business	means a matter that requires a decision by the council before the next scheduled ordinary meeting of the council.	

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## **4** Before the Meeting

#### Timing of ordinary council meetings

4.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

#### Extraordinary meetings

4.2 If the mayor receives a request in writing, signed by at least two councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 4.2 reflects section 366 of the Act.

- 4.3 The mayor or the chief executive officer, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.
- 4.4 For the purpose of clause 4.3, urgent business is any matter that, in the opinion of the mayor or the chief executive officer, requires a decision by the council before the next scheduled ordinary meeting of the council.

#### Notice to the public of council meetings

4.5 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

#### Note: Clause 4.5 reflects section 9(1) of the Act.

- 4.6 For the purposes of clause 4.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 4.7 For the purposes of clause 4.5, notice of more than one meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

4.8 The chief executive officer must send to each councillor, at least three days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

#### Note: Clause 4.8 reflects section 367(1) of the Act.

4.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

#### Note: Clause 4.9 reflects section 367(3) of the Act.



#### Notice to councillors of extraordinary meetings

4.10 Notice of less than three days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 4.10 reflects section 367(2) of the Act.

#### Giving notice of business to be considered at council meetings

- 4.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 12 noon, 7 days before the meeting is to be held.
- 4.12 A councillor may, in writing to the chief executive officer, request the withdrawal of a notice of motion or question on notice submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 4.13 The first two notices of motion submitted by each Councillor will be dealt with in the order they are received at an ordinary meeting. Any subsequent notices of motion will be dealt with in the order they are received once all of the councillors' first two notices of motion have been put to the meeting.
- 4.14 If the chief executive officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 4.15 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11. If the notice of motion does not identify a funding source, the chief executive officer must either:
  - (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 4.16 A councillor may, by way of a notice submitted under clause 4.11, ask a question for response by the chief executive officer about the performance or operations of the council.
- 4.17 A councillor is not permitted to ask a question with notice under clause 4.16 that comprises a complaint against the chief executive officer or a member of staff of the council, or a question that implies wrongdoing by the chief executive officer or a member of staff of the council.
- 4.18 The chief executive officer or their nominee may respond to a question with notice

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submitted under clause 4.16 by way of a report included in the business papers and minutes of a subsequent ordinary meeting of Council, or orally at the meeting. If the preparation of a response is likely to divert significant time and resources of staff the response will be provided no later than the third ordinary meeting of council following the meeting that the question was published.

#### Agenda and business papers for ordinary meetings

- 4.19 The chief executive officer must cause the agenda for a meeting of the council or a committee of the council is prepared as soon as practicable before the meeting.
- 4.20 The chief executive officer must ensure that the agenda for an ordinary meeting of the council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 4.11.
- 4.21 Nothing in clause 4.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 10.6.
- 4.22 The chief executive officer must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the chief executive officer, the business is, or the implementation of the business would be, unlawful. The chief executive officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 4.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the chief executive officer, is likely to take place when the meeting is closed to the public, the chief executive officer must ensure that the agenda of the meeting:
  - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

#### Note: Clause 4.23 reflects section 9(2A)(a) of the Act.

4.24 The chief executive officer must ensure that the details of any item of business which, in the opinion of the chief executive officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### Availability of agenda and business papers to the public

4.25 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and



at such other venues determined by the council.

#### Note: Clause 4.25 reflects section 9(2) and (4) of the Act.

4.26 Clause 4.25 does not apply to the business papers for items of business that the chief executive officer has identified under clause 4.23 as being likely to be considered when the meeting is closed to the public.

#### Note: Clause 4.26 reflects section 9(2A)(b) of the Act.

4.27 For the purposes of clause 4.25, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

#### Note: Clause 4.27 reflects section 9(3) of the Act.

4.28 A copy of an agenda, or of an associated business paper made available under clause 4.25, may in addition be given or made available in electronic form.

Note: Clause 4.28 reflects section 9(5) of the Act.

#### Agenda and business papers for extraordinary meetings

- 4.29 The chief executive officer must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 4.30 Despite clause 4.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency.
- 4.31 A motion moved under clause 4.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 4.32 Despite clauses 11.19–11.29, only the mover of a motion moved under clause 4.30(a) can speak to the motion before it is put.
- 4.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 4.30(b) on whether a matter is of great urgency.

#### Pre-meeting briefing sessions

- 4.34 Prior to each ordinary meeting of the council, the chief executive officer will arrange a premeeting briefing session to brief councillors on the items of business to be considered at the meeting. The pre-meeting session may include other matters as determined by the chief executive officer including, but not limited to, legal briefings and staff reports deferred from previous council meetings for further discussion. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 4.35 Pre-meeting briefing sessions are to be held in the absence of the public.
- 4.36 The chief executive officer or a member of staff nominated by the chief executive officer is to preside at pre-meeting briefing sessions.
- 4.37 Councillors (including the mayor) are to make all reasonable efforts to attend pre-meeting briefing sessions.



- 4.38 Councillors (including the mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 4.39 It is the responsibility of councillors (including the mayor) to declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



## 5 Public Forum & Public Address

#### **Public Forum**

- 5.1 A public forum will be conducted at each ordinary council meeting for a period of 30 minutes (maximum of 10 speakers at 3 minutes each).
- 5.2 Public forum should not be used to raise routine questions, matters or complaints. Such matters should be forwarded in writing to council where they will be responded to by appropriate council officers.
- 5.3 Any question to Council must be submitted with the request to address Council and will be reviewed by staff prior to the meeting:
  - (a) If the question is deemed to be a routine matter it will be processed as a customer request and a response will be provided in accordance with customer service standards.
  - (b) If the question is accepted staff and councillors are under no obligation to answer questions at the meeting however a written response will be provided in accordance with customer service standards.
- 5.4 The order of speakers at the public forum is determined by the order of receipted applications.

#### **Public Address**

- 5.5 Following the public forum, the council will hold a public address at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business, being mayoral minutes, reports to council and notices of motion, to be considered at the meeting. Public addresses may also be held at extraordinary council meetings and meetings of committees of the council if included on the order of business.
- 5.6 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting. The order of speakers for each item is determined by the order of receipted "for" and "against" applications.
- 5.7 Councillors (including the mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business at public address.

#### Conducting the Public Forum and Public Address

- 5.8 For each meeting, a person may apply to speak during a public address on no more than two items of business on the agenda of the council meeting and no more than once at a public forum.
- 5.9 Legal representatives acting on behalf of others are not to be permitted to speak at a public address or public forum unless they identify their status as a legal representative when applying to speak at the public address.
- 5.10 To speak at the public forum or public address, a person must first make an application to the council in the approved form. Applications to speak must be received by 12pm of the date on which the Council meeting is to be held, and must identify:
  - (a) the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item, or
  - (b) the subject matter of what they would like to speak to at the public forum.



- 5.11 The chief executive officer or the Executive Manager, Governance and Risk may refuse an application to speak at the public forum or public address for the following reasons:
  - (a) the application does meet the requirements of the Code of Meeting Practice
  - (b) there is a genuine and demonstrable concern relating to the applicant or their dealings with Council or their intentions.
- 5.12 Speakers may use and distribute information such as photos, and maps and petitions to councillors to support of their address if submitted to and approved by the chief executive officer (or the Executive Manager Governance and Risk) by 12 noon on the day of the meeting.
- 5.13 Each speaker will be allowed three minutes to address the council. This time is to be strictly enforced by the chairperson with no extensions given.
- 5.14 Speakers at the public forum or public address must not digress from the item on the agenda of the council meeting or the subject matter they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 5.15 A councillor (including the chairperson) may through the chairperson, for the purpose of clarification only, ask a question of a speaker following their address at the public forum or public address. A question put to a speaker must be direct, succinct and without argument. Once the speaker has answered any questions there will be no further debate on the matter.
- 5.16 Speakers are under no obligation to answer a question put under clause 5.15. Answers by the speaker, to each question are to be limited to two minutes per question. A maximum of two questions may be asked of a speaker.
- 5.17 Speakers at the public forum or public address may ask questions of the council, councillors or council staff. Councillors or council staff are under no obligation to answer questions at the meeting and a written response to questions will be provided in accordance with customer service standards.
- 5.18 When addressing the council, speakers must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 5.19 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 5.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 5.20 Clause 5.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at the public forum or public addresses in accordance with the provisions of Part 16 of this code.
- 5.21 Where a speaker engages in conduct of the type referred to in clause 5.18, the chief executive officer or their delegate may refuse further applications from that person to speak at the public forum or public addresses for such a period as the chief executive officer or their delegate considers appropriate.



#### **Invited Speakers**

5.22 Other parties may be permitted to address an ordinary meeting of Council subject to:

- (a) Notice of that person's attendance at the meeting being included by the chief executive officer on the relevant business paper **or advised to councillors via a memo prior to the meeting.**
- (b) Public forum not being considered the most appropriate forum in which to hear that person(s).
- (c) Not more than ten (10) minutes in total being provided at any ordinary Council meeting to hear such person(s).



## 6 Coming Together

#### Attendance by councillors at meetings

6.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 6.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 6.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 6.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 6.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 6.6 A councillor's civic office will become vacant if the councillor is absent from three consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

#### Note: Clause 6.6 reflects section 234(1)(d) of the Act.

6.7 A councillor who intends to attend a meeting of the council despite having been granted leave of absence should, if practicable, give the chief executive officer at least two days' notice of their intention to attend.

#### The quorum for a meeting

6.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

#### Note: Clause 6.8 reflects section 368(1) of the Act.

6.9 Clause 6.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

#### Note: Clause 6.9 reflects section 368(2) of the Act.

- 6.10 A meeting of the council must be adjourned if a quorum is not present:
  - (a) at the commencement of the meeting where the number of apologies received for



the meeting indicates that there will not be a quorum for the meeting, or

- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.
- 6.11 In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the chief executive officer.
- 6.12 The chief executive officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 6.13 If during a meeting of Council or a Committee, a quorum is not present, the Chairperson shall suspend the proceedings for a period of **five** minutes. If a quorum is not then present at the end of the **five**-minute suspension, the provisions of Clause 6.11 shall apply.
- 6.14 If the meeting is to resume on another day any decisions of Council made prior to the lapsing of the meeting are to be acted upon by staff and do not need to await the resumption of the adjourned meeting. The outstanding items are to be resubmitted to the adjourned meeting for determination.
- 6.15 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the chief executive officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 6.16 Where a meeting is cancelled under clause 6.15, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 4.2.

#### Entitlement of the public to attend council meetings

6.17 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

#### Note: Clause 6.15 reflects section 10(1) of the Act.

- 6.18 Clause 6.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 6.19 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

#### Note: Clause 6.17 reflects section 10(2) of the Act.



#### Webcasting of meetings

- 6.20 All meetings of the council and committees of the council are to be webcast on council's website. *Meetings are livestreamed (audio visual) via council's website and a copy uploaded to the website the day following the meeting.*
- 6.21 Clause 6.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 6.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 6.23 An audio visual recording of each meeting of the council and committee of the council is to be retained on the council's website for a minimum of four years. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 6.24 Written transcriptions of such proceedings shall not be made available.

#### Attendance of the chief executive officer and other staff at meetings

6.25 The chief executive officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

#### Note: Clause 6.24 reflects section 376(1) of the Act.

6.26 The chief executive officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

#### Note: Clause 6.25 reflects section 376(2) of the Act.

6.27 The chief executive officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the chief executive officer or the terms of employment of the chief executive officer.

#### Note: Clause 6.26 reflects section 376(3) of the Act.

6.28 The attendance of other council staff at a meeting, (other than as members of public) shall be with the approval of the chief executive officer.



## 7 The Chairperson

#### The chairperson at meetings

7.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

#### Note: Clause 7.1 reflects section 369(1) of the Act.

7.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

#### Note: Clause 7.2 reflects section 369(2) of the Act.

#### Election of the chairperson in the absence of the mayor and deputy mayor

- 7.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 7.4 The election of chairperson must be conducted:
  - (a) by the chief executive officer or, in their absence, an employee of the council designated by the chief executive officer to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the chief executive officer nor a designated employee is present at the meeting, or if there is no chief executive officer or designated employee.
- 7.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 7.6 For the purposes of clause 7.5, the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 7.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 7.8 Any election conducted under clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chairperson to have precedence

- 7.9 When the chairperson rises or speaks during a meeting of the council:
  - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



## 8 Modes of Address

- 8.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 8.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 8.3 A councillor is to be addressed as 'Councillor [surname]'.
- 8.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 8.5 A councillor shall address all remarks or questions, either through or to the chairperson.



## 9 Order of Business for Ordinary Council Meetings

- 9.1 The general order of business for an ordinary meeting of the council shall be:
  - 01 Acknowledgement of country
  - 02 Apologies and applications for leave of absence by councillors
  - 03 Confirmation of minutes
  - 04 Disclosures of interests
  - 05 Public forum & public address
  - 06 Items resolved by exception
  - 07 Mayoral minute(s)
  - 08 Reports to council
  - 09 Notices of motions
  - 10 Matters of urgency
  - 11 Notices of rescission
  - 12 Questions with notice
  - 13 Responses to questions with notice
  - 14 Confidential matters
- 9.2 The order of business as fixed under clause 9.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

#### Note: Part 14 allows council to deal with items of business by exception.

9.3 Despite clauses 11.19 - 11.29, only the mover of a motion referred to in clause 9.2 may speak to the motion before it is put.



## **10** Consideration of Business at Council Meetings

#### Business that can be dealt with at a council meeting

- 10.1 The council must not consider business at a meeting of the council:
  - (a) unless a councillor has given notice of the business, as required by clause 4.11, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 4.8 in the case of an ordinary meeting and clause 4.10 in the case of an extraordinary meeting.
- 10.2 Clause 10.1 does not apply to the consideration of business at a meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 10.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 10.3 Despite clause 10.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency.
- 10.4 A motion moved under clause 10.3(a) can be moved without notice. Despite clauses 11.19
  11.29, only the mover of a motion referred to in clause 10.3(a) can speak to the motion before it is put.
- 10.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 10.3(b).

#### Late Items

- 10.6 In exceptional circumstances reports not listed for consideration on the business paper may be tabled at an Ordinary Meeting. The chief executive officer is authorised to submit late agenda items.
- 10.7 Late reports should only be brought forward in the case of urgency and necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.
- 10.8 For matters not listed on the agenda of meetings and where less than three days' notice has been provided in accordance with clause 4.8, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.

#### Mayoral minutes

10.9 Subject to clause 10.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of council, or of which the council has official knowledge.



- 10.10 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 10.11 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 10.12 A mayoral minute must not be used to put without notice matters that are routine and not urgent, with the exception of staff recognition or Council awards and matters of significant community interest, or matters for which proper notice should be given because of their complexity.
- 10.13 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. The mayor should liaise with the chief executive officer for assistance in costing a mayoral minute and identifying potential funding sources. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

10.14 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 10.15 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 10.16 If in a report of a committee of the council distinct recommendations are made, the council may make separate decision on each recommendation.

#### Questions

- 10.17 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 4.11 and 4.16.
- 10.18 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 10.19 A councillor may, through the chief executive officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the chief executive officer at the direction of the chief executive officer.
- 10.20 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 10.21 The councillor must put questions directly, succinctly, respectfully and without argument.
- 10.22 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



## 11 Rules of Debate

#### Motions to be seconded

11.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

#### Notices of motion

- 11.2 A councillor who has submitted a notice of motion under clause 4.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 11.3 If a councillor who has submitted a notice of motion under clause 4.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor is *encouraged to* withdraw the motion *prior to public address or at the latest* when it is before the council.
- 11.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
  - (a) any other councillor may move the motion at the meeting, or
  - (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

#### Chairperson's duties with respect to motions

- 11.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 11.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 11.7 Before ruling out of order a motion or an amendment to a motion under clause 11.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 11.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions Requiring the Expenditure of Funds

11.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the motion if adopted.


# Amendments to motions

- 11.10 An amendment to a motion must be moved and seconded before it can be debated.
- 11.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 11.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 11.13 If an amendment has been lost, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before council at any one time.
- 11.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 11.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 11.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

# Foreshadowed motions

- 11.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 11.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 11.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.



# Limitations on the number and duration of speeches

- 11.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and to any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 11.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 11.22 A councillor may speak only once on a motion or an amendment for a maximum of five minutes at any one time.
- 11.23 Despite clause 11.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 11.24 Despite clause 11.21, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

NOTE: (DRAFT TEXT) Council resolved on XX "That, as a matter of efficiency in council meetings, there be a standing reduction of all speeches from 5 minutes to 3 minutes with the option of an additional 2 minutes to conclude their speech where resolved by council.

- 11.25 Despite clauses 11.20 and 11.21, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two councillors have spoken in favour of the motion or amendment and at least two councillors have spoken against it.
- 11.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 11.25. A seconder is not required for such a motion.
- 11.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 11.19.
- 11.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 11.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 11.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.



# 12 Voting

# Voting entitlements of councillors

12.1 Each councillor is entitled to one vote.

#### Note: Clause 12.1 reflects section 370(1) of the Act.

12.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

#### Note: Clause 12.2 reflects section 370(2) of the Act.

12.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

# Voting at council meetings

- 12.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 12.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 12.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

# Voting on planning decisions

- 12.7 The chief executive officer must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 12.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 12.9 Clauses 12.7–12.8 apply also to meetings that are closed to the public.

Note: Clauses 12.7–12.8 reflect section 375A of the Act.



# **13 Committee of the Whole**

13.1 The council may resolve itself into a committee to consider any matter before the council.

#### Note: Clause 13.1 reflects section 373 of the Act.

13.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

#### Note: Clauses 11.19 - 11.29 limit the number and duration of speeches.

- 13.3 The chief executive officer or, in the absence of the chief executive officer, an employee of the council designated by the chief executive officer, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 13.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.



# 14 Dealing with Items by Exception

- 14.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 14.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 14.1, the chairperson must list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 14.3 The council or committee must not resolve to adopt any item of business under clause 14.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 14.4 Where a councillor wishes to commend council staff on an item of business due to be adopted under clause 14.1 a notation in the minutes can be included at the discretion of the chief executive officer. If councillors wish to include specific wording this must be submitted to the chief executive officer by 12 noon on the working day following the meeting.
- 14.5 Where the consideration of multiple items of business together under clause 14.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 9.2.
- 14.6 A motion to adopt multiple items of business together under clause 14.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 14.7 Items of business adopted under clause 14.1 are to be taken to have been unanimously adopted.
- 14.8 Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a report that Councillor should remove themselves from the Council Chamber and not vote on the resolution to adopt the reports by exception.



# **15 Closure of Council Meetings to the Public**

### Grounds on which meetings can be closed to the public

- 15.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the council's code of conduct.

#### Note: Clause 15.1 reflects section 10A(1) and (2) of the Act.

15.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 15.2 reflects section 10A(3) of the Act.



# Matters to be considered when closing meetings to the public

- 15.3 A meeting is not to remain closed during the discussion of anything referred to in clause 15.1:
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

#### Note: Clause 15.3 reflects section 10B(1) of the Act.

- 15.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 15.1(g) unless the advice concerns legal matters that:
  - (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

#### Note: Clause 15.4 reflects section 10B(2) of the Act.

15.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 15.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 15.1.

#### Note: Clause 15.5 reflects section 10B(3) of the Act.

- 15.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

#### Note: Clause 15.6 reflects section 10B(4) of the Act.

15.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

#### Note: Clause 15.7 reflects section 10B(5) of the Act.



# Notice of likelihood of closure not required in urgent cases

- 15.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed, but only if:
  - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 15.1, and
  - (b) the council or committee, after considering any representations made under section 15.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

#### Note: Clause 15.8 reflects section 10C of the Act.

### Representations by members of the public

15.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### Note: Clause 15.9 reflects section 10A(4) of the Act.

- 15.10 A representation under clause 15.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 15.11 Where the matter has been identified in the agenda of the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12pm on the day before the meeting at which the matter is to be considered.
- 15.12 The chief executive officer (or their delegate) may refuse an application made under clause 15.11. The chief executive officer or their delegate must give reasons in writing for a decision to refuse an application.
- 15.13 No more than two speakers are to be permitted to make representations under clause 15.9.
- 15.14 If more than the permitted number of speakers applies to make representations under clause 15.9, the chief executive officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 15.9, the chief executive officer or their delegate is to determine who will make representations to the council.
- 15.15 The chief executive officer (or their delegate) is to determine the order of speakers.
- 15.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 15.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.



15.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers are to confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

# Expulsion of non-councillors from meetings closed to the public

- 15.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 15.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

### Information to be disclosed in resolutions closing meetings to the public

- 15.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
  - (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### Note: Clause 15.20 reflects section 10D of the Act.

### Resolutions passed at closed meetings to be made public

- 15.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 15.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public will be made public by the chairperson under clause 15.21 by displaying the resolutions on the public screens during the meeting and on the livestream of the meeting webcast.



# **16 Keeping Order at Meetings**

# Points of order

- 16.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 16.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 16.3 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

# Questions of order

- 16.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 16.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 16.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 16.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

# Motions of dissent

- 16.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 16.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 16.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

# Acts of disorder

- 16.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
  - (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

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- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 16.12 The chairperson may require a councillor:
  - to apologise without reservation for an act of disorder referred to in clauses 16.10(a) or (b), or
  - (b) to withdraw a motion or an amendment referred to in clause 16.10(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 16.10(d) and (e).

### How disorder at a meeting may be dealt with

16.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

# Expulsion from meetings

- 16.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 16.15 Clause 16.13, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.
- 16.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 16.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 16.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 16.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 16.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.



# Use of mobile phones and the unauthorised recording of meetings

- 16.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 16.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 16.22 Any person who contravenes or attempts to contravene clause 16.20, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 16.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



# **17 Conflicts of Interest**

17.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.



# **18 Decisions of the Council**

# **Council decisions**

18.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

#### Note: Clause 18.1 reflects section 371 of the Act.

18.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

# Rescinding or altering council decisions

18.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 4.11.

#### Note: Clause 18.3 reflects section 372(1) of the Act.

18.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, or up to 12 noon on the working day following the meeting, the resolution must not be carried into effect until the motion of rescission has been dealt with.

#### Note: Clause 18.4 reflects section 372(2) of the Act (excluding italics text).

- 18.5 Unless resolved otherwise, it is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/ or committee meeting.
- 18.6 If a motion has been lost by the council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 4.11.

#### Note: Clause 18.5 reflects section 372(3) of the Act.

18.7 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost by the council, must be signed by three councillors if less than three months has elapsed since the resolution was passed, or the motion was rejected.

#### Note: Clause 18.6 reflects section 372(4) of the Act.

18.8 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was rejected. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

#### Note: Clause 18.7 reflects section 372(5) of the Act.

18.9 The provisions of clauses 18.5–18.7 concerning lost motions do not apply to motions of adjournment.

### Note: Clause 18.8 reflects section 372(7) of the Act.

- 18.10 A notice of motion submitted in accordance with clause 18.6 may only be withdrawn under clause 4.12 with the consent of all signatories to the notice of motion.
- 18.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council



Note: Clause 18.10 reflects section 372(6) of the Act.

- 18.12 Subject to clause 18.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
  - (a) a notice of motion signed by three councillors is submitted to the chairperson, and
  - (b) a motion to have the motion considered at the meeting is passed, and
  - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 18.13 A motion moved under clause 18.11(b) can be moved without notice. Despite clauses 11.19–11.29, only the mover of a motion referred to in clause 18.11(b) can speak to the motion before it is put.
- 18.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.11(c).

#### Recommitting resolutions to correct an error

- 18.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
  - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution
- 18.16 In seeking the leave of the chairperson under clause 18.14 to move to recommit a resolution adopted at the same meeting, the councillor is to propose alternative wording for the resolution.
- 18.17 The chairperson must not grant leave under clause 18.14, unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 18.18 A motion moved under clause 18.14 can be moved without notice. Despite clauses 11.19– 11.29, only the mover of a motion referred to in clause 18.14 can speak to the motion before it is put.
- 18.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.14.
- 18.20 A motion moved under clause 18.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



# 19 Time Limits on Council Meetings

- 19.1 A short break of not less than 10 minutes is to be taken within the first three hours at each ordinary and extraordinary meeting of council and committees of the council.
- 19.2 Meetings of the council and committees of the council are to conclude no later than 11.00pm.
- 19.3 If the business of the meeting is unfinished at 11.00pm the council or the committee of council may by resolution extend the time of the meeting in two 30 minute intervals to a maximum of midnight, for the purpose of concluding the matter under consideration or the remaining items on the agenda.
- 19.4 If the business of the meeting is unfinished at **11.00pm** and the council does not resolve to extend the meeting or at midnight at the latest the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 19.5 Clause 19.4 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 19.6 Where a meeting is adjourned under clause 19.4 or 19.5, the chief executive officer must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on council's website and in such other manner that the chief executive officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



# **20** After the Meeting

# Minutes of meetings

20.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

#### Note: Clause 20.1 reflects section 375(1) of the Act.

- 20.2 At a minimum, the chief executive officer must ensure that the following matters are recorded in the council's minutes:
  - (a) details of each motion moved at a council meeting and of any amendments moved to it, *including;* 
    - (i) motions which are validly moved, but which lapsed for the want of a seconder; and
    - (ii) motions that are ruled out of order by the Mayor/Chairperson because they are;
      - a) not considered urgent
      - b) are considered unlawful
      - c) are considered to be outside of Council's jurisdiction.
      - (Note: The wording of motions ruled out of order by the Mayor/Chairperson will not be included in the Minutes (in this case only the Mayors ruling will be included).
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 20.3 Notations in minutes requested by individual councillors, except those identified in clause 14.4, will only be included following a resolution of council approving their inclusion.
- 20.4 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

#### Note: Clause 20.3 reflects section 375(2) of the Act.

- 20.5 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.6 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

#### Note: Clause 20.5 reflects section 375(2) of the Act.

- 20.7 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.8 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its



meetings on its website prior to their confirmation.

# Access to correspondence and reports laid on the table at, or submitted to, a meeting

20.9 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

#### Note: Clause 20.8 reflects section 11(1) of the Act.

20.10 Clause 20.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

#### Note: Clause 20.9 reflects section 11(2) of the Act.

20.11 Clause 20.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

#### Note: Clause 20.10 reflects section 11(3) of the Act.

20.12 Correspondence or reports to which clauses 20.9 and 20.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

### Implementation of decisions of the council

20.13 The chief executive officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 20.12 reflects section 335(b) of the Act.



# **21 Council Committees**

# Application of this Part

21.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 21.2 The council may, by resolution, establish such committees as it considers necessary.
- 21.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 21.4 The quorum for a meeting of a committee of the council is to be:
  - (a) such number of members as the council decides, or
  - (b) if the council has not decided a number a majority of the members of the committee.

### Functions of committees

21.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

### Notice of committee meetings

- 21.6 The chief executive officer must send to each councillor regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:
  - (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 21.7 Notice of less than three days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

- 21.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
  - (a) has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 21.9 Clause 21.8 does not apply if all of the members of the council are members of the committee.



# Non-members entitled to attend committee meetings

- 21.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
  - (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

### Chairperson and deputy chairperson of council committees

- 21.11 The chairperson of each committee of the council must be:
  - (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 21.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 21.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 21.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

# Procedure in committee meetings

- 21.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 21.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 21.15.
- 21.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).



# Closure of committee meetings to the public

- 21.18 The provisions of the Act and Part 15 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 21.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 21.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 21.19 during a part of the meeting that is webcast.

# Disorder in committee meetings

21.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

# Minutes of council committee meetings

- 21.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
  - (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 21.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 21.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 21.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 21.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 21.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 21.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



# 22 Irregularities

- 22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
  - (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to disclose a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

Note: Clause 22.1 reflects section 374 of the Act.



# Appendix One – Procedural Motions

Motion		Moved without Notice	Requires Seconder	Speakers / Debate Permitted	Right of Reply
(i)	Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii)	Business without Notice (matter of urgency) (clause 10.3)	Yes	Yes	Mover of motion only	No
(iii)	Dissent from Chairperson's ruling on Point of Order	Yes	Yes	Mover & Chairperson only may speak	No
(iv)	Adjoumment of Meeting	Yes	Yes	No debate permitted	No
(v)	Limitation to number of speakers (motion be now put)	Yes if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.	No	No debate permitted. Motion must be put immediately after mover of original motion/amendment has right of reply.	No
(vi)	Deferment of a Matter	Yes	Yes	Yes	Yes
(vii)	Motion be dealt with in seriatim	Yes	Yes	Mover of motion only	No



# **Version Control**

Revision	Date	Change	Ref
1	22/11/2016	Northern Beaches Council Code of Meeting Practice adopted	2016/299769
2	2 22/05/2018 Northern Beaches Council Code of Meeting Practice adopted		2018/104009
3	19/2/2019	DRAFT incorporating prescribed Model Code of Meeting Practice clauses.	2019/019769





# MINUTES

# AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

held in the Flannel Flower, Civic Centre, Dee Why on

**TUESDAY 19 FEBRUARY 2019** 

Meeting commenced at 3:02pm





19 FEBRUARY 2019

# Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 19 February 2019 in the Flannel Flower Room, Civic Centre, Dee Why

### ATTENDANCE:

#### Voting Members of the Committee

Mr Stephen Horne (Chairperson) Mr Mark McCoy Ms Sarah Richardson Ms Julie Walton Cr Sarah Grattan Cr Sue Heins Cr David Walton

### **Council Officers (non-voting)**

Mr Ray Brownlee PSM	Chief Executive Officer
Mr Mark Jones	Acting General Manager Customer and Corporate
Mr Todd Dickinson	Acting General Manager Environment and Infrastructure
Mr David Walsh	Chief Financial Officer
Mr Nathan Rogers	Chief Information Officer
Ms Sonya Gallery	Executive Manager Governance and Risk
Ms Caroline Foley	Executive Manager Financial Planning and Systems
Mr Michael McDermid	Acting Executive Manager Strategy Performance and Improvement
Ms Kerrie Pryke	Executive Manager Human Resources
Mr Eric Imbs	Head of Integrity and Complaints
Ms Mary Rupping	Head of Internal Audit
Mr Rob Koopman	Manager Insurance and Risk
Ms Megan Schlotjes	Manager Asset Strategy, Planning and Performance
Ms Pamela Tasker	Administration Officer Internal Audit
Ms Annie Laing	Governance Officer

### **Council Auditors (non-voting)**

Ms Sarah Cain	Partner, Internal Audit, KPMG
Ms Aisling Kilgannon	Senior Manager, Internal Audit, KPMG
Mr Priyank Baveja	Director, Cyber Security Team, KPMG (via conference call)
Ms Karen Taylor	Director of Financial Audit Services, Audit Office of NSW





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#### NOTES

- 1. Mr Ray Brownlee PSM assumed the Chair at the commencement of the meeting.
- 2. Mr Brownlee invited attendees to introduce themselves for the benefit of new Members.
- 3. The Committee resolved to first move to consider Item 11.0 Election of Committee Chair.
- 4. Following Item 11.0 Election of Committee Chair, Mr Horne assumed the Chair.

#### COMMITTEE RESOLUTION

That the Committee first move to consider Item 11.0 – Election of Committee Chair.

(Cr Grattan / Cr Heins)

# 11.0 ELECTION OF COMMITTEE CHAIR

#### PROCEEDINGS IN BRIEF

Independent Members were asked to indicate if they wished to be considered for the role of Chair. Two Members nominated and a vote was undertaken on a show of hands, electing Mr Horne.

#### COMMITTEE RESOLUTION

The Committee resolved that in accordance with the Audit, Risk and Improvement Committee Charter, Section 3.1 – *Members (Voting)* – *Chairperson*, Mr Stephen Horne be formally appointed as Chair of the Committee for a period of twelve months.

(Cr Heins / Cr Grattan)

### 1.0 APOLOGIES

Nil.

# 2.0 DISCLOSURES OF INTEREST

Nil.

### 3.0 CONFIRMATION OF MINUTES

#### 3.1 MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 13 NOVEMBER 2018

#### COMMITTEE RESOLUTION

That the Minutes of the Audit, Risk and Improvement Committee meeting held 13 November 2018, copies of which were previously circulated to all Members, are hereby confirmed as a true and correct record of the proceedings of that meeting.

(Cr Heins / Cr Grattan)





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# 4.0 ACTION ITEMS FROM MINUTES

#### 4.1 ACTION ITEMS FROM MINUTES

#### PROCEEDINGS IN BRIEF

Ms Mary Rupping, Head of Internal Audit, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with a progress update on the actions arising from the minutes of previous meetings of the Committee.

#### PRECIS

Action Items arising from Audit, Risk and Improvement Committee meetings are minuted and responsibility assigned. Progress is tracked and reported to the Committee at subsequent meetings.

#### ACTION ITEM

> The Action Items Log to include indicative timelines on items marked 'In Progress'.

### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the progress on actions arising from the minutes of previous meetings.

(Cr Heins / Cr Grattan)

# 5.0 STANDING ITEMS

#### 5.1 VERBAL UPDATE BY THE CHIEF EXECUTIVE OFFICER

#### **PROCEEDINGS IN BRIEF**

Mr Ray Brownlee PSM, Chief Executive Officer, addressed the meeting on this item.

#### PRECIS

The Chief Executive Officer provided the Committee with an update on current issues under consideration by Council, particularly any issues which may present a potential risk to Council.

#### COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the verbal update by the Chief Executive Officer.

(Cr Heins / Cr Grattan)

#### NOTES

- 1. Ms Foley joined the meeting at 3.24pm.
- 2. Mr Walsh joined the meeting at 3.27pm.

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#### 5.2 QUARTERLY FINANCE UPDATE

#### PROCEEDINGS IN BRIEF

- 1. Ms Caroline Foley, Executive Manager Financial Planning and Systems, addressed the meeting on this item.
- 2. The attachments to Item 5.2 Quarterly Finance Update which were omitted from Attachment Booklet 1 were circulated electronically to Members and tabled at the meeting.

#### PURPOSE

To present the financial results for the six months ended 31 December 2018.

#### PRECIS

In accordance with the Local Government (General) Regulation 2005, a December Quarterly Budget Review Statement (QBRS) has been prepared that indicates the latest estimates of income and expenditure for the financial year. The report outlines the consolidated financial position of the Council and is provided to Council to enable informed decision making while ensuring transparency.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the Quarterly Budget Review Statement for the six months ended 31 December 2018.

(Cr Heins / Cr Grattan)

#### NOTES

- 1. The Committee recommended that management consider including ratios which can provide a comparison with the ratios set by the Audit Office of NSW, including commentary on those behind target and year on year comparison data where available.
- 2. Mr Rogers joined the meeting at 3.30pm.
- 3. Ms Foley and Mr Walsh left the meeting at 3.33pm.

### 6.0 SPECIAL AGENDA ITEMS

#### 6.1 INFORMATION AND DIGITAL TECHNOLOGY REPORT

#### **PROCEEDINGS IN BRIEF**

Mr Nathan Rogers, Chief Information Officer, addressed the meeting on this item.

#### PURPOSE

To consider Council's Cyber Security Roadmap, policy in relation to the risk of data breach, and cyber security policy review and penetration testing.





19 FEBRUARY 2019

#### PRECIS

The Information and Digital Technology Business Plan for FY18/19 and 19/20, Audit, Risk and Improvement Committee actions from the May 2018 meeting and recommendations from *Cyber Security Policy Review and Penetration Testing Internal Audit Report December 2018* contain the following key activities to review and increase Council's cyber security maturity:

- 1. Develop a Cyber Security Roadmap to reach and maintain an appropriate level of maturity according to the *Australian Cyber Security Centre Essential 8 Maturity Model*.
- 2. Maintain existing cyber security controls.
- 3. Remediate and implement recommendations in *Cyber Security Policy Review and Penetration Testing Internal Audit Report December 2018.*

#### COMMITTEE RESOLUTION

- 1. The Audit, Risk and Improvement Committee noted that management is seeking qualified providers to assist in the development of a Cyber Security Roadmap which is to be brought back to a future Audit, Risk and Improvement Committee.
- 2. The Audit, Risk and Improvement Committee noted the organisation's existing key controls to protect Council from internal or external data breach.
- 3. The Audit, Risk and Improvement Committee noted the status update provided on the progress of recommendations in the *Cyber Security Policy Review and Penetration Testing Internal Audit Report December 2018.*

(Cr Grattan / Cr Heins)

#### NOTES

- 1. The Committee recommended that management consider developing guidelines for the use of Council issued electronic devices overseas.
- 2. Mr Rogers left the meeting at 3.37pm.
- 3. Ms Pryke joined the meeting at 3.38pm.

### 6.2 EXCESS STAFF LEAVE ANALYSIS

#### **PROCEEDINGS IN BRIEF**

Ms Kerrie Pryke, Executive Manager Human Resources, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with a report on excess staff annual leave and the actions underway to manage associated risks.

#### PRECIS

Council is committed to managing excess staff annual leave to promote work life balance, manage work health and safety risks and associated financial implications.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the report on excess staff annual leave.

(Cr Grattan / Cr Heins)

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#### NOTES

- 1. The Committee recommended that management consider benchmark comparison with previous years and/or with other councils.
- 2. The Committee recommended that management consider the identification of outliers for further analysis.
- 3. Ms Pryke left at 3.46pm.
- 4. Mr Dickinson and Ms Schlotjes joined meeting at 3.47pm.

### 6.3 ASSET MANAGEMENT PLAN UPDATE

#### PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer, Mr Todd Dickinson, Acting General Manager Environment and Infrastructure and Ms Megan Schlotjes, Manager Asset Strategy, Planning and Performance addressed the meeting on this item.

#### PURPOSE

To present an update on Council's Asset Management Plans to the Audit, Risk and Improvement Committee.

#### PRECIS

This report presents:

- The background to the development of Council's Asset Management Plans, and
- A consolidated summary of the Asset Management Plans for the four infrastructure groups (Roads, Stormwater, Buildings and Park Assets), which includes:
  - Condition of our assets (as at 30 June 2018)
  - Opportunities and emerging issues identified with the current management of our assets
  - Overview of planned ten-year investment in our assets
  - How the delivery of the service will be improved.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the update on Council's Asset Management Plans.

(Cr Heins / Cr Grattan)

#### NOTES

- 1. The Committee recommended that management clarify budget allocation for capital renewal.
- 2. Mr Walsh rejoined the meeting at 3.50pm.
- 3. Mr Dickinson and Ms Schlotjes left the meeting at 4.06pm.





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# 7.0 EXTERNAL AUDIT

#### 7.1 NORTHERN BEACHES COUNCIL 2018 FINAL MANAGEMENT LETTER

#### PROCEEDINGS IN BRIEF

Ms Karen Taylor, Director of Financial Audit Services Audit Office of NSW and Mr David Walsh, Chief Financial Officer, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with the Audit Office of NSW Management Letter on the Final Phase of the Audit for the Year Ended 30 June 2018.

#### PRECIS

Following the completion of the final phase of the audit of Northern Beaches Council's 2018 financial statements, the Audit Office of NSW have provided their Management Letter. The letter outlines:

- · matters of governance interest identified during the current audit
- unresolved matters identified during previous audits
- matters required to be communicated under Australian Auditing Standards

Two issues have been raised in the management letter:

- 1. Lack of assessment performed for the new accounting standards.
- 2. Findings arising from the data collection for the Auditor General's Report to Parliament for Local Government 2017–18:
  - Asset management Council does not have a documented methodology to allocate direct labour, direct materials and overheads to capital projects. They also noted that Asset Management Plan (AMP) that incorporates all three amalgamated councils is currently in development.
  - b) Governance Council does not have a documented legislative compliance policy.
  - c) Procurement activities the review of procurement activities over a selected contract identified that Council did not conduct a contractor performance evaluation at the end of contract.

Management has provided responses to the issues raised and they have been added to a Recommendations Status Tracker.

### COMMITTEE RESOLUTION

- 1. The Audit, Risk and Improvement Committee noted the Audit Office of NSW 2018 Final Phase Audit Management Letter.
- 2. The Audit, Risk and Improvement Committee resolved that the issues raised be added to a Management Letter Recommendations Status Tracker and management's progress be reported to each Audit, Risk and Improvement Committee meeting until completed.

(Cr Heins / Cr Walton)

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#### 7.2 STATUS UPDATE AUDIT OFFICE OF NSW 2018 MANAGEMENT LETTER RECOMMENDATIONS

#### PROCEEDINGS IN BRIEF

Mr David Walsh, Chief Financial Officer, addressed the meeting on this item.

#### PURPOSE

To provide an update on the implementation of recommendations raised in the 2018 Interim Audit Management Letter from the Audit Office of NSW.

#### PRECIS

Audit recommendations from the 2018 interim audit of Council's financial statements have been input into a Recommendations Status Tracker. The Management Letter was provided to Council on 29 August 2018 and presented to the Committee on 5 September 2018, with an update being provided on 13 November 2018.

There were ten recommendations with seven of the ten recommendations having been implemented to date. We have revised the completion date on the Domestic Waste exception reports to 31 March 2019.

#### COMMITTEE RESOLUTION

- 1. The Audit, Risk and Improvement Committee noted the status of the implementation of the Audit Office of NSW's 2018 Interim Audit Management Letter recommendations.
- The Audit, Risk and Improvement Committee resolved that Management's progress with the implementation of the audit recommendations continue to be reported at each Audit, Risk and Improvement Committee meeting.

(Cr Grattan / Cr Heins)

### 7.3 IMPACT OF NEW ACCOUNTING STANDARDS

#### **PROCEEDINGS IN BRIEF**

Mr David Walsh, Chief Financial Officer, addressed the meeting on this item.

#### PURPOSE

In accordance with a request by the Audit, Risk and Improvement Committee at its meeting on 5 September 2018 an update is provided on the impact of new Accounting Standards for the Financial Statements in 2018/2019.

#### PRECIS

The following new accounting standards will apply to the 2018/19 financial statements of Northern Beaches Council:

• AASB 9 Financial Instruments

The following new accounting standards will apply to the 2019/20 financial statements of Northern Beaches Council:

- AASB 15 Revenue from Contracts with Customers
- AASB 1058 Income of Not-for-Profit Entities
- AASB 16 Leases
- AASB 1059 Service Concession Arrangements: Grantors

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#### COMMITTEE RESOLUTION

- 1 The Audit, Risk and Improvement Committee noted the update of the impact of the new accounting standards.
- 2 The Audit, Risk and Improvement Committee noted that a further report will be brought to the Committee when the full implementation of the changes is finalised.

(Mr Horne / Ms Walton)

#### NOTES

- 1. Mr Rogers rejoined the meeting at 4.19pm.
- 2. Mr Walsh left the meeting at 4.30pm.

### 8.0 INTERNAL AUDIT

#### 8.1 INTERNAL AUDIT ACTIVITY UPDATE

#### **PROCEEDINGS IN BRIEF**

Ms Mary Rupping, Head of Internal Audit, Ms Sarah Cain, Partner Internal Audit KPMG, Mr Priyank Baveja, Director Cyber Security Team KPMG (via conference call) and Mr Nathan Rogers Chief Information Officer addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with an update on internal audit activities since the most recent meeting.

#### PRECIS

In accordance with the approved 2018/2019 Interim Internal Audit Plan, the following internal audit activity has taken place since the most recent meeting of the Audit, Risk and Improvement Committee on 13 November 2018:

- Cybersecurity Maturity Assessment internal audit report finalised with management comments - presented to the Audit, Risk and Improvement Committee at the meeting of 19 February 2019
- Governance Framework draft internal audit report presented to management for comment – to be presented to the Audit, Risk and Improvement Committee at the meeting scheduled for 30 April 2019
- Work Health & Safety Management audit planning complete, fieldwork underway
- Fraud and Corruption Risk Management project scope finalised, fieldwork to commence.

An audit on Kimbriki Environmental Enterprises was requested by the CEO in addition to the approved internal audits per the 2018/2019 Interim Internal Audit Plan. Fieldwork is complete and a draft internal audit report will be presented to management for comment. The final report is anticipated to be presented to the ARIC at the meeting scheduled for 30 April 2019.

A Draft 3 Year Strategic Internal Audit Plan 2019-2021 has been prepared and is presented to the Audit, Risk and Improvement Committee for approval.

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#### ACTION ITEM

The Strategic Internal Audit Plan 2019-2021 to include a mapping of Extreme and High rated operational business risks to planned Internal Audit Activity.

#### COMMITTEE RESOLUTION

- 1. The Audit, Risk and Improvement Committee noted the update provided on internal audit activities.
- 2. The Audit, Risk and Improvement Committee noted the Cyber Security Policy Review and Penetration Testing Internal Audit Report.
- 3. The Audit, Risk and Improvement Committee endorsed the Draft 3 Year Strategic Internal Audit Plan 2019-2021 and recommend to Council for approval.

(Ms Walton / Cr Grattan)

#### NOTE

Mr Rogers and Ms Taylor left the meeting at 4.48pm.

#### 8.2 IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS

#### PROCEEDINGS IN BRIEF

Ms Mary Rupping, Head of Internal Audit, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with a status update on the implementation of audit recommendations arising from completed internal audits.

#### PRECIS

Audit recommendations arising from completed internal audits are input into the Internal Audit Recommendations Status Tracker, with assigned management responsibility and due date for implementation. Management's progress with the implementation of internal audit recommendations is reported at each Audit, Risk and Improvement Committee meeting to evaluate the adequacy, effectiveness and timeliness of actions taken by management on reported findings and recommendations.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the status of implementation of internal audit recommendations by management.

(Cr Grattan / Cr Heins)

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#### 9.0 FRAUD AND RISK MANAGEMENT

#### 9.1 GOVERNANCE AND RISK MANAGEMENT REPORT

#### **PROCEEDINGS IN BRIEF**

Ms Sonya Gallery, Executive Manager Governance and Risk, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with an update on governance and risk management activities.

#### PRECIS

The report provides an update to the Audit, Risk and Improvement Committee on governance and risk management activities over the period November 2018 to January 2019.

#### ACTION ITEM

Management to investigate the possibility of approaching councils and/or professional associations towards the compilation of a centralised compliance register

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the governance and risk management update.

(Ms Walton / Cr Grattan)

#### 9.2 MAJOR PROJECTS - RISK STATUS UPDATE

#### PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer and Ms Sonya Gallery, Executive Manager Governance and Risk, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with a summary of current major organisational and capital works projects and their key risks.

#### PRECIS

This report provides an outline of key Council projects of substantial size, value or risk; and provides a summary of the key risks, the risk status and the mitigating actions or controls in place for these projects.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the summary of the major organisational projects of significant size, value or risk, and the mitigating actions or controls relating to their key risks.

(Ms Walton / Cr Grattan)

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NOTES

Ms Pryke rejoined the meeting at 5.27pm.

#### 9.3 WORK HEALTH & SAFETY UPDATE

#### PROCEEDINGS IN BRIEF

Ms Kerrie Pryke, Executive Manager Human Resources, addressed the meeting on this item.

#### PURPOSE

To provide the Audit, Risk and Improvement Committee with an update on Work Health & Safety (WHS).

#### PRECIS

Council continues to be committed to fostering the development of attitudes and beliefs that support a safety first culture and enable our people to work safely. Considerable progress continues to be made in the development of the Northern Beaches WHS Management System.

#### ACTION ITEM

Claims to be identified as a percentage of the whole within each category where possible.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the update on Work Health & Safety.

(Cr Grattan / Cr Heins)

#### NOTES

- 1. Mr Imbs joined the meeting at 5.37pm.
- 2. Ms Pryke left the meeting at 5.41pm.

#### 9.4 UPDATE FROM THE OFFICE OF INTEGRITY AND COMPLAINTS RESOLUTION

#### PROCEEDINGS IN BRIEF

Mr Eric Imbs, Head of Integrity and Complaints, addressed the meeting on this item.

#### PURPOSE

To advise members of the Audit, Risk and Improvement Committee with information relating to formal and informal GIPA applications, complaints received including alleged breaches of the Code of Conduct, matters relating to fraud and corruption, complaints made under the Public Interest Disclosures Act 1994 (PID), and referrals to or from The Independent Commission Against Corruption (ICAC) and the NSW Ombudsman and compliments to Northern Beaches Council staff and Councillors.





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#### PRECIS

- The reporting of confidential information relating to formal and informal GIPA applications, complaints received including alleged breaches of the Code of Conduct, complaints made under the Public Interest Disclosures Act 1994 (PID), and referrals to or from ICAC and the NSW Ombudsman, compliments and Fraud and Corruption Control in regards to Northern Beaches Council staff and operations.
- Advice on the development and implementation of Council's Fraud and Corruption Prevention Policy and Fraud and Corruption Control Plan.

#### ACTION ITEM

Members to provide comment on the draft Fraud and Corruption Prevention Policy directly to the Head of Integrity and Complaints.

#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the report from the Office of Integrity and Complaints Resolution.

(Cr Grattan / Cr Heins)

#### NOTES

- 1. Ms Laing left the meeting at 5.49pm.
- 2. Mr Jones and Mr McDermid joined the meeting at 5.50pm.
- 3. Mr Imbs left the meeting at 5.52pm.

#### 10.0 IMPROVEMENT

#### 10.1 PERFORMANCE AND IMPROVEMENT UPDATE

#### **PROCEEDINGS IN BRIEF**

Mr Mark Jones, Acting General Manager Customer and Corporate and Mr Michael McDermid, Acting Executive Manager Strategy Performance and Improvement, addressed the meeting on this item.

#### PURPOSE

To provide the Committee with an update on Northern Beaches Council's transformation and improvement initiatives.

#### PRECIS

The report provides:

- The document, 'Our Journey' that outlines Council's past 2.5 years, summarising key milestones and achievements and reflects on how far we have come in creating a new organisation
- 2. An update on the major remaining transformation areas
- 3. Financial Savings Update
- 4. An outline of Council's Improvement Framework, Performance Framework and current initiatives.

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#### COMMITTEE RESOLUTION

After review and discussion, the Audit, Risk and Improvement Committee noted the report on the transformation and improvement initiatives.

(Cr Heins / Cr Grattan)

#### NOTE

Mr Jones and Mr McDermid left the meeting at 5.58pm.

#### 12.0 GENERAL BUSINESS

Nil.

#### 13.0 NEXT MEETING

The next meeting of the Audit, Risk and Improvement Committee is scheduled to take place on Tuesday 30 April 2019, commencing at 3.00pm in the Guringai Room, Level 2, Civic Centre, Dee Why.

THE MEETING CONCLUDED AT 5.59PM.





## The Northern Beaches Council Code of Conduct 2019



northern beaches council







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### Part 1: Introduction



Part 1: Introduction

The Northern Beaches Council Code of Conduct ("the Code of Conduct") is aligned to the Model Code of Conduct for Local Councils in NSW 2018 ("the Model Code of Conduct") which is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation") and was prescribed on 14 December 2018.

The Model Code of Conduct sets the minimum standards of conduct for all council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees). The Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct and it may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of this Code of Conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this Code of Conduct constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with this Code of Conduct may give rise to disciplinary action.



### Part 2: Definitions





Part 2: Definitions

In this Code of Conduct, the following terms have the following meanings:

IGA	the Local Government Act 1993
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council	Northern Beaches Council
council committee	a committee established by Council comprising of councillors, staff or other persons that Council has delegated functions to
council committee member	a person other than a councillor or member of staff of council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979
CEO	Northern Beaches Council Chief Executive Officer
joint organisation	a joint organisation established under section 400o of the LGA
local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979



mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Northern Beaches Council Code of Conduct
the Regulation	the Local Government (General) Regulation 2005
volunteering	as defined under Volunteering Australia
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

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Part 2: Definitions



### Part 3: General conduct obligations



Part 3: General conduct obligations

#### **General conduct**

- 3.1 You must not conduct yourself in a manner that:
  - a. is likely to bring Council or other council officials into disrepute
  - b. is contrary to statutory requirements or Council's administrative requirements, policies or Council values
  - c. is improper or unethical
  - d. is an abuse of power
  - e. causes, comprises or involves intimidation or verbal abuse
  - f. involves the misuse of your position to obtain a private benefit
  - constitutes harassment or bullying behaviour under this Code of Conduct, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

#### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

#### Harassment & Discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
  - a. is not wanted by the person
  - b. offends, humiliates or intimidates the person, and
  - c. creates a hostile environment.

#### Bullying

- 3.8 You must not engage in bullying behaviour towards others
- 3.9 For the purposes of this Code of Conduct, "bullying behaviour" is any behaviour in which:
  - a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
  - a. aggressive, threatening or intimidating conduct
  - b. belittling or humiliating comments
  - c. spreading malicious rumours
  - teasing, practical jokes or 'initiation ceremonies'
  - e. exclusion from work-related events
  - f. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g. displaying offensive material
  - h. pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:



- a. performance management processes
- b. disciplinary action for misconduct
- c. informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d. directing a worker to perform duties in keeping with their job
- e. maintaining reasonable workplace goals and standards
- f. legitimately exercising a regulatory function
- g. legitimately implementing a council policy or administrative processes.

#### Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, you must:
  - h. take reasonable care for your own health and safety
  - take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - j. comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and Council's Work Health and Safety Policy and procedures to ensure workplace health and safety
  - cooperate with any reasonable Council policy or procedure relating to workplace health or safety that has been notified to Council staff
  - report accidents, incidents, near misses, to the CEO or such other staff member nominated by the CEO, and take part in any incident investigations
  - m. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

# Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### **Binding caucus votes**

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### **Obligations in relation to meetings**

3.19 You must comply with rulings by the chair



Part 3: General conduct obligations

at council and committee meetings or other proceedings of Council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part and Council's Prevention of Discrimination, Bullying and Harassment in the Workplace policy) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of Council, or of a committee of Council. Without limiting this clause, you must not:

- a. leave a meeting of Council or a committee for the purposes of depriving the meeting of a quorum, or
- submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c. deliberately seek to impede the consideration of business at a meeting.



### Part 4: Pecuniary Interests



Part 4: Pecuniary Interests

#### What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - a. your interest, or
  - b. the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - a. our "relative" is any of the following:
    - ii. your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted or foster child
    - iii. your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iv. the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b. "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
  - a. if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b. just because the person is a member of,

or is employed by, a council or a statutory body, or is employed by the Crown, or

c. just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

### What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
  - a. your interest as an elector
  - b. your interest as a ratepayer or person liable to pay a charge
  - c. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code of Conduct
  - d. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code of Conduct
  - e. an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f. if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - g. an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company



- h. an interest you have arising from the proposed making by Council of an agreement between Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i. an interest you have arising from the making by Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area:
  - the performance by Council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii. security for damage to footpaths or roads
  - any other service to be rendered, or act to be done, by Council by or under any Act conferring functions on Council, or by or under any contract
- an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n. an interest arising from being covered by,

or a proposal to be covered by, indemnity insurance as a councillor or a council committee member

- an interest arising from the appointment of a councillor to a body as a representative or delegate of Council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

### What disclosures must be made by a designated person?

- 4.8 Designated persons include:
  - a. the CEO
  - b. other senior staff of Council for the purposes of section 332 of the LGA
  - c. a person (other than a member of the senior staff of Council) who is a member of staff of Council or a delegate of Council and who holds a position identified by Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
  - d. a person (other than a member of the senior staff of Council) who is a member of a committee of Council identified by Council as a committee whose members are designated persons because the functions of the committee involve the exercise of Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
  - must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the CEO (or if the person is



Part 4: Pecuniary Interests

the CEO, to Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

- 4.12 The CEO must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the CEO must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of Council and Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### What disclosures must be made by Council staff other than designated persons?

- 4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the CEO the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the CEO must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

### What disclosures must be made by Council advisers?

- 4.16 A person who, at the request or with the consent of Council or a council committee, gives advice on any matter at any meeting of Council or the committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not

reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

### What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of Council who is a member of the committee.

### What disclosures must be made by a councillor?

- 4.20 A councillor:
  - a. must prepare and submit written returns of interests in accordance with clause 4.21, and
  - must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

### Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the CEO a return in the form set out in schedule 2 to this Code of Conduct, disclosing the councillor's or designated person's interests as specified in schedule 1 to this Code of Conduct within 3 months after:
  - becoming a councillor or designated person, and
  - b. 30 June of each year, and
  - c. the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
  - a. they made and lodged a return under that clause in the preceding 3 months, or
  - they have ceased to be a councillor or designated person in the preceding 3 months.



- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The CEO must keep a register of returns required to be made and lodged with the CEO.
- 4.25 Returns required to be lodged with the CEO under clause 4.21(a) and (b) must be tabled at the first meeting of Council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the CEO under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

### Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of Council or the committee:
  - at any time during which the matter is being considered or discussed by Council or the committee, or
  - at any time during which Council or the committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

- **4.31** A disclosure made at a meeting of Council or a council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the CEO in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
  - a. a member of, or in the employment of, a specified company or other body, or
  - a partner of, or in the employment of, a specified person.
  - c. Such a notice is, unless and until the notice is withdrawn or until the end of the term of Council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by Council or the council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
  - a. the matter is a proposal relating to:
    - i. the making of a principal environmental planning instrument applying to



Part 4: Pecuniary Interests

the whole or a significant portion of Council's area, or

- ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of Council's area, and
- b. the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
  - a. be in the form set out in schedule 3 of this Code of Conduct and contain the information required by that form, and
  - b. be laid on the table at a meeting of Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which Council is concerned to be present at a meeting of Council or the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
  - that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b. that it is in the interests of the electors for the area to do so.
- **4.39** A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of Council or the committee, to take part in the consideration or discussion of the

matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



### Part 5: Non-pecuniary conflicts of interest



Part 5: Non-pecuniary conflicts of interest

### What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code of Conduct. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary 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 official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any nonpecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code of Conduct.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

In the case of members of Council staff

other than the CEO, such a disclosure is to be made to the staff member's manager. In the case of the CEO, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.



- d. membership, as Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of Council and the organisation are potentially in conflict in relation to the particular matter
- e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
  - a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a nonpecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of Council other than the CEO, the decision on which option should be taken to manage a nonpecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### **Political donations**

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
  - made by a major political donor in the previous four years, and
  - b. the major political donor has a matter before Council,
  - c. you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
  - a. a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
  - b. "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations

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Part 5: Non-pecuniary conflicts of interest

to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

### Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
  - a. the matter is a proposal relating to:
    - the making of a principal environmental planning instrument applying to the whole or a significant portion of Council's area, or
    - the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of Council's area, and
  - b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the

council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b. that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

### Other business, employment or volunteering

- 5.23 The CEO must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of Council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work, other business or in a volunteering capacity outside the service of Council that relates to the business of Council or that might conflict with the staff member's council duties unless they have notified the CEO in writing of the employment, work or business and the CEO has given their written approval for the staff member to engage in the employment, work, business or volunteering. Staff must complete Council's Secondary/Private Employment Request form found on Council's intranet.
- 5.25 The CEO may at any time, at his/her discretion, prohibit a member of staff from engaging, for remuneration, in private employment, contract work, other business or volunteering outside the service of Council that relates to the business of Council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment,



contract work, other business or volunteering outside the service of Council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work, business or volunteering they engage in will not:
  - a. conflict with their official duties
  - b. involve using confidential information or Council resources obtained through their work with Council including where private use is permitted
  - c. require them to work while on council duty
  - d. discredit or disadvantage Council
  - pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### Personal dealings with Council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with Council in a manner that is consistent with the way other members of the community deal with Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code of Conduct.



Part 5: Non-pecuniary conflicts of interest



### Part 6: Personal Benefit



Part 6: Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
  - a. a political donation for the purposes of the Electoral Funding Act 2018
  - b. a gift provided to Council as part of a cultural exchange, diplomatic tie or civic relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - attendance by a council official at a workrelated event or function for the purposes of performing their official duties, or
  - d. free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i. the discussion of official business
    - ii. work-related events such as councilsponsored or community events, training, education sessions or workshops
    - iii. conferences
    - iv. council functions or events
    - v. social functions organised by groups, such as council committees and community organisations.

#### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

#### Zero Gift and Benefits position

6.5 In the course of their duties, council officials

may encounter situations in which they are offered gifts or benefits for a variety of reasons. The intent behind a gift can either be considered as a gift of influence, or a gift of gratitude.

Regardless of the intent, public perception is a key consideration in determining Council's position regarding gifts and benefits offered to council officials and delegates.

6.6 A zero gift and benefit position establishes an unambiguous position and consistency of approach as it applies to council officials, which can be communicated clearly to ratepayers, residents, customers and suppliers.

### How are offers of gifts and benefits to be dealt with?

- 6.7 You must not:
  - a. seek or accept a bribe or other improper inducement
  - b. eek gifts or benefits of any kind
  - c. accept any offer of gifts or benefits, regardless of value, and you must immediately report the offer to your supervisor (for staff) or the CEO (for councillors) using the Gifts and Benefits Disclosure form
  - d. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - e. participate in competitions for prizes where eligibility is based on Council being in or entering into a customer–supplier relationship with the competition organiser
  - f. personally benefit from reward points programs when purchasing on behalf of Council.
- 6.8 Where you are unable to easily refuse or return a gift or benefit, the gift must be surrendered to Council. Examples of this are:
  - a. Anonymous gifts (received through the mail or left without a return address)
  - b. A gift received in a public forum where attempts to refuse or return it would cause embarrassment or offence to the donor. In instances such as this, the supervisor (for staff) or the CEO (for councillors) will



determine how to deal with the gift which may include donation to an appropriate charity.

#### Exceptions

6.9 Exceptions to the provisions relating to gifts and benefits are entirely at the CEO's discretion and will be determined in writing with reasons given for any specific exceptions.

> In determining an exception, the CEO will also determine whether the gift in question may be retained by a council official or an alternative for how the gift may be retained.

Examples of the circumstances where exceptions may be approved by the CEO include:

- a. Staff of Council's child care centres or preschool locations – for gifts of token value and only when the gifts are offered by children attending the centre or preschool as a Christmas gift or gift of thanks associated with their role.
- b. Program staff of Council's two aquatic centres (Frenchs Forest and Manly) for gifts of token value and only when the gifts are offered by attendees of swim or other program classes at the aquatic centres as a Christmas gift or gift of thanks associated with their role.
- 6.10 Token value in relation to gifts considered under the CEO exception process is set at \$20. Any gifts with an estimated value of more than \$20 are not considered 'token' and should be refused and returned. Where the value of a gift cannot be established, the refusal process under 6.6(a) should be adopted.
- 6.11 All offers of gifts or benefits must be disclosed promptly to your manager or the CEO in using the Gifts and Benefits Disclosure Form. The recipient, manager, or CEO must ensure that, at a minimum, the following details are recorded in Council's gift and benefit register:
  - a. the nature of the gift or benefit
  - b. the estimated monetary value of the gift or benefit
  - c. the name of the person who offered the gift or benefit, and

 the date on which the gift or benefit was offered.

#### Gifts and benefits of token value

6.12 You must not accept any gifts or benefits regardless of their stated or assumed value other than where the gift or benefit meets the criteria as an exception under clause 6.9.

#### "Cash-like gifts"

6.13 You must not accept any cash-like gifts. For the purposes of clause 6.7(d), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.



Part 6: Personal Benefit



**Part 7:** Relationships between council officials

#### northern beaches council

Part 7: Relationships between council officials

### Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
  - a. direct Council staff other than by giving appropriate direction to the CEO by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of Council or a delegate of Council in the exercise of the functions of the staff member or delegate
  - c. contact a member of the staff of Council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and Council staff that have been authorised by Council and the CEO
  - d. contact or issue instructions to any of Council's contractors, including Council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact Council's external auditor or the chair of Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff and others subject to this Code of Conduct

7.4 Under section 335 of the LGA, the role of the CEO includes conducting the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, implementing without undue delay, lawful decisions of Council and ensuring that the mayor and other

councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

- 7.5 Members of staff of Council must:
  - a. give their attention to the business of Council while on duty
  - ensure that their work is carried out ethically, efficiently, economically and effectively
  - c. carry out reasonable and lawful directions given by any person having authority to give such directions
  - give effect to the lawful decisions, policies and procedures of Council, whether or not the staff member agrees with or approves of them
  - e. ensure that any participation in political activities outside the service of Council does not interfere with the performance of their official duties.

#### Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
  - councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b. Council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - councillors and administrators who have lodged an application with Council, discussing the matter with council staff in staff-only areas of Council
  - councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before



the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting

- f. councillors and administrators being overbearing or threatening to council staff
- g. council staff being overbearing or threatening to councillors or administrators
- councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code of Conduct in public forums including social media
- councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's CEO or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.


Part 7: Relationships between council officials



Part 8: Access to information and council resources



Part 8: Access to information and council resources

### Councillor and administrator access to information

- 8.1 The CEO is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The CEO and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The CEO must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of Council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 8.4 Members of staff of Council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with Council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this Code of Conduct because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

## Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

#### Refusal of access to information

8.8 Where the CEO or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably.

> In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The CEO or public officer must state the reasons for the decision if access is refused.

#### Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
  - a. subject to clause 8.14, only access council information needed for council business
  - b. not use that council information for private purposes
  - c. not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council
  - only release council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

### Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:



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- a. only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b. protect confidential information
- c. only release confidential information if you have authority to do so
- only use confidential information for the purpose for which it is intended to be used
- e. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f. not use confidential information with the intention to cause harm or detriment to Council or any other person or body
- g. not disclose any confidential information discussed during a confidential session of Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### Personal information

- 8.12 When dealing with personal information you must comply with:
  - a. the Privacy and Personal Information Protection Act 1998
  - b. the Health Records and Information Privacy Act 2002
  - c. the Information Protection Principles and Health Privacy Principles
  - d. Council's privacy management plan
  - e. the Privacy Code of Practice for Local Government

#### Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information

for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a. the representation of members with respect to disciplinary matters
- b. the representation of employees with respect to grievances and disputes
- c. functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
  - a. for the purpose of assisting your election campaign or the election campaign of others, or
- b. for other non-official purposes.
- 8.19 You must not convert any property of Council to your own use unless properly authorised.

#### Internet access

8.20 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that



Part 8: Access to information and council resources

could otherwise lead to criminal penalty or civil liability and/or damage Council's reputation.

#### Council record keeping

- 8.21 You must comply with the requirements of the State Records Act 1998 and Council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and Council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with Council's records manager and comply with the requirements of the State Records Act 1998.

#### **Councillor access to Council buildings**

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the CEO.
- 8.26 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of councillors and Council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.



**Part 9:** Maintaining the integrity of this Code of Conduct



#### Part 9: Maintaining the integrity of this Code of Conduct

### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code of Conduct for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
  - a. to bully, intimidate or harass another council official
  - to damage another council official's reputation
  - c. to obtain a political advantage
  - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e. to influence Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f. to avoid disciplinary action under the Procedures
  - g. to take reprisal action against a person for making a complaint alleging a breach of this Code of Conduct
  - to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i. to prevent or disrupt the effective administration of this Code of Conduct under the Procedures.

#### **Detrimental action**

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code of Conduct.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and

9.4, a detrimental action is an action causing, comprising or involving any of the following:

- a. injury, damage or loss
- b. intimidation or harassment
- c. discrimination, disadvantage or adverse treatment in relation to employment
- d. dismissal from, or prejudice in, employment
- e. disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the CEO, you must comply with any council resolution requiring you to take action as a result of a breach of this Code of Conduct.

#### Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this Code of Conduct must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this Code of Conduct other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this Code of Conduct at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this Code of Conduct or a matter



The Northern Beaches Council Code of Conduct

being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994 or Public Interest Disclosures (PID) Policy.

### Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the CEO or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to Council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the CEO in accordance with the Procedures.

Revision	Date	Change	HPE CM Ref
1	14 January 2019	Draft Created	2019/021397
2	27 Febuary 2019	HR Consultation & Amends (3.6, 3.7 3.10, 3.11, 4.4, 7.6b)	2019/021397
3	19 March 2019	Gifts and Benefits and Social media amends	2019/021397
4	21 March 2019	Gifts and Benefits edits/amends	2019/021397
5	25 March 2019	Final OICR draft	2019/021397
6	1 April 2019	CEO Draft	2019/021397
7	2 April 2019	Draft for Special Briefing to Councillors	2019/021397



Part 9: Maintaining the integrity of this Code of Conduct

northern beaches council

> Schedule 1: Disclosures of interests and other matters in written returns submitted under clause 4.21



Schedule 1: Disclosures of interests and other matters in written returns submitted under clause 4.21

#### Part 1: Preliminary

#### Definitions

 For the purposes of the schedules to this Code of Conduct, the following definitions apply:

address means:

- a. in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b. in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- in relation to any real property, the street address of the property.
  - de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.
  - disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:
- a. the allotment of shares in a company
- b. the creation of a trust in respect of property
- c. the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e. the exercise by a person of a general power of appointment over property in favour of another person
- f. a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property

made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a. in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b. in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a. in the case of a return made under clause
   4.21(a), the date on which a person became a councillor or designated person
- b. in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c. in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a. a person's spouse or de facto partner
- b. a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c. a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle,



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aunt, nephew, niece, lineal descendant or adopted child

d. the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

### Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- References to interests in real property: A reference in this schedule or in schedule
   2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

### Part 2: Pecuniary interests to be disclosed in returns

#### **Real property**

- A person making a return under clause
   4.21 of this Code of Conduct must disclose:
  - a. the street address of each parcel of real property in which they had an interest on the return date, and
  - the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c. the nature of the interest.
- An interest in a parcel of real property need not be disclosed in a return if the person

making the return had the interest only:

- as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
- as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
- For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

#### Gifts

9.

- A person making a return under clause 4.21 of this Code of Conduct must disclose:
- a description of each gift received in the period since 30 June of the previous financial year, and
- b. the name and address of the donor of each of the gifts.
- A gift need not be included in a return if:
  - a. it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b. it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
  - c. the donor was a relative of the done, or
  - subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
- For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

#### **Contributions to travel**

- A person making a return under clause
   4.21 of this Code of Conduct must disclose:
  - a. the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by



Schedule 1: Disclosures of interests and other matters in written returns submitted under clause 4.21

the person in the period since 30 June of the previous financial year, and

- b. the dates on which the travel was undertaken, and
- the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a. was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b. was made by a relative of the traveller, or
  - c. was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e. was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
  - f. was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g. subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### Interests and positions in corporations

- A person making a return under clause
   4.21 of this Code of Conduct must disclose:
  - the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b. the name and address of each corporation

in which they had an interest or held a position in the period since 30 June of the previous financial year, and

- c. the nature of the interest, or the position held, in each of the corporations, and
- a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
  - a. formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b. required to apply its profits or other income in promoting its objects, and
  - c. prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

#### Interests as a property developer or a close associate of a property developer

- 19. A person making a return under clause 4.21 of this Code of Conduct must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

property developer has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.



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### Positions in trade unions and professional or business associations

- A person making a return under clause
   4.21 of the Code of Conduct must disclose:
  - a. the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b. the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c. a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

#### **Dispositions of real property**

- 23. A person making a return under clause 4.21 of this Code of Conduct must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.21 of this Code of Conduct must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

#### Sources of income

- A person making a return under clause
   4.21 of this Code of Conduct must disclose:
  - each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
  - a. in relation to income from an occupation of the person:
    - i. a description of the occupation, and
    - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - iii. if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b. in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c. in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.



Schedule 1: Disclosures of interests and other matters in written returns submitted under clause 4.21

#### Debts

- 31. A person making a return under clause 4.21 of this Code of Conduct must disclose the name and address of each person to whom the person was liable to pay any debt:
  - a. on the return date, and
  - b. at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
  - a. the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - ii. the amounts to be paid exceeded, in the aggregate, \$500, or
  - b. the person was liable to pay the debt to a relative, or
  - c. in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - in the case of a debt arising from the supply of goods or services:
    - the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

- the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e. subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

#### **Discretionary disclosures**

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



Schedule 2: Form of written return of interests submitted under clause 4.21



Schedule 2: Form of written return of interests submitted under clause 4.21

### 'Disclosures by councillors and designated persons' return

- 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Northern Beaches Council Code of Conduct (the Code of Conduct).
- 2. If this is the first return you have been required to lodge with the CEO after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
- 3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- 5. This form must be completed using block letters or typed.
- If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

#### Important information

This information is being collected for the purpose of complying with clause 4.21 of the Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the CEO in a register of returns. The CEO is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature] [date]



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A. Real Property					
Street address of each parcel of real property in which I had an interest at the Nature of interest return date/at any time since 30 June					
B. Sources of income					
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June Sources of income I received from an occupation at any time since 30 June					
Description of occupation		Name and addre or description of applicable)			nder which partnership ed (if applicable)
2 Sources of income I reas after the return date and e Sources of income I receive	nding on	the following 30 J	une	riod comr	nencing on the first day
Name and address of settlor		Name and address of trustee			
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June Sources of other income I received at any time since 30 June [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]					
C. Gifts					
Description of each gift I received at any time since Name and address of donor 30 June					
D. Contributions to travel					
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature o	of interest (if any)	Description of pos (if any)	sition	Description of principal objects (if any) of corporation (except in case of listed company)
E. Interests and positions in corporations					
Name and address of	Nature a	of interest (if any)	Description of pos	sition	Description of principal

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June



Schedule 2: Form of written return of interests submitted under clause 4.21

F. Were you a property developer or a close associate of a property developer on the return date?		
Yes	No	
G. Positions in trade unions and professional or business associations		
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position	

#### H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

#### I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures



Schedule 3: Form of special disclosure of pecuniary interest submitted under clause 4.37



Schedule 3: Form of special disclosure of pecuniary interest submitted under clause 4.37

- 1. This form must be completed using block letters or typed.
- 2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

#### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Northern Beaches Council Code of Conduct (the Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partnerw or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument] which is to be considered at a meeting of the [name of council or council committee (as the case requires)] to be held on the day of 20.



#### The Northern Beaches Council Code of Conduct

Pecuniary Interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
	<ul> <li>An associated person of the councillor has an interest in the land.</li> </ul>
	An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) [Tick or cross one box]	<ul> <li>The identified land.</li> <li>Land that adjoins or is adjacent to or is in proximity to the identified land.</li> </ul>
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	

<sup>1</sup>Clause 4.1 of the Code of Conduct provides that 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. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

specified in clause 4.6 of the Code of Conduct. <sup>2</sup>A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial	
gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by Council's CEO and included in full in the minutes of the meeting]



Schedule 3: Form of special disclosure of pecuniary interest submitted under clause 4.37







Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019



northern beaches council







Procedures for the Administration of the Northern Beaches Council Code of Conduct

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### Part 1: Introduction





Part 1: Introduction

These procedures ("the Model Code Procedures") are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 ("the LGA") and the Local Government (General) Regulation 2005 ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the CEO.



### Part 2: Definitions





Part 1: Definitions

In these procedures the following terms have the following meanings:

LGA	the Local Government Act 1993
administrator	An administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councilor	a councilor who makes a code of conduct complaint
complaints coordinator	a person appointed by the CEO under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the CEO
Council	Northern Beaches Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
CEO	Northern Beaches Council Chief Executive Officer
ICAC	the Independent Commission Against Corruption



#### Procedures for the Administration of the Northern Beaches Council Code of Conduct

joint organisation	a joint organisation established under section 4000 of the LGA
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the Local Government (General) Regulation 2005
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 2: Definitions



# **Part 3:** Administrative framework



Part 3: Administrative Framework

### The establishment of a panel of conduct reviewers

- 3.1 Council must by resolution establish a panel of conduct reviewers.
- 3.2 Council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regiona body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a. an understanding of local government, and
  - knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
  - knowledge and experience of one or more of the following:
    - i. investigations
    - ii. law
    - iii. public administration
    - iv. public sector ethics
    - v. alternative dispute resolution, and
  - d. meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
  - a. a councillor, or
  - b. a nominee for election as a councillor, or
  - an administrator, or
  - d. an employee of a council, or
  - e. a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

- f. a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- g. a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of Council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 Council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by Council may be a member of subsequent panels of conduct reviewers established by Council if they continue to meet the selection and eligibility criteria for membership of the panel.

#### The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel



northern beaches council

Procedures for the Administration of the Northern Beaches Council Code of Conduct

of conduct reviewers with the Office's consent.

- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of Council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to Council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

### The appointment of complaints coordinators

- 3.17 The CEO must appoint a member of staff of Council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with Council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of Council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The CEO may appoint other members of staff of Council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with Council), to act as alternates to the complaints coordinator.
- 3.19 The CEO must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated

disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.

- 3.21 The role of the complaints coordinator is to:
  - a. coordinate the management of complaints made under Council's code of conduct
  - b. liaise with and provide administrative support to a conduct reviewer
  - c. iaise with the Office and
  - d. arrange the annual reporting of code of conduct complaints statistics.


Part 3: Administrative Framework



**Part 4:** How may Code of Conduct complaints be made?



Part 4: How may Code of Conduct complaints be made?

### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under Council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
  - complaints about the standard or level of service provided by Council or a council official
  - complaints that relate solely to the merits of a decision made by Council or a council official or the exercise of a discretion by Council or a council official
  - c. complaints about the policies or procedures of Council
  - d. complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under Council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under Council's routine complaints management processes.

## When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

## How may a code of conduct complaint about a council official other than the CEO be made?

- **4.6** All code of conduct complaints other than those relating to the CEO are to be made to the CEO in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- **4.9** The CEO or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the CEO becomes aware of a possible breach of Council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

## How may a code of conduct complaint about the CEO be made?

- 4.11 Code of conduct complaints about the CEO are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the CEO to an external agency.
- 4.12 Where a code of conduct complaint about the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the



complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of Council's code of conduct by the CEO, they may initiate the process for the consideration of the matter under these procedures without a written complaint.



Part 4: How may Code of Conduct complaints be made?



# **Part 5:** How are Code of Conduct complaints to be managed ?



Part 5: How are Code of Conduct complaints to be managed ?

# Delegation by the CEO and mayor of their functions under this Part

5.1 5.1 The CEO or mayor may delegate their functions under this Part to a member of staff of Council or to a person or persons external to Council other than an external agency. References in this Part to the CEO or mayor are also to be taken to be references to their delegates.

## Consideration of complaints by the CEO and mayor

5.2 In exercising their functions under this Part, the CEO and mayor may consider the complaint assessment criteria prescribed under clause 6.31.

# What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
  - a. is not a code of conduct complaint, or
  - subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c. is trivial, frivolous, vexatious or not made in good faith, or
  - relates to a matter the substance of which has previously been considered and addressed by Council and does not warrant further action, or
  - e. is not made in a way that would allow the alleged conduct and any alleged breaches of Council's code of conduct to be readily identified.

## How are code of conduct complaints about staff (other than the CEO) to be dealt with?

5.4 The CEO is responsible for the management of code of conduct complaints about members of staff of Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

- 5.5 The CEO must refer code of conduct complaints about members of staff of Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The CEO may decide to take no action in relation to a code of conduct complaint about a member of staff of Council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the CEO decides to take no action in relation to a code of conduct complaint about a member of staff of Council, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of Council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

### How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The CEO is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The CEO must refer code of conduct complaints about council advisers,



delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The CEO may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the CEO decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the CEO resolves a code of conduct complaint under clause 5.14 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
  - a. censure
  - requiring the person to apologise to any b. person or organisation adversely affected by the breach in such a time and form specified by the CEO

- c. prosecution for any breach of the law
- d. removing or restricting the person's delegation
- e. removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:
  - a. the substance of the allegation (including the relevant provision/s of Council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b. the person must be given an opportunity to respond to the allegation, and
  - the CEO must consider the person's с. response in deciding whether to impose a sanction under clause 5.16.

#### How are code of conduct complaints about administrators to be dealt with?

- 5.18 The CEO must refer all code of conduct complaints about administrators to the Office for its consideration
- 5.19 The CEO must notify the complainant of the referral of their complaint in writing.

#### How are code of conduct complaints about councillors to be dealt with?

- 5.20 The CEO must refer the following code of conduct complaints about councillors to the Office:
  - a. complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b. complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c. complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d. complaints that are the subject of a special



Part 5: How are Code of Conduct complaints to be managed ?

complaints management arrangement with the Office under clause 5.49.

- 5.21 Where the CEO refers a complaint to the Office under clause 5.20, the CEO must notify the complainant of the referral in writing.
- 5.22 The CEO may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the CEO decides to take no action in relation to a code of conduct complaint about a councillor, the CEO must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5 20, by alternative means such as but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of Council's code of conduct.
- 5.25 Where the CEO resolves a code of conduct complaint under clause 5.24 to CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The CEO must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

# How are code of conduct complaints about the CEO to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the CEO to the Office:
  - a. complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c. complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the CEO, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the CEO, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the CEO, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of Council's code of conduct.
- 5.32 Where the mayor resolves a code of



conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the CEO, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

## How are complaints about both the CEO and the mayor to be dealt with?

- 5.34 Where the CEO or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the CEO and the mayor, the CEO or mayor must either:
  - delegate their functions under this part a. with respect to the complaint to a member of staff of Council other than the CEO where the allegation is not serious, or to a person external to Council, or
  - refer the matter to the complaints coordinator under clause 5.26 and clause 5 33

## Referral of code of conduct complaints to external agencies

- 5.35 The CEO, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The CEO, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the CEO, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless Council is subsequently advised otherwise by the referral agency.

## Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
  - a. the complainant consents in writing to the disclosure, or
  - b. it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c. it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d. a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - it is otherwise in the public interest to do so. e.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the CEO.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the CEO, and the complainant councillor considers that compelling arounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The CEO or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, CEO or mayor or, where the matter is referred to



#### Part 5: How are Code of Conduct complaints to be managed ?

a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

## Code of conduct complaints made as public interest disclosures

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- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, Council's Public Interest Disclosures (PID) policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the CEO as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the CEO or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

## Special complaints management arrangements

- 5.48 The CEO may request in writing that the Office enter into a special complaints management arrangement with Council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
  - a. imposed an undue and disproportionate cost burden on Council's administration of its code of conduct, or

- impeded or disrupted the effective administration by Council of its code of conduct, or
- c. impeded or disrupted the effective functioning of Council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
  - a. the code of conduct complaints the arrangement relates to, and
  - the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.



Part 6: Preliminary assessment of Code of Conduct Complaints about Councillors or the CEO by Conduct Reviewers



Part 6: Preliminary assessment of Code of Conduct Complaints about Councillors or the CEO by Conduct Reviewers

## Referral of code of conduct complaints about councillors or the CEO to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the CEO that have not been referred to an external agency or declined or resolved by the CEO, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the CEO or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
  - a panel of conduct reviewers established by Council, or
  - a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
  - a. they have a conflict of interest in relation to the matter referred to them, or
  - a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c. they or their employer has entered into one or more contracts with Council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

- at the time of the referral, they or their employer are Council's legal service provider or are a member of a panel of legal service providers appointed by Council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by Council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
  - a. comply with these procedures in their consideration of the matter, or
  - comply with a lawful and reasonable request by the complaints coordinator, or
  - c. exercise their functions in a timely or satisfactory manner.



6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead

### Preliminary assessment of code of conduct complaints about councillors or the CEO by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
  - a. to take no action
  - b. to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - to refer the matter back to the CEO or, in the case of a complaint about the CEO, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d. to refer the matter to an external agency
  - e. to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.18 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of Council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
  - a. that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b. that the alleged conduct is sufficiently serious to warrant investigation, and
  - c. that the matter is one that could not or should not be resolved by alternative means.



Part 6: Preliminary assessment of Code of Conduct Complaints about Councillors or the CEO by Conduct Reviewers

- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
  - a. the harm or cost that the alleged conduct has caused to any affected individuals and/ or Council
  - b. the likely impact of the alleged conduct on the reputation of Council and public confidence in it
  - whether the alleged conduct was с. deliberate or undertaken with reckless intent or negligence
  - d. any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

### Referral back to the CEO or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the CEO or to the mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the mayor, recommending the means by which the complaint may be resolved
- 6.27 The conduct reviewer must consult with the CEO or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The CEO or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

- 6.29 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), CEO or, in the case of a complaint about the CEO, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation
- 6.30 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO, or, in the case of a complaint about the CEO, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
  - whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b. whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under Council's code of conduct
  - whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d. whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - whether there is or was an alternative and f. satisfactory means of redress available in relation to the conduct complained of
  - g. whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour



- whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i. any previous proven breaches of Council's code of conduct
- j. whether the conduct complained of forms part of an ongoing pattern of behaviour
- whether there were mitigating circumstances giving rise to the conduct complained of
- the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m. the significance of the conduct or the impact of the conduct for Council
- n. how much time has passed since the alleged conduct occurred?
- such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.



Part 6: Preliminary assessment of Code of Conduct Complaints about Councillors or the CEO by Conduct Reviewers



**Part 7:** Investigations of Code of Conduct complaints about Councillors or the CEO



Part 7: Investigations of Code of Conduct Complaints about Councillors or the CEO

# What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the mayor.
- 7.3 The CEO or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

## How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a. disclose the substance of the allegations against the respondent, and
  - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c. advise of the process to be followed in investigating the matter, and
  - d. advise the respondent of the requirement to maintain confidentiality, and
  - e. invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
  - f. provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request

in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the complainant, the complaints coordinator and the mayor. The notice must:
  - a. advise them of the matter the investigator is investigating, and
  - b. in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c. invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.



- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

# How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

### Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
  - a. resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b. refer the matter to the CEO, or, in the case of a complaint about the CEO, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c. refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

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#### Part 7: Investigations of Code of Conduct Complaints about Councillors or the CEO

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### **Final investigation reports**

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
  - make findings of fact in relation to the matter investigated, and,
  - make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c. provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
  - a. that Council revise any of its policies, practices or procedures
  - that the respondent undertakes any training or other education relevant to the conduct giving rise to the breach
  - c. that the respondent be counselled for their conduct
  - d. that the respondent be removed from membership of a committee of Council or any other body or organisation that the respondent serves on as Council's representative
  - e. that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation



- f. that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g. that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h. in the case of a breach by the CEO, that action be taken under the CEO's contract
- i. in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j. in the case of a breach by a councillor, that Council resolves as follows:
  - that the councillor be formally censured for the breach under section 440G of the LGA, and
  - that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
  - a. that Council revise any of its policies, practices or procedures
  - b. that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
  - a. the seriousness of the breach
  - b. whether the breach can be easily remedied or rectified
  - c. whether the respondent has remedied or rectified their conduct
  - d. whether the respondent has expressed contrition
  - e. whether there were any mitigating circumstances
  - f. the age, physical or mental health or special infirmity of the respondent
  - g. whether the breach is technical or trivial only

- h. any previous proven breaches
- i. whether the breach forms part of an ongoing pattern of behaviour
- j. the degree of reckless intention or negligence of the respondent
- k. the extent to which the breach has affected other parties or Council as a whole
- the harm or potential harm to the reputation of Council or local government in general arising from the conduct
- whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n. whether an educative approach would be more appropriate than a punitive one
- the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
  - a. a description of the allegations against the respondent
  - the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e. a description of any attempts made to resolve the matter by use of alternative means



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- f. the steps taken to investigate the matter
- g. the facts of the matter
- the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i. the investigator's determination and the reasons for that determination
- j. any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
  - a. the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - the investigator's determination and the reasons for that determination
  - c. any recommendations, and
  - d. such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the CEO. Where the CEO agrees with the recommendation/s, the CEO is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints

coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO's conduct, to the mayor. The CEO is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the CEO's conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local aovernment election, in which case the report must be reported to the first ordinary council meeting following the election.

### Consideration of the final investigation report by Council

- 7.47 The role of Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 Council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.



- 7.50 Prior to imposing a sanction, Council must provide the respondent with an opportunity to make a submission to Council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 Council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, Council may by resolution:
  - a. request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - seek an opinion from the Office in relation to the report.
- 7.54 Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to Council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 Council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 Council may by resolution impose one or more of the following sanctions on a respondent:

- a. that the respondent undertakes any training or other education relevant to the conduct giving rise to the breach
- b. that the respondent be counselled for their conduct
- c. that the respondent be removed from membership of a committee of Council or any other body or organisation that the respondent serves on as Council's representative
- that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
- e. that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
- that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
- g. in the case of a breach by the CEO, that action be taken under the CEO's contract for the breach
- h. in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- i. in the case of a breach by a councillor:
  - that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 Council is not obliged to adopt the investigator's recommendation/s. Where Council proposes not to adopt one or more of the investigator's recommendation/s, Council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where Council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, Council must state in its resolution the reasons for its decision.



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7.62 Where Council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of Council's decision and the reasons for it.



# **Part 8:** Oversight and rights of review



#### Part 8: Oversight and rights of review

## The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under Council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including Council, to defer taking further action in relation to a matter under consideration under Council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The CEO or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The CEO must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The CEO must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice rulina).
- Where the Office receives a request in 8.8 writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
  - a. that the investigator has failed to comply with a requirement under these procedures, or
  - b. that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - that in imposing its sanction, Council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or Council has erred
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under



8.22

clause 8.11, the Office may direct Council to defer any action to implement a sanction. Council must comply with a direction to defer action by the Office.

- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the CEO or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
  - a. the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the CEO or the mayor, and
  - the CEO or mayor must review any action taken by them to implement the sanction, and
  - c. the CEO or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by Council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
  - a. the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b. Council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

Where, having reviewed its previous decision in relation to a matter under clause 8.21, Council resolves to reaffirm its previous decision, Council must state in its resolution its reasons for doing so.



Part 8: Oversight and rights of review



# **Part 9:** Procedural irregularities





Part 9: Procedural irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
  - a. the non-compliance is isolated and/or minor in nature, or
  - b. reasonable steps are taken to correct the non-compliance, or
  - c. reasonable steps are taken to address the consequences of the non-compliance.



# **Part 10:** Practice directions





Part 10: Practice directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- **10.2** The Office will issue practice directions in writing, by circular to all councils.
- **10.3** All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.



**Part 11:** Reporting statistics on Code of Conduct complaints about Councillors and the CEO



Part 11: Reporting statistics on Code of Conduct complaints about Councillors and the CEO

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to Council within 3 months of the end of September of each year:
  - a. the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)
  - the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c. the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d. the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e. without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f. the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g. the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.
- 11.2 Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



# Part 12: Confidentiality





Part 12: Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the CEO or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the CEO or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the CEO or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the CEO or their delegate.
- 12.5 The CEO or their delegate must give written notice of a determination made under clause 12.2 to:
  - a. the complainant
  - b. the complaints coordinator
  - c. the Office, and
  - any other person the CEO or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or

to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.





northern beaches council