PITTWATER COUNCIL

Agenda
Council Meeting

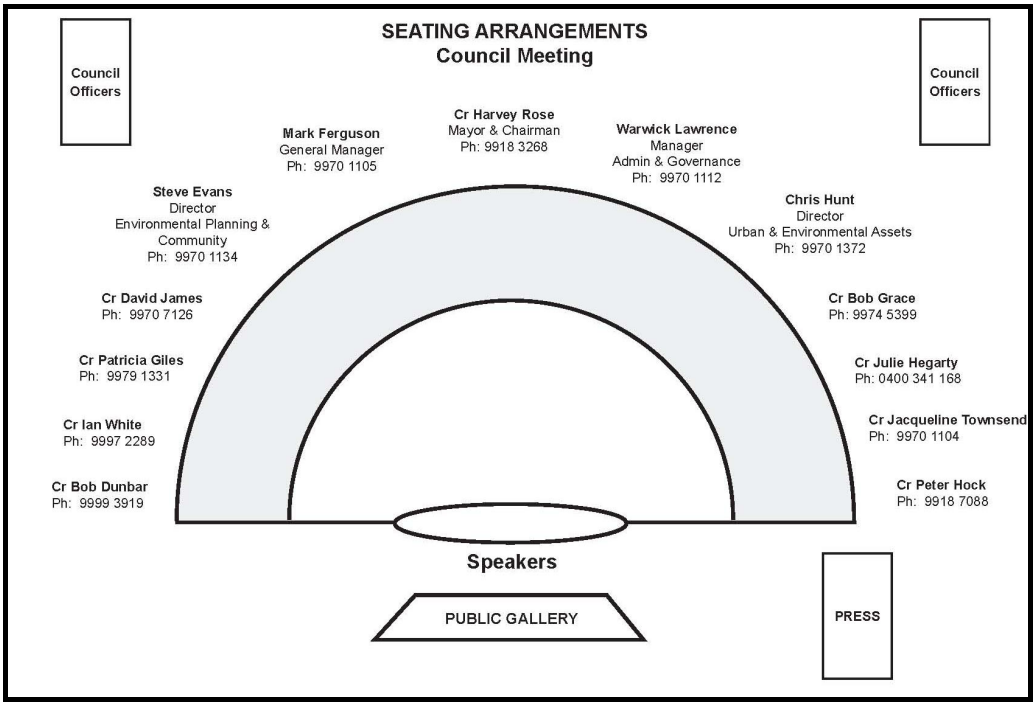
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

15 February 2010

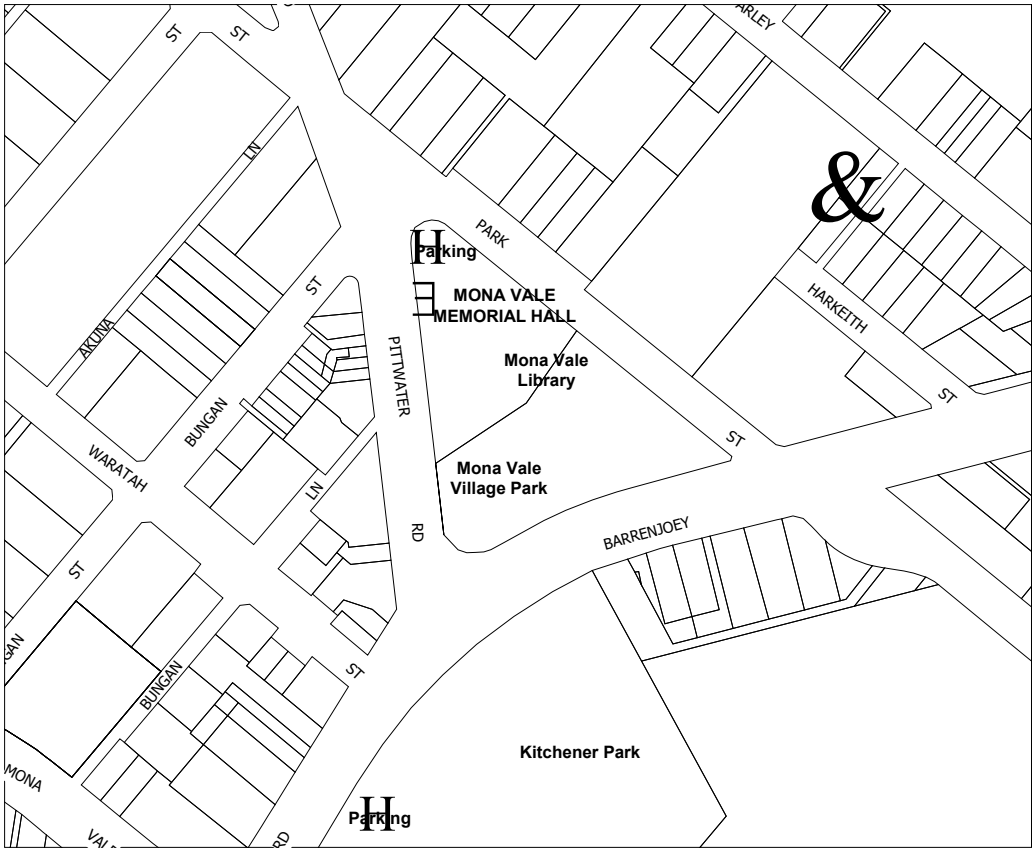
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson
GENERAL MANAGER

Seating Arrangements



Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at www.pittwater.nsw.gov.au

Council Meeting

Acknowledgement of Country
Pittwater Council honours and respects the spirits of the Guringai people.
Council acknowledges their traditional custodianship of the Pittwater area

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Council Meeting

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Confidential Advice: Appointment of Internal Audit Committee Members

The Senior Management Team has approved the inclusion of all reports in this agenda.

IMPORTANT NOTE FOR COUNCILLORS

The Council has received Confidential Advice in relation to the matter listed below which is attached as **Appendix 1 to Councillor's Agenda on yellow paper**. It is important that Councillors read these documents prior to determining the matters. Should the Council wish to consider the Confidential Advice during the course of the meeting, the following procedure should be followed:

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.

2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(2)(g) of the Local Government Act 1993, and debate the Confidential Advice and any related legal issues in a Closed Forum, with the Press and Public excluded. The Council does not have to make any resolution whilst in Committee of the Whole in Closed Session.

3. Following conclusion of the discussion concerning the Confidential Advice the Council should resolve back into Open Session to continue the debate as required, excluding any reference to the confidential advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.

4. The Council should then determine the matter in Open Session.

The Report on the item below is listed in Open Session in the Agenda:

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C10.6	Appointment of Internal Audit Committee Members	53

Mark Ferguson
GENERAL MANAGER

Council Meeting

1.0 Public Forum

Statement of Respect

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations

GUIDELINES FOR RESIDENTS - PUBLIC FORUM

Objective

The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council officers;
- There will be no debate or questions with, or by, councillors during/following a resident submission;
- Council's general Meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per Meeting is permitted, with a maximum of 4 submissions in total per Meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public Submissions will not be permitted in relation to the following matters:
  - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
  - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

RESIDENT QUESTION TIME

Objective

The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.

- Resident questions are to be handed up on the form located at the back of the Meeting room to Council staff in attendance at the Meeting prior to the commencement of the Meeting;
- A period of up to 10 minutes is allocated to Resident Question Time. A limit of 2 resident questions per person per Meeting is permitted;
- Residents are asked to keep their questions precise to allow the opportunity for clear responses. Questions may be taken on notice depending on the complexity of the question and the need to refer to relevant Council documents;
- There will be no debate or questions with, or by, councillors during/following a resident question;
- No defamatory or slanderous questions will be permitted. Should a resident make such a comment, their question will be immediately terminated by the Chair of the Meeting;
- Questions will not be permitted in relation to the following matters:
  Matters involving current dealings with Council (eg. development application, contractual matters, tenders, legal matter, etc);
- Council's general Meeting procedures apply to Resident Question Time, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted.

Mark Ferguson
GENERAL MANAGER

2.0 Resident Questions

3.0 Apologies

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

  *"(1) [**Pecuniary interest**] 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 or another person with whom the person is associated.*

  *(2) [**Remoteness**] 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."*

Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.

* A reportable political donation is a donation of:

  - $1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
  - $1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
  - Less than $1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is $1,000 or more.

5.0 Confirmation of Minutes

"Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**"

Minutes of the Council Meeting held on 1 February 2010.

6.0 Business by Exception (All items on the Agenda)

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

7.0 Public Addresses

Statement of Respect

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations.

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*

   (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*

   (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*

   (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

Exceptions to these requirements may apply where:

   (a) *The Meeting specifically requests that a person be interviewed at a meeting.*

   (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*

2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*

3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*

4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*

5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

8.0 Mayoral Minutes

9.0 Council Meeting Business

Governance Committee

10.0 Governance Committee Business

PITTWATER COUNCIL

C10.1 Financial Report for the Period ending 31 December 2009 of the 2009/2010 Financial Year

Meeting: Governance Committee **Date:** 15 February 2010

STRATEGY: **Business Management**

Action: To provide monthly, quarterly and annual budgets and financial statements

PURPOSE OF REPORT

To provide Council with the financial results for the period ending 31 December 2009 of the 2009/2010 Financial Year.

1.0 BACKGROUND

1.1 The Original 2009/2010 Budget was adopted by Council as part of the 2009-2013 Management Plan on 15 June 2009. The Revised 2009/10 Budget was adopted by Council on 16 November 2009, and has been transferred to the revised budget column in this report.

1.2 Council's reporting structure undertakes a dual format of both financial and strategic information which includes:

- Budget Review Statement
- Summary of Financial Statements
- Financial Statements (Consolidated, Operating, Balance Sheet, Cash flow)
- Performance Indicators
- Reserve Balances
- 2009/2010 Major Projects
- Rates Debtors
- Loan Liability
- Environmental Levy - Escarpment Acquisition
- Environmental Infrastructure Levy
- Stormwater Management Service Charge
- S94 Contribution Plans
- Key Directions and Associated Strategies

2.0 ISSUES

2.1 Budget Review Statement

Clause 7 of the Financial Regulations 1999 requires that the Responsible Accounting Officer (Chief Financial Officer) must make a statement on the financial results having regard to the original estimates of income and expenditure.

Accordingly, "The Chief Financial Officer advises that having regard to the variations as disclosed within the Financial Report and in other financial reviews that Council's result as at 31 December 2009 is stable but requires close monitoring."

2.2 Summary of Financial Statements

Pittwater Council's four primary financial statements provide specific information on the financial operations of Council.

A summary of the 2009-2010 Financial Statements with their links and purposes is set out below:

2009-10 Budgeted Statement of Consolidated Financial Position

Consolidated Statement shows the source and application of both Capital & Operating Income and Expenditure along with the movements in Reserves.

	($ '000)
Total direct income (Operating & Capital)	62,643
Total indirect income (Including transfer from Reserves)	28,487
Total income	**91,130**
Total direct Expenditure (Operating & Capital Expenditure)	71,356
Total indirect Expenditure (Including transfers to reserves)	19,714
Total Expenditure	**91,070**
Increase in Council Funds (Includes operating Results before Capital $60K)	**59**

2009-10 Budgeted Income Statement

Income statement shows the extent to which community equity has changed by net result of ordinary activities during year.

	($ '000)
Operating Income	59,476
Operating Expenditure (net)	59,416
Operating Results before Capital	**60**
Capital Income (Grants and Contributions)	2,245
Changes in Net Assets – Resulting from Operations	**2,305**

2009-10 Budgeted Statement of Cashflows

The statement of cash flows shows the nature and amount of council's cash inflows and outflows for all activities.

	($ '000)
Cash inflows	61,922
Cash outflows	62,629
NET Inflows/(Outflows)	**-707**
Funds Carried Forward from Prior year	19,383
Total General Fund	**18,676**

2009-10 Budgeted Balance Sheet

The Balance sheet shows council's assets & liabilities which make up community equity.

	($ '000)
Current Assets (Includes Cash Assets **$18,676**)	28,030
Non Current Assets	1,993,108
Total Assets	**2,021,138**
Current Liabilities	11,602
Non Current Liabilities	7,323
Total Liabilities	**18,925**
Net Community Assets	**2,002,213**
Balance at Beginning of the year	1,999,908
Net results	**2,305**
TOTAL COMMUNITY EQUITY	**2,002,213**

2.3 Consolidated Financial Statement

As a result of the December Quarterly Review, the projected financial position shows a surplus in uncommitted funds of $59,000, a variance of $14,000 from the previously adopted budget of $44,000.

The fluctuation in the budget can be mainly attributed to: -

Budgeted Consolidated Result as per the Adopted Budget - Increase of Council Funds	**$**	**44,000**
INCOME		
Additional User fees mainly relating to Sydney Lakeside and Rental Income	$	151,000
Additional Regulatory Fees mainly relating to DA Income	$	50,000
Additional Operating & Capital Grant Transfers mainly relating to additional Works Program	$	60,000
Additional Other Income mainly relating to Legal/Insurance Recovery & Compliance Waste Education Funds	$	192,000
Additional Interest Income mainly due to appreciation of CDO's value & Improved Interest Rates	$	709,000
Increased Transfers from Reserve - S94 mainly relating to CCTV & Community & Library Works	$	119,000
Increased Transfers from Reserve - Additional Depreciation	$	600,000
EXPENDITURE		
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & Salaries	$	83,000
Additional Materials, Stores & Contract Services External mainly relating to works such as EI Levy and Federal Grant funded Capital works	-$	488,000
Additional Depreciation Expense mainly relating to Drainage/Footpaths	-$	600,000
Additional Professional & Legal Expenses mainly relating to Security Services & ECM Upgrade and partly offset by a reduction in Employee Costs	-$	113,000
Additional Levies/Contributions mainly relating to SES Contribution & Fire Levy	-$	88,000
Additional Capital Purchases/Payments mainly relating to Waste/Recycle Bins in Public Reserves	-$	140,000
Additional Sundry Services/Waste Disposal mainly relating to Streetscape & Stormwater Works	-$	125,000
Additional Transfers to Reserve - Other mainly relating to General Reserve	-$	395,000
Projected Budget Consolidated Result for the year ending 30 June 2010 - Increase of Council Funds	**$**	**59,000**

The Actual Year to Date Consolidated Financial Result for the period ending 31 December 2009 is a surplus of $1.650 million. Compared to the year to date budget of $1.076 million, this amounts to a variance of $574,000.

CONSOLIDATED STATEMENT

Pittwater Council

Consolidated Statement

For Period 6 Ending 31 December 2009

Year to Date - $000's				Annual Budget - $000's			
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
5,081	5,394	313	User Fees	9,656	9,656	9,807	151
737	802	66	Regulatory Fees	1,498	1,498	1,548	50
1,287	1,289	2	Regulatory Fines	2,423	2,575	2,575	0
1,307	1,428	122	Operating Grant Transfers	3,030	3,055	3,140	85
818	647	-171	Capital Grant Transfers	1,130	1,625	1,600	-25
332	370	38	Capital Contributions	640	670	645	-25
220	248	29	Operating Contributions	352	357	383	26
15,203	15,227	24	Rates Income	30,909	30,998	30,998	0
4,477	4,487	10	Domestic Waste Charges	8,958	8,958	8,958	0
440	862	422	Interest Income & CDO's	89	299	1,008	709
0	0	0	Rebates Income	0	0	0	0
401	692	291	Other Income	401	526	718	192
631	592	-39	Capital Sales	1,263	1,263	1,263	0
30,934	**32,039**	**1,105**	**Total Direct Income**	**60,349**	**61,479**	**62,643**	**1,164**
			Indirect Income				
1,353	1,285	-68	Plant Hire Recovery	2,707	2,707	2,711	4
1,033	1,033	0	Notional Rental Income	2,067	2,067	2,067	0
368	463	95	Service Agreement Income	723	738	738	0
3,438	3,448	10	Overhead Recovery	6,899	6,899	6,899	0
709	709	0	Contract Internal Income	1,418	1,418	1,418	0
3,822	3,833	10	Transfer From Reserve-Depreciation	7,665	7,665	8,265	600
1,387	1,048	-340	Transfer From Reserve-S94	1,135	2,767	2,885	119
1,671	1,221	-450	Transfer From Reserve-Other	2,693	3,489	3,504	15
13,781	**13,039**	**-742**	**Total Indirect Income**	**25,307**	**27,750**	**28,487**	**737**
			Direct Expenditure				
9,222	8,928	294	Salaries & Wages	18,390	18,157	18,177	-20
3,317	3,128	189	Other Employee Costs	6,633	6,548	6,445	103
1,102	1,026	75	Materials	1,505	1,886	1,783	103
136	177	-41	Stores	238	255	249	6
25	58	-33	Minor Plant Purchases	50	50	52	-1
1,113	1,198	-86	Plant & Equipment	1,937	1,967	1,971	-3
6,888	6,355	533	Contract Services External	11,739	14,257	14,850	-592
3,831	3,833	-2	Depreciation Expense	7,665	7,665	8,265	-600
293	304	-11	Interest Expense	586	586	586	0
1,537	1,410	127	Professional Expenses	2,620	3,354	3,527	-173
455	488	-34	Legal Expenses	910	910	910	0
195	207	-12	Bad & Doubtful Debts	200	200	200	0
282	251	31	Leases/Rentals/Hire/Licences	512	540	452	88
587	641	-54	Public Utilities	1,168	1,175	1,195	-20
143	162	-20	Communications	287	286	303	-17
190	181	9	Advertising	375	377	383	-6
501	545	-44	Insurance	981	992	1,036	-43
90	78	12	Banking	180	180	180	0
334	244	90	Other Expenses	769	768	734	34
176	230	-53	Office Expenses	351	353	354	-1
1,427	1,602	-175	Sundry Services/Waste Disposal	2,849	2,852	2,970	-117
47	61	-14	Memberships	95	95	95	0
1,495	1,585	-90	Levies/Contributions/Subsidies	2,652	2,680	2,768	-88
1,694	2,030	-336	Capital Purchases/Payments	3,733	3,733	3,873	-140
35,079	**34,723**	**356**	**Total Direct Expenditure**	**66,426**	**69,869**	**71,356**	**-1,488**
			Indirect Expenditure				
470	472	-2	Corporate Development Overhead	944	944	944	0
727	728	-1	IT Services Overhead	1,456	1,456	1,456	0
862	864	-2	Financial Services Overhead	1,728	1,728	1,728	0
1,032	1,033	-1	Accommodation Overhead	2,067	2,067	2,067	0
556	560	-3	Insurance Overhead	1,120	1,120	1,120	0
325	326	0	Records Overhead	651	651	651	0
498	499	-2	Customer Service Overhead	999	999	999	0
1,354	1,285	68	Plant Hire Charge Internal	2,707	2,707	2,711	-4
709	709	0	Contract Services Internal Expense	1,418	1,418	1,418	0
331	443	-111	Service Agreement Expense	648	663	663	0
287	324	-37	Transfer To Reserve-S94	580	580	580	0
1,408	1,463	-55	Transfer To Reserve-Other	4,839	4,982	5,377	-395
8,559	**8,704**	**-145**	**Total Indirect Expenditure**	**19,157**	**19,316**	**19,714**	**-399**
1,076	**1,650**	**574**	**Increase/(call) on Council Funds**	**73**	**44**	**59**	**14**

2.4 Operating Statement

The Projected Operating Result before Capital for the financial year 2009/2010 is a surplus of $60,000, a variance of $33,000 compared to the previously adopted budget of $27,000 surplus.

The fluctuation in the budget can be mainly attributed to: -

Budgeted Operating Results before Capital as per Adopted Budget for the year ending 30/6/10	**$**	**27,000**
INCOME		
Additional User fees mainly relating to Sydney Lakeside and Rental Income	$	151,000
Additional Regulatory Fees mainly relating to DA Income	$	50,000
Additional Operating Grant & Contributions mainly relating to Catchment Mgmt and Bitou Bush works	$	111,000
Additional Interest Income mainly due to appreciation of CDO's value & Improved Interest Rates	$	709,000
Additional Other Income mainly relating to Legal/Insurance Recovery & Compliance Waste Education Funds	$	192,000
Additional Profit/(Loss) on Sale of Assets mainly relating to Vehcile & Plant Sales	$	100,000
EXPENDITURE		
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & salaries	$	83,000
Additional Materials, Stores & Contract Services External mainly relating to works such as Natural Environment Grant works	-$	398,000
Additional Depreciation Expense mainly relating to Drainage/Footpaths	-$	600,000
Additional Levies/Contributions mainly relating to SES Contribution & Fire Levy	-$	88,000
Additional Professional & Other Expenses mainly relating to Security Services, Waste Disposal and Insurance Expenditure.	-$	277,000
Projected Operating Results before Capital for the year ending 30 June 2010 Surplus	**$**	**60,000**

The Actual Year to Date Operating result before Capital for the period ending 31 December 2009 shows a surplus of $1.655 million. Compared to the Year to Date Budget of $19,000 deficit this indicates a positive variance of $1.674 million.

OPERATING STATEMENT

Pittwater Council

Operating Statement

For Period 6 Ending 31 December 2009

Year to Date - $000's				Annual Budget - $000's			
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
5,081	5,394	313	User Fees	9,656	9,656	9,807	151
737	802	66	Regulatory Fees	1,498	1,498	1,548	50
1,287	1,289	2	Regulatory Fines	2,423	2,575	2,575	0
1,307	1,653	347	Operating Grant Income	3,030	3,055	3,140	85
220	248	29	Operating Contributions	352	357	383	26
15,203	15,227	24	Rates Income	30,909	30,998	30,998	0
4,477	4,487	10	Domestic Waste Charges	8,958	8,958	8,958	0
440	862	422	Interest Income & CDO's	89	299	1,008	709
0	0	0	Rebates Income	0	0	0	0
401	674	273	Other Income	401	512	703	192
-25	92	117	Profit / (Loss) on Sale of Assets	-50	-50	50	100
0	0	0	Gain from Joint Venture Assets	305	305	305	0
29,128	**30,730**	**1,602**	**Total Direct Income**	**57,571**	**58,163**	**59,476**	**1,313**
			Indirect Income				
1,353	1,285	-68	Plant Hire Recovery	2,707	2,707	2,711	4
368	463	95	Service Agreement Income	723	738	738	0
709	709	0	Contract Internal Income	1,418	1,418	1,418	0
2,430	**2,457**	**27**	**Total Indirect Income**	**4,848**	**4,863**	**4,867**	**4**
			Direct Expenditure				
8,875	8,673	201	Salaries & Wages	17,812	17,580	17,599	-20
3,184	3,030	154	Other Employee Costs	6,409	6,325	6,221	103
386	481	-94	Materials	731	816	837	-21
134	159	-25	Stores	238	253	243	11
25	56	-31	Minor Plant Purchases	50	50	52	-1
1,083	1,152	-69	Plant & Equipment	1,937	1,937	1,926	12
4,254	4,066	189	Contract Services External	8,490	8,949	9,348	-399
3,831	3,833	-2	Depreciation Expense	7,665	7,665	8,265	-600
293	304	-11	Interest Expense	586	586	586	0
1,256	1,171	86	Professional Expenses	2,252	2,736	2,821	-85
455	486	-32	Legal Expenses	910	910	910	0
195	207	-12	Bad & Doubtful Debts	200	200	200	0
254	178	77	Leases/Rentals/Hire/Licences	512	512	406	106
587	635	-48	Public Utilities	1,168	1,175	1,195	-20
143	162	-19	Communications	287	286	303	-17
190	181	9	Advertising	375	377	383	-6
501	545	-44	Insurance	981	992	1,036	-43
90	78	12	Banking	180	180	180	0
334	353	-19	Other Expenses	769	765	892	-127
176	224	-48	Office Expenses	351	353	350	3
1,424	1,533	-109	Sundry Services/Waste Disposal	2,849	2,849	2,935	-85
47	61	-14	Memberships	95	95	95	0
1,495	1,581	-86	Levies/Contributions/Subsidies	2,652	2,680	2,768	-88
29,213	**29,150**	**63**	**Total Direct Expenditure**	**57,500**	**58,271**	**59,551**	**-1,280**
			Indirect Expenditure				
1,324	1,265	59	Plant Hire Charge Internal	2,647	2,647	2,651	-4
709	709	0	Contract Services Internal Expense	1,418	1,418	1,418	0
331	409	-78	Service Agreement Expense	648	663	663	0
2,364	**2,383**	**-19**	**Total Indirect Expenditure**	**4,713**	**4,728**	**4,732**	**-4**
-19	**1,655**	**1,674**	***Operating Results before Capital***	**206**	**27**	**60**	**33**
1,150	1,017	133	Grants & Contributions - Capital	1,600	2,295	2,245	50
0	0	0	Material Public Benefits - S94	170	0	0	0
1,131	**2,671**	**1,541**	***Change in Net Assets - Resulting from Opera***	**1,976**	**2,321**	**2,305**	**-16**

2.5 Cash Flow Statement

The projected total General Fund for the year ended 30 June 2010 stands at $18.676 million. Compared to the previously adopted budget of $18.349 million, this amount is a increase of $327,000 which is mainly due to improvement in Investment & other Income.

The actual result for the period ended 31 December 2009 is a net inflow of $4.534 million. Compared to the year to date budget of $4.675 million, this amounts to a adverse variance of $141,000.

Following is a statement of Council's cash position budget to actual:-

Pittwater Council

Cash Flow Statement

For Period 6 Ending 31 December 2009

Year to Date - $000's				Annual Budget - $000's			
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Cash Inflows				
24,700	24,738	38	Rates & Garbage	39,777	39,815	39,815	0
1,800	1,773	-27	Grants	4,161	4,161	4,161	0
5,450	5,660	210	User Charges	9,656	9,656	9,807	151
1,980	2,091	111	Regulatory Fees & Fines	3,921	4,073	4,123	50
200	260	60	Contributions & Donations	412	447	447	0
375	821	446	Interest Income & CDO's	89	299	1,008	709
600	592	-8	Sale of Assets (Excluding Land)	1,263	1,263	1,263	0
0	0	0	Sale of Land	0	0	0	0
426	704	278	Other	401	526	718	192
300	324	24	S94 Contributions Received	580	580	580	0
0	0	0	Proceeds from loan	0	0	0	0
0	414	414	GST Net Inflow	0	0	0	0
35,831	**37,379**	**1,548**	**Total Inflows**	**60,260**	**60,819**	**61,922**	**1,103**
			Cash Outflows				
9,248	9,290	-42	Employee Salary & Wages	18,390	18,157	18,177	-20
3,150	2,887	263	Employee Other Costs	6,225	6,317	6,202	115
540	542	-2	Insurance Claims/Premiums	981	992	1,036	-44
1,300	1,280	20	Levies & Contributions	2,652	2,680	2,768	-88
14,272	12,274	1,998	Materials/Stores/Contracts	24,883	28,699	29,298	-599
460	488	-28	Legal Expenses	910	910	910	0
326	322	4	Loan Interest Repayments	586	586	586	0
480	482	-2	Loan Principal Repayments	760	760	760	0
1,380	5,278	-3,898	Purchase Of Assets	2,752	2,752	2,892	-140
31,156	**32,844**	**-1,688**	**Total Outflows**	**58,140**	**61,853**	**62,629**	**-776**
4,675	4,534	-141	Net Inflows/(Outflows)	2,120	-1,034	-707	327
19,383	19,383	0	Funds Carried Forward from Prior Year	14,033	19,383	19,383	0
24,058	**23,917**	**-141**	**Total General Fund**	**16,153**	**18,349**	**18,676**	**327**
4,994	5,371	-377	Less Restricted Assets	3,901	3,907	3,789	118
1,497	1,497	0	Less Unexpended Grants	900	1,371	1,400	-29
9,039	9,544	-505	Less Internal Reserves	10,361	10,795	11,175	-380
8,528	**7,506**	**-1,022**	**Increase/(call) on Council Funds**	**991**	**2,276**	**2,312**	**36**

2.6 Balance Sheet

Council's Projected total increase in equity for the year ending 30 June 2010 is $2.305 million (net change in assets resulting from operations) this will increase the Total equity to $2.002 billion.

Pittwater Council

Balance Sheet

For Period 6 Ending 31 December 2009

Actual 31/12/2009 $000's		Projected 30/06/2010 $'000	Actual 30/06/2009 $'000
	CURRENT ASSETS		
4,750	Cash Assets	4,277	8,778
19,168	Investments	14,399	11,810
1,713	Receivables	3,978	2,884
89	Inventories	60	67
887	Other	816	4,490
3,339	Non Current Assets held for sale	4,500	3,419
29,946	**TOTAL CURRENT ASSETS**	28,030	31,448
	NON-CURRENT ASSETS		
0	Investments	0	0
609	Receivables	600	709
0	Inventories	0	0
1,978,614	Infrastructure Property, Plant and Equipment	1,983,484	1,981,797
4,751	Investment Property	5,265	1,600
4,555	Investments Accounted for using the Equity Method	3,759	4,024
1,988,529	**TOTAL NON-CURRENT ASSETS**	1,993,108	1,988,130
2,018,475	**TOTAL ASSETS**	2,021,138	2,019,578
	CURRENT LIABILITIES		
1,674	Payables	4,818	3,986
537	Interest Bearing Liabilities	981	2,207
6,137	Provisions	5,803	5,902
8,348	**TOTAL CURRENT LIABILITIES**	11,602	12,095
	NON-CURRENT LIABILITIES		
0	Payables	0	0
7,393	Interest Bearing Liabilities	7,186	7,420
155	Provisions	137	155
7,548	**TOTAL NON-CURRENT LIABILITIES**	7,323	7,575
15,896	**TOTAL LIABILITIES**	18,925	19,670
2,002,579	**NET ASSETS**	**2,002,213**	**1,999,908**
	EQUITY		
2,002,579	Accumulated Surplus/ (Deficit)	2,002,213	1,999,908
	Asset Revaluation Reserve		
2,002,579	**TOTAL EQUITY**	**2,002,213**	**1,999,908**

2.7 Performance Indicators

In line with current directives of the Local Government Association, Pittwater Council is now using the Local Government Financial Health Check for reporting Financial Indicators. This system encompasses the use of Traffic Lights as simple indicators of current financial position. These indicators are as follow: -

The indicators are being shown as:
Green: - Strong Position
Yellow: - Monitor (may need attention)
Red: - Act to Correct Immediately

Unrestricted Current Ratio
The Unrestricted Current ratio is the ratio of Unrestricted Cash Assets held that are available to meet any current liabilities. This means that Council currently projects to have $2.65 (excluding externally restricted funds such as S94 and grant monies) available to service every $1 of debt as it falls due at the end of the financial year. A higher ratio indicates a stronger financial position.

Green: - Greater than 2:1
Yellow: - Between 1:1 and 2:1
Red: - Less than 1:1

June 2006	June 2007	June 2008	June 2009	Projected June 2010
2.57 (green)	2.40 (green)	3.24 (green)	2.92 (green)	2.65 (green)

Operating Result
The Operating Result is the Profit that Council makes from normal operations (excluding expenditure on Capital Items).

Green: - 3yrs Consecutive Surplus
Yellow: - Surplus
Red: - Deficit

June $'000 2006	June $'000 2007	June $'000 2008	June $'000 2009	Projected June $'000 2010
239 (green)	1,318 (green)	1,182 (green)	62 (green)	60 (green)

Debt Service Ratio
This ratio demonstrates the cost of servicing Council's annual debt obligations (loan repayments, both principal and interest) as a portion of available Revenue from Ordinary Activities. A lower ratio is a positive financial indicator

Green: - Less than 10%
Yellow: - Between 10 and 15%
Red: - Greater than 15%

June 2006	June 2007	June 2008	June 2009	Projected June 2010
2.32% (green)	1.88% (green)	1.77% (green)	1.82% (green)	2.76% (green)

2.8 2009/2010 Reserve Balances

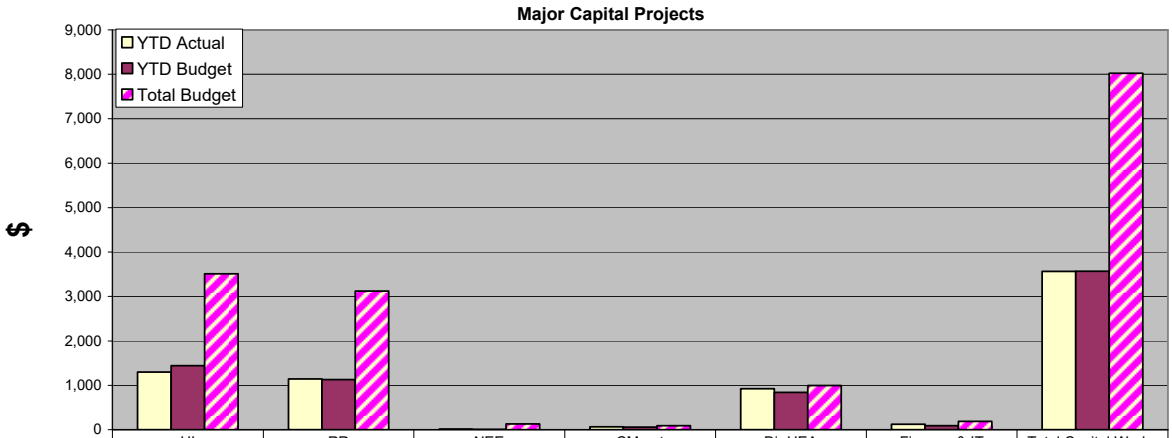
Council's Projected Reserve Balances which reflect funds restricted for both internal and external purposes amount to $16.365 million. In addition to the restricted amounts listed below, Council also holds $2.312 million in unrestricted funds which when combined with restricted funds amount to Council's projected year end cash position of $18.676 million.

Unlike Council's restricted funds which are held for specific purposes such as Section 94 works, Cemetery works, Caravan Park Capital Works etc, Council's unrestricted funds are utilised as one mechanism to fund the business's ongoing operations. This does not mean that they can be spent in isolation, as Council's annual income and expenditure are managed via Council's Consolidated Statement which currently reflects an almost balanced position of $59,000 surplus.

General Reserves	Opening Balance 01.07.2009	Transfers To Reserve	Transfers From Reserve	Closing Balance 30.06.2010
Environmental Levy (Escarpment)	1,603,512	-	-	1,603,512
Environmental Infrastructure Levy	434,412	1,428,514	1,813,236	49,690
General Reserve	1,791,769	1,880,483	592,788	3,079,464
Employee Leave Entitlement	1,158,578	-	-	1,158,578
Caravan Park Capital Works	187,204	200,000	150,000	237,204
Cemetery Reserve	1,324,369	81,329	40,000	1,365,698
Road Reserve	283,469	95,000	34,914	343,555
Capital Works Reserve	-	-	-	-
Strategic Property Rationalisation Reserve	9,225	201,764	50,000	160,989
Plant Replacement	20,079	-	-	20,079
Tennis Liason Trust Fund	140,330	51,219	-	191,549
Other	397,142	245,027	188,777	453,392
Lagoon Entrance Clearing	75,000	25,000	-	100,000
Avalon Golf Course	32,953	-	-	32,953
Commercial Centres Outdoor Seating	69,438	96,919	-	166,357
Marine Infrastructure	128,044	50,000	77,700	100,344
Church Point Easement	138,073	-	1,260	136,813
Election Reserve	-	75,000	-	75,000
IT Reserve	18,000	-	-	18,000
Restoration Reserve	40,000	-	-	40,000
Trust and Bonds (eg. Tree and Footpath)	624,751	-	-	624,751
Community Centre Trusts (S.355)	99,913	-	-	99,913
Bus Shelter Reserve	30,000	-	-	30,000
Total Reserves	**8,606,261**	**4,430,255**	**2,948,675**	**10,087,841**
Section 94	**6,094,184**	**580,000**	**2,885,280**	**3,788,904**
Domestic Waste Management	**654,864**	**424,346**	**-**	**1,079,210**
Specific Purpose Unspent Grants and Contributions	**1,626,040**	**4,514,329**	**4,740,369**	**1,400,000**
Stormwater Management Levy	**41,484**	**522,770**	**555,660**	**8,594**
Total Reserves & Section 94	**17,022,834**	**10,471,701**	**11,129,985**	**16,364,549**

2.9 2009/2010 Major Projects

The total expenditure for Major Projects (including revotes) under the previously adopted 2009/2010 Capital Improvements Program amounted to $8.048 million. The program has now been amended to $8.026 million in the December Quarterly Review. The tracking of the CIP is outlined below:



	UI	RR	NEE	CMgmt	Dir UEA	Finance & IT	Total Capital Works
YTD Actual	1,297	1,144	10	64	923	123	3,562
YTD Budget	1,442	1,130	6	60	842	90	3,570
Total Budget	3,508	3,122	129	88	992	186	8,026

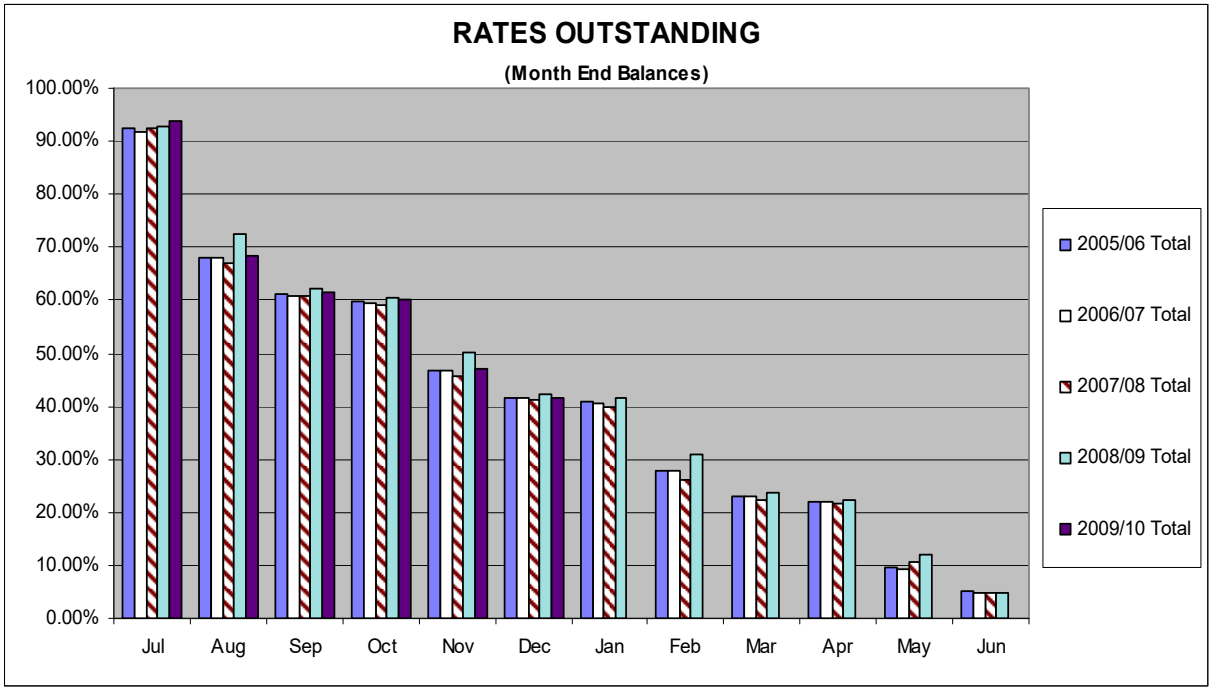
2009/2010 MAJOR PROJECTS		Revised	Projected	Gross	Percentage
PERIOD ENDING 31st December 2009		Total	Total	Exp	Complete
TOP TEN JOBS BY PROJECTED BUDGET	Comment	Budget	Budget	Actual	%
Newport Mainstreet Project	Landscaping	775,441	775,441	767,669	99%
Newport Community Centre	Residual Final Works	216,670	216,670	74,232	34%
Narrabeen Creek - Corridor G (STP Buffer Area 2 Const)	S94 WWV Funded	276,619	276,619	0	0%
Avalon & Mona Vale Skate Park Refurbishments	Ongoing works	270,047	320,047	314,434	98%
Narrabeen Creek - Corridor B - Stage 1	S94 WWV Funded	250,000	250,000	0	0%
District Park (Sector 8)	S94 WWV Funded	250,000	250,000	147	0%
Village Centres Lighting & Security upgrades	Ongoing works	166,543	226,543	225,632	100%
Traffic Facilities Signs and Line Marking	Ongoing works	170,000	170,000	89,211	52%
Avalon Golf Course - Tanks and Irrigation	El Levy Funded	170,000	170,000	1,000	1%
Pittwater Park Palm Beach Seawall	Ongoing works	150,240	150,240	96,685	64%

2.10 Rates Debtors

Throughout the year, Council Rates staff will make a concentrated and consistent approach to all aspects of the debt recovery process. Council's target for rate arrears amounts to 5% or lower. In obtaining the target, staff monitors and follows up ratepayers to ensure compliance with all aspects of Council rate recovery practices.

As at the quarter ended 31 December 2009, Council collected $24.384M (58.28%) of the total of $41.839M collectable, being the current year rate levy, (including the environmental infrastructure levy), supplementary rate levies, onsite waste water management charges, stormwater management services charges, interest charges, legal costs and the outstanding rates and charges brought forward from the previous year. This left a balance of $17.454M (41.72%) outstanding at 31 December 2009.

A monthly comparison of the ratio of outstanding rates from 2005/06 to 2009/10 is shown on the graph below.



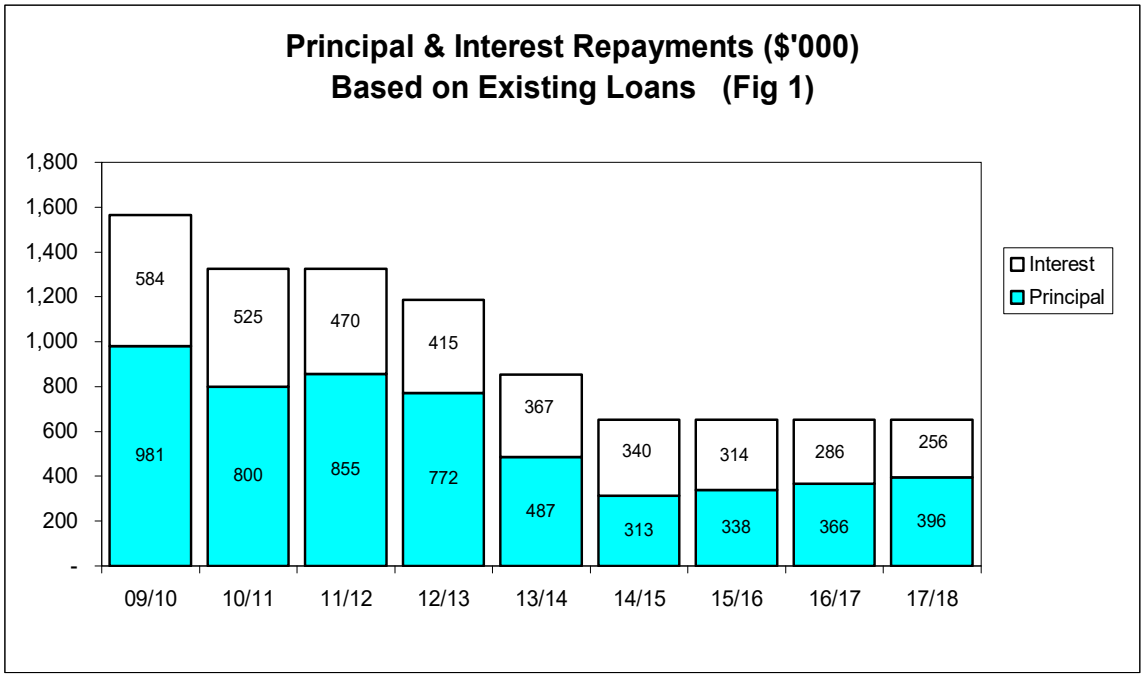
The outstanding total of $ 17.454M included $ 2.397M owing by the following categories of ratepayers for which Council will not take legal action for the recovery of outstanding amounts:-

- Pensioners – no legal action is taken, apart from the issuing of normal Rate Notices and a reminder letter - $ 1.812M. The majority of this amount will be paid over the remaining two instalments.
- Ratepayers paying off their rates in accordance with individually agreed arrangements - $ 0.418M. Council's policy is to allow such arrangements to be made and not to take recovery action against such ratepayers unless they default on their payment arrangements.
- Ratepayers who are eligible to have part of their rates postponed for up to five years because their land is zoned for a higher valued purpose, but is used for residential purposes - $ 0.167M. This is an entitlement contained in the Local Government Act, for which no recovery action can be taken.

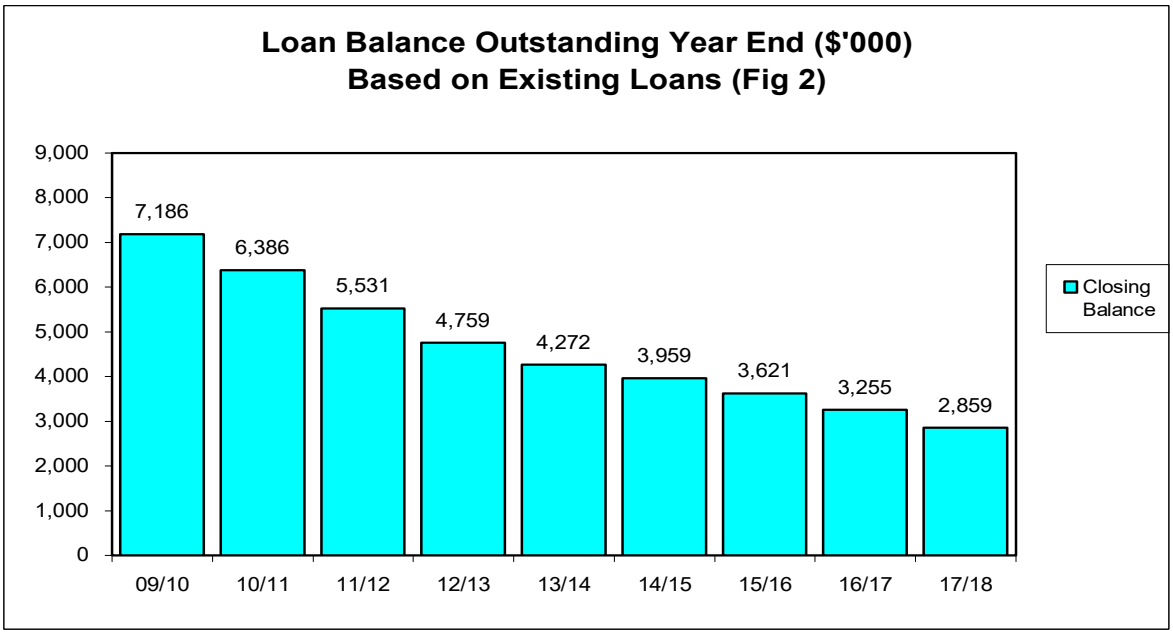
2.11 Loan Liability

Council's outstanding loan position as at 31 December 2009 was $7.186 million.

As shown in Figure 1 below, total loan repayments in 2009/2010 amount to $1.565 million. These repayments are made up of principal repayments totalling $981,000 and interest repayments totalling $584,000.



As shown in Figure 2 below, Council's outstanding loan balance will decrease to $6.386 million as at 30 June 2010. (These figures are based on current loan levels, and are subject to review).



Councils Debt Service Ratio currently stands at 2.76% based on Borrowings as at 31 December 2009.

2.12 Environmental Levy – Warriewood/Ingleside Escarpment Acquisition

The Environmental Levy to date has helped to fund the following land acquisitions:

▪ Healesville Holding (Burrawang Ridge Estate)	28.0 hectares
▪ Part Mater Maria School site	3.6 hectares
▪ Heydon Estate	26.6 hectares
TOTAL	**58.2 hectares**

In addition, Council has resolved to enter into negotiations with the Uniting Church in regard to the potential acquisition of part of their land, at Elanora Heights for escarpment protection.

Opening Reserve Balance as at 01/07/09	$1,603,200
YTD Income to 31/12/09	$0
YTD Expenditure to 31/12/09	$40,570
Closing Reserve Balance as at 31/12/09 (restricted)	$1,562,630

2.13 Environmental Infrastructure Levy

The Environmental Infrastructure (EI) Levy commenced 1 July 2005 to provide funds for the environmental infrastructure retrofit and upgrade throughout the Pittwater area.

The EI-Levy provides funds for environmental infrastructure that will progressively improve both our 'urban' and 'natural' environment. The EI-Levy over a seven year period will target high priority projects that benefit the broadest cross section of our community.

Council's Management Plan includes a schedule of EI-Levy funded projects for the next five years, which will be reviewed and publicly exhibited annually. The schedule of works will also receive input from the community through the Environmental Infrastructure Levy Advisory Committee comprising representatives from the four Portfolio Committees.

Opening Reserve Balance as at 01/07/09	$434,725
YTD Income to 31/12/09	$719,617
YTD Expenditure to 31/12/09	$616,782
Closing Reserve Balance as at 31/12/09 (restricted)	$537,560

2.14 Stormwater Management Service Charge

The Stormwater Management Service Charge Program is funded by a Stormwater Management Service Charge commencing from 1 July 2007 under amendments to the Local Government Act 1993 and the Local Government (General) Regulations 2005.

The Stormwater Management Service Charge Program is made under the recent addition of Section 496A to the Local Government Act 1993 made by the Local Government Amendment (Stormwater) Act 2005 and in accordance with clauses 125A, 125AA, 200A and 217 of the Local Government (General) Regulation 2005.

The Stormwater Management Service Charge Program is levied on rateable urban land that is categorised for rating purposes as residential or business (excludes vacant land – see definition in the Act). The charge levied is:

- $25 for land categorised as residential
- $12.50 per residential strata lot
- $25 per 350 square metres (or part thereof) for land categorised as business
- Pro-rata apportionment for business strata complexes.

The purpose of the service charge is to fund both capital projects and recurrent expenditure relating to new or additional stormwater management services to eligible land within the 23 sub-catchments within Pittwater by taking a 'global' approach to stormwater services and ensuring a reasonable equitable distribution of Stormwater Management Services over time.

The Stormwater Management Service Charge Annual Works Program for the current and future years is set out in Councils 2009-2013 Management Plan in the Major Projects Work Schedules for Urban Infrastructure Business Unit.

Opening Reserve Balance as at 01/07/09	$41,484
YTD Income to 31/12/09	$307,238
YTD Expenditure to 31/12/09	$120,735
Closing Reserve Balance as at 31/12/09 (restricted)	$227,987

2.15 Section 94 Contribution Plans

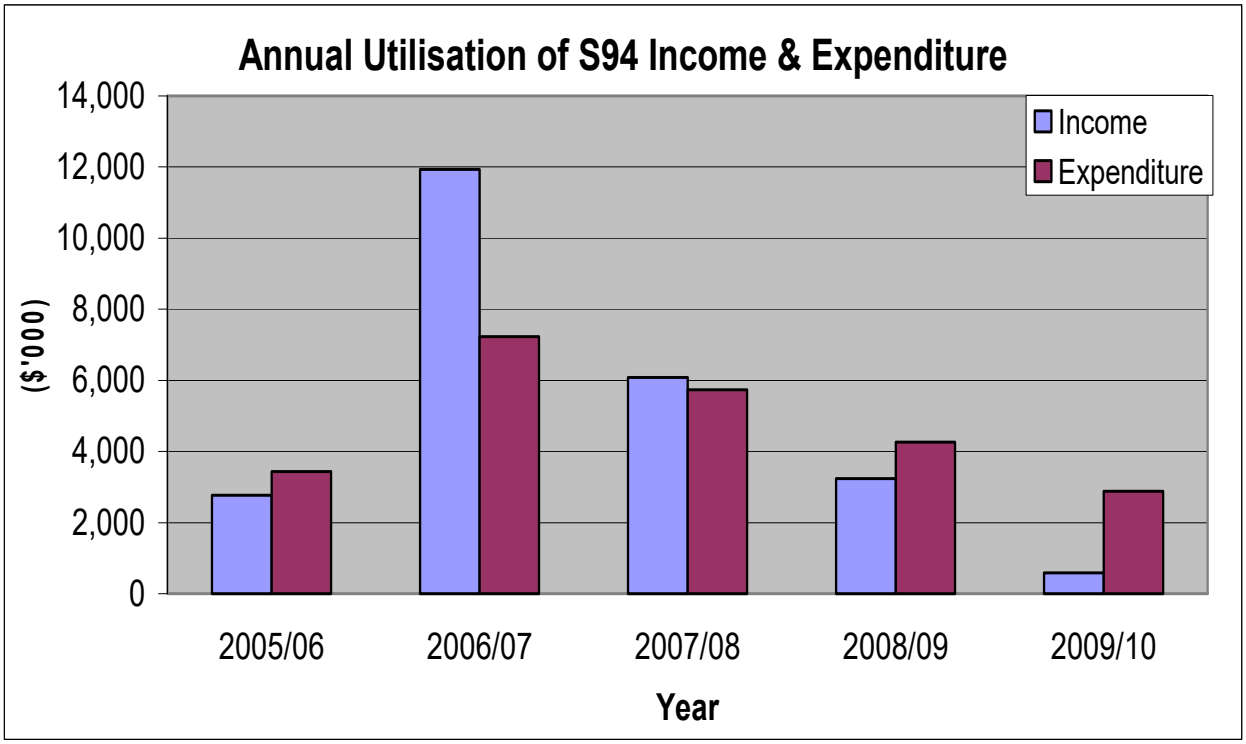
Section 94 (S94) is a monetary contribution levied on developers at the development applications stage to pay for a proposed increase in demand for public services, such as roads and parks.

Council has a number of S94 contribution plans, each containing income projections and work programs, enabling a financial strategy to efficiently and equitably administer the funds. A summary detailing the balances and projected income and expenditure for the current year of the various plans is contained within the table below:

SECTION 94 PLANS	Plan Balance as at 30/06/09	Expenditure for 2009/10	Income for 2009/10	Plan Balance as at 30/06/10	Plan Balance as at 31/012/09
Community Service Facilities	$ 39,496	$ 146,513	$ 110,000	$ 2,983	$ 93,963
Mona Vale Car Parking	$ 3,057,591	$ 25,000	$ -	$ 3,032,591	$ 3,035,826
Newport Car Parking	$ 130,185	$ -	$ -	$ 130,185	$ 123,690
Open Space	$ 242,215	$ 269,789	$ 300,000	$ 272,426	$ 289,761
Village Streetscape	$ 996,737	$ 1,038,497	$ 120,000	$ 78,240	$ 189,095
Public Libraries	$ 216,322	$ 70,000	$ 50,000	$ 196,322	$ 245,222
Warriewood Valley	$ 1,411,638	$ 1,335,481	$ -	$ 76,157	$ 1,394,814
Totals	**$ 6,094,184**	**$ 2,885,280**	**$ 580,000**	**$ 3,788,904**	**$ 5,372,371**

Council is required to undertake financial management of Section 94 contributions as the authority responsible for most of the communities' infrastructure and regional facilities. The timing of the capital expenditure is heavily dependant upon the levels of development and contributions received.

To demonstrate Pittwater Council's financial management of Section 94 contributions, a comparison of income (contributions received) versus expenditure for the provision of community facilities is shown in the graph below.



3.0 SUSTAINABILITY ASSESSMENT

Over the last two years Pittwater Council, in collaboration with the Local Community, developed Pittwater 2020, the first of its kind. This strategic plan provides an overarching framework to proactively respond to the community aspirations and desires.

The Strategic Plan articulates the community vision for what Pittwater should be like in 2020 and outlines five interlinked and independent key directions and their associated strategies under which all planning will occur. The 20 key strategies have been developed providing the operational mechanism – vision, objectives, initiatives and measures – to achieve the inspirational goals and targets.

Accordingly, in an effort to assist Council's Strategic Plan and associated vision the 2009/10 budget, in addition to traditional financial reporting formats, has been broken down based upon the key five directions and their 20 associated strategies.

For information for the community the net consolidated position of each key direction and strategies are outlined below:

5 Key Directions - Net Budget Position:

3.1 Supporting & Connecting our Community (Social)

3.1.1 The net impact of the 2009/10 projected budget for this key direction is a cost of $4.812 million.

This net cost includes:	
Operating Expenditure	$8.812 million
Capital Expenditure	$1.612 million
Income	($3.723) million
Transfer from Reserve*	($2.177) million
Transfer to Reserve*	$288,000
Net Cost to Council	$4.812 million

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The net impact of the 2009/10 projected budget for this key direction is a cost of $4.054 million.

This net cost includes:	
Operating Expenditure	$14.323 million
Capital Expenditure	$1.868 million
Income	($9.827) million
Transfer from Reserve*	($2.803) million
Transfer to Reserve*	$493,000
Net Cost to Council	$4.054 million

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The net impact of the 2009/10 projected budget for this key direction is a cost of $947,000.

This net cost includes:	
Operating Expenditure	$4.436 million
Capital Expenditure	$836,000
Income	($3.406) million
Transfer from Reserve*	($1.252) million
Transfer to Reserve*	$335,000
Net Cost to Council	$947,000

3.4 Leading an effective & Collaborative Council (Governance)

3.4.1 The net impact of the 2009/10 projected budget for this key direction is income of $14.613 million.

This net income includes:	
Operating Expenditure	$18.751 million
Capital Expenditure	$4.482 million
Income	($39.125) million
Transfer from Reserve*	($3.012) million
Transfer to Reserve*	$4.292 million
Net Income to Council	($14.613) million

3.5 Integrating our Built environment (Infrastructure)

3.5.1 The net impact of the 2009/10 projected budget for this key direction is a cost of $4.740 million.

This net cost includes:	
Operating Expenditure	$13.094 million
Capital Expenditure	$3.068 million
Income	($6.561) million
Transfer from Reserve*	($5.412) million
Transfer to Reserve*	$550,000
Net Cost to Council	$4.740 million

**Note: Transfers to and from Reserve represent funds acquired in the current and/or prior financial years but are utilised or placed into reserve in the current financial year.*

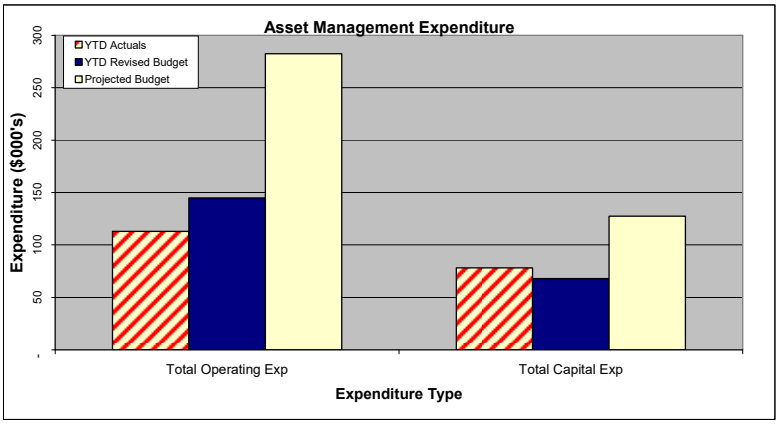
20 Strategies - Net Budget Position:

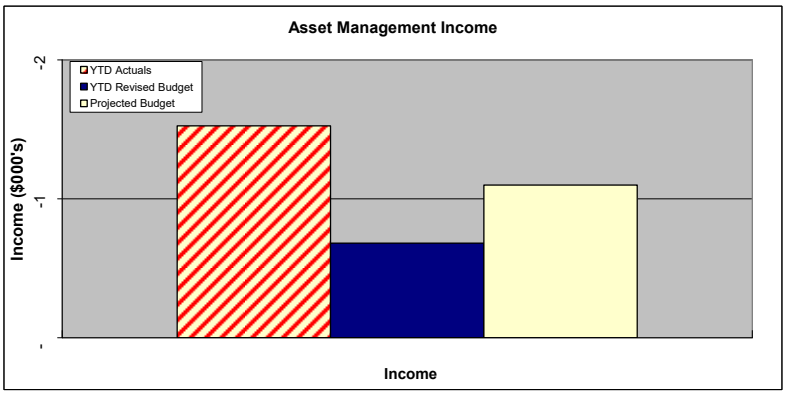
ASSET MANAGEMENT

STRATEGY
Asset Management Coordination

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	75	97	197
Other Employee Costs	29	41	76
Materials and Contracts	0	(0)	0
Depreciation	0	0	0
Interest	0	0	0
Other Costs	8	7	9
Total Operating Exp	**113**	**145**	**283**
Capital Expenditure			
Capital Asset Acquisitions	1	0	0
Capital Works Programs	77	68	128
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**78**	**68**	**128**
Income (Op & Cap)			
User Fees	(0)	0	0
Fees and Charges	0	0	0
Grant Transfers	0	0	0
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(1)	(1)	(1)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(2)**	**(1)**	**(1)**
Transfers from Reserves	(3)	(6)	(8)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**187**	**206**	**401**

*** Net Cost Funded By Rates**



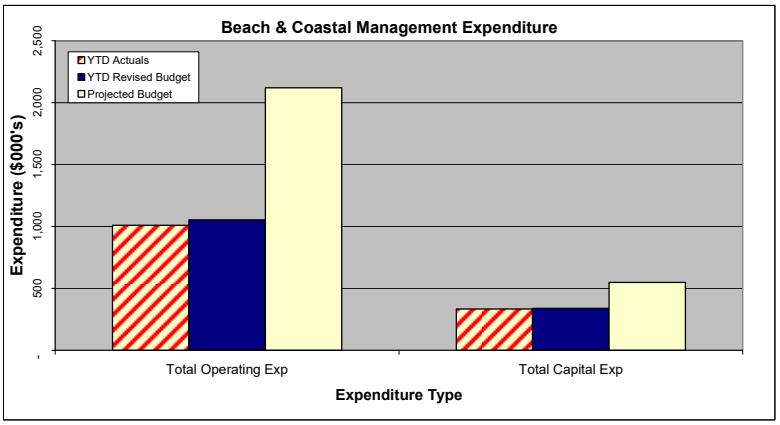


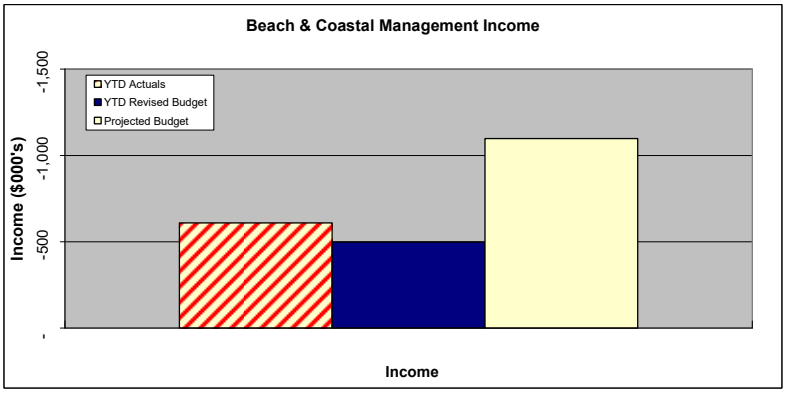
BEACH & COASTAL MANAGEMENT

STRATEGY
Beach & Coastal Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	226	282	560
Other Employee Costs	73	88	168
Materials and Contracts	536	479	1,095
Depreciation	36	36	72
Interest	0	0	0
Other Costs	139	169	223
Total Operating Exp	**1,009**	**1,053**	**2,119**
Capital Expenditure			
Capital Asset Acquisitions	119	77	185
Capital Works Programs	215	262	363
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**333**	**339**	**548**
Income (Op & Cap)			
User Fees	(525)	(456)	(912)
Fees and Charges	0	0	0
Grant Transfers	(75)	(41)	(177)
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(10)	(1)	(9)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(609)**	**(498)**	**(1,098)**
Transfers from Reserves	(216)	(289)	(453)
Transfers to Reserves	1	0	10
Net Cost* / (Income)	**518**	**605**	**1,126**

*** Net Cost Funded By Rates**



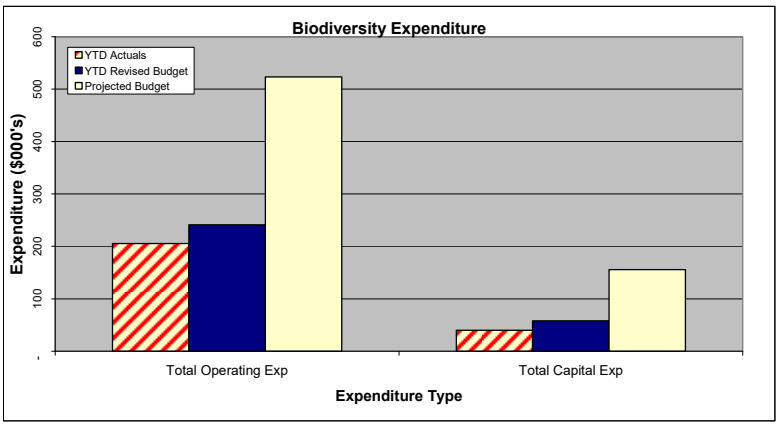


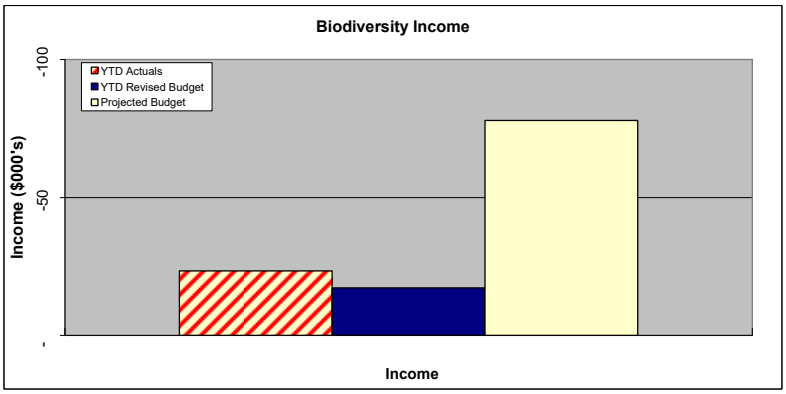
BIODIVERSITY

STRATEGY
Biodiversity

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	99	110	223
Other Employee Costs	33	39	73
Materials and Contracts	65	72	191
Depreciation	0	0	0
Interest	0	0	0
Other Costs	8	19	37
Total Operating Exp	**205**	**241**	**523**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	40	58	156
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**40**	**58**	**156**
Income (Op & Cap)			
User Fees	(0)	0	0
Fees and Charges	(6)	(4)	(11)
Grant Transfers	(15)	(13)	(65)
Contributions	0	0	(1)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(2)	0	(1)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(23)**	**(17)**	**(78)**
Transfers from Reserves	(30)	(41)	(123)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**192**	**241**	**478**

*** Net Cost Funded By Rates**



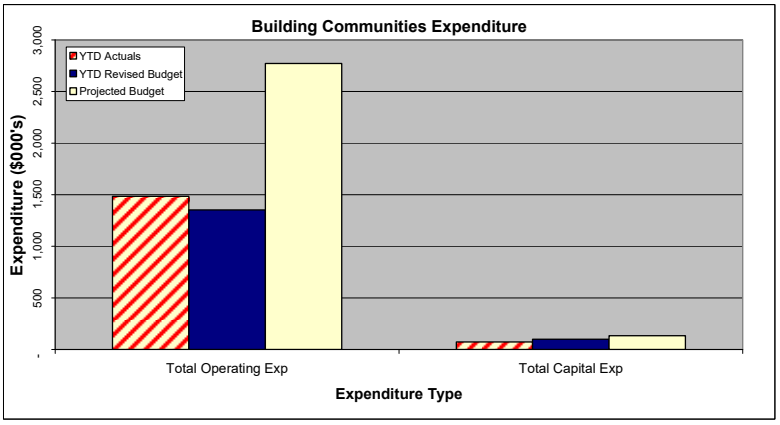


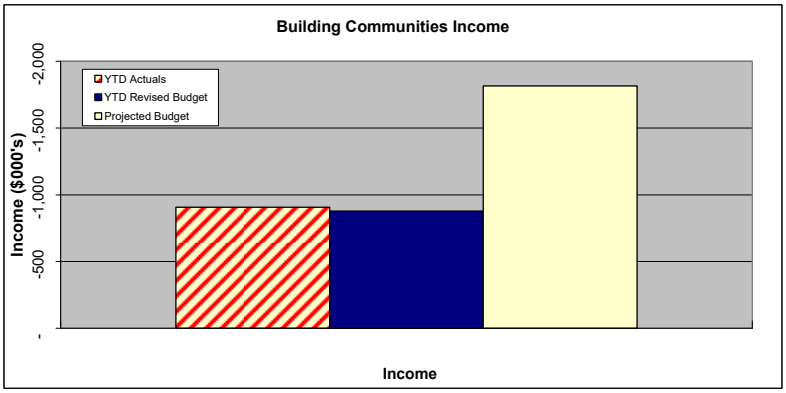
BUILDING COMMUNITIES

STRATEGY
Building Communities

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	813	773	1,545
Other Employee Costs	240	232	454
Materials and Contracts	94	97	239
Depreciation	1	1	1
Interest	1	0	0
Other Costs	336	251	533
Total Operating Exp	**1,485**	**1,353**	**2,773**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	72	98	132
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**72**	**98**	**132**
Income (Op & Cap)			
User Fees	(436)	(456)	(914)
Fees and Charges	(64)	(63)	(127)
Grant Transfers	(333)	(307)	(648)
Contributions	(52)	(49)	(105)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(21)	(3)	(21)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(906)**	**(878)**	**(1,815)**
Transfers from Reserves	(39)	(75)	(111)
Transfers to Reserves	45	42	90
Net Cost* / (Income)	**656**	**540**	**1,069**

*** Net Cost Funded By Rates**



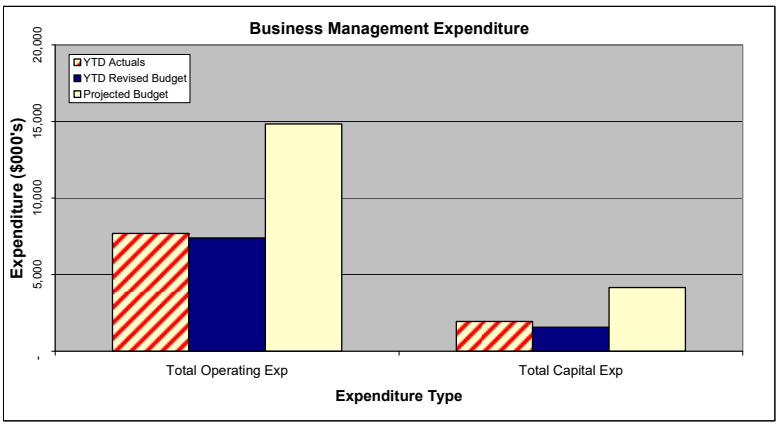


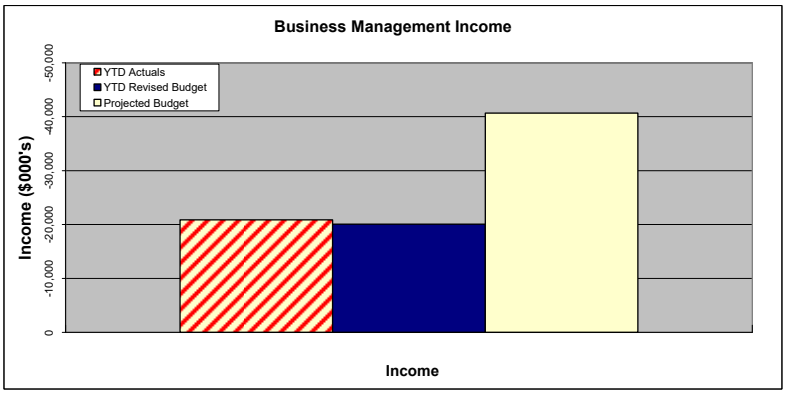
BUSINESS MANAGEMENT

STRATEGY
Business Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	1,857	1,816	3,553
Other Employee Costs	725	726	1,427
Materials and Contracts	1,055	1,048	2,154
Depreciation	935	934	1,869
Interest	294	293	586
Other Costs	2,819	2,581	5,246
Total Operating Exp	**7,684**	**7,398**	**14,834**
Capital Expenditure			
Capital Asset Acquisitions	1,195	913	2,240
Capital Works Programs	259	174	926
Capital Material Public Benefits	0	0	0
Loan Repayments	482	482	981
Total Capital Exp	**1,935**	**1,568**	**4,146**
Income (Op & Cap)			
User Fees	(3,027)	(2,756)	(5,177)
Fees and Charges	(123)	(117)	(258)
Grant Transfers	(774)	(761)	(1,703)
Contributions	0	0	0
Rates Income	(15,227)	(15,203)	(30,998)
Domestic Waste Charge	0	0	0
Interest on Investments	(862)	(440)	(1,008)
Other Income	(264)	(154)	(282)
Capital Assets Disposals	(592)	(631)	(1,263)
Total Income (Op & Cap)	**(20,869)**	**(20,062)**	**(40,688)**
Transfers from Reserves	(608)	(520)	(1,931)
Transfers to Reserves	1,325	1,298	4,631
Net Cost* / (Income)	**(10,532)**	**(10,318)**	**(19,008)**

*** Net Cost Funded By Rates**



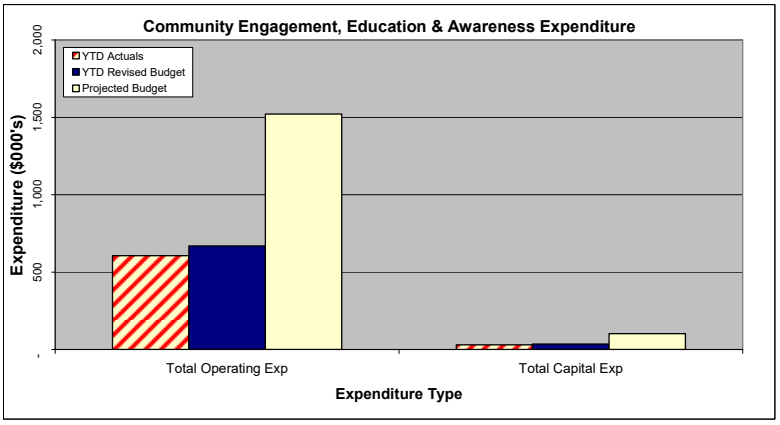


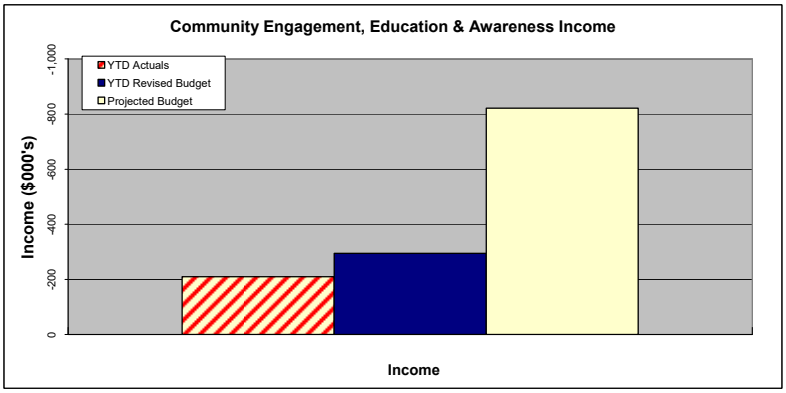
COMMUNITY ENGAGEMENT, EDUCATION & AWARENESS

STRATEGY
Community Engagement, Education & Awareness

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	240	285	658
Other Employee Costs	73	90	199
Materials and Contracts	86	68	177
Depreciation	0	0	0
Interest	8	0	0
Other Costs	199	226	486
Total Operating Exp	**606**	**669**	**1,521**
Capital Expenditure			
Capital Asset Acquisitions	26	15	36
Capital Works Programs	4	20	67
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**30**	**35**	**103**
Income (Op & Cap)			
User Fees	(121)	(249)	(650)
Fees and Charges	(18)	(18)	(37)
Grant Transfers	(40)	(13)	(111)
Contributions	(16)	(15)	(24)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(14)	0	0
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(210)**	**(295)**	**(822)**
Transfers from Reserves	(8)	(11)	(40)
Transfers to Reserves	16	15	24
Net Cost* / (Income)	**434**	**413**	**787**

*** Net Cost Funded By Rates**



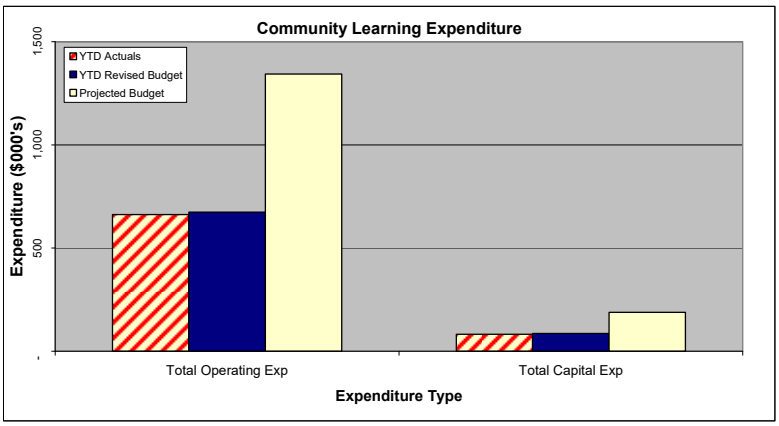


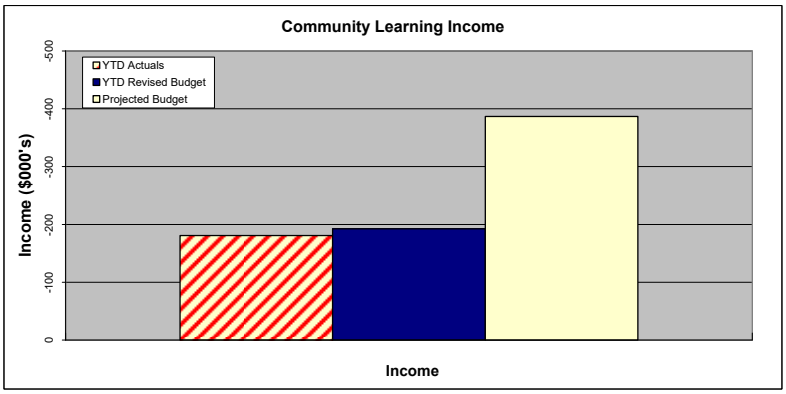
COMMUNITY LEARNING

STRATEGY
Community Learning

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	346	350	690
Other Employee Costs	106	107	210
Materials and Contracts	53	59	125
Depreciation	75	75	150
Interest	0	0	0
Other Costs	81	83	167
Total Operating Exp	**662**	**674**	**1,343**
Capital Expenditure			
Capital Asset Acquisitions	81	84	174
Capital Works Programs	1	2	14
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**82**	**86**	**188**
Income (Op & Cap)			
User Fees	(85)	(103)	(208)
Fees and Charges	(14)	(13)	(27)
Grant Transfers	(47)	(45)	(97)
Contributions	(34)	(31)	(54)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(2)	0	(0)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(181)**	**(193)**	**(387)**
Transfers from Reserves	(83)	(99)	(250)
Transfers to Reserves	34	31	54
Net Cost* / (Income)	**513**	**499**	**948**

*** Net Cost Funded By Rates**



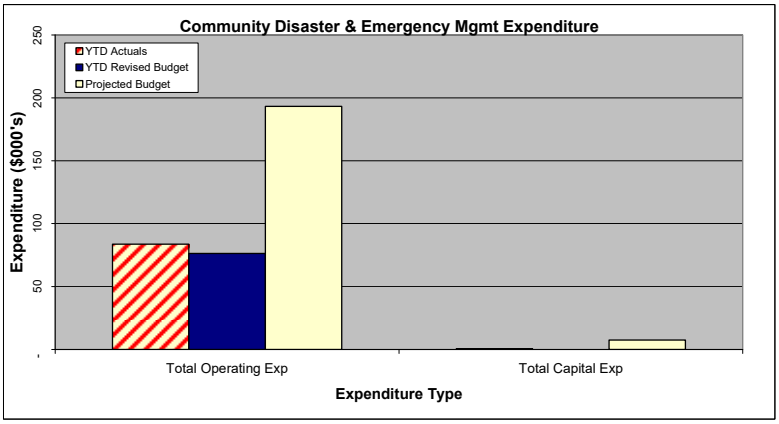


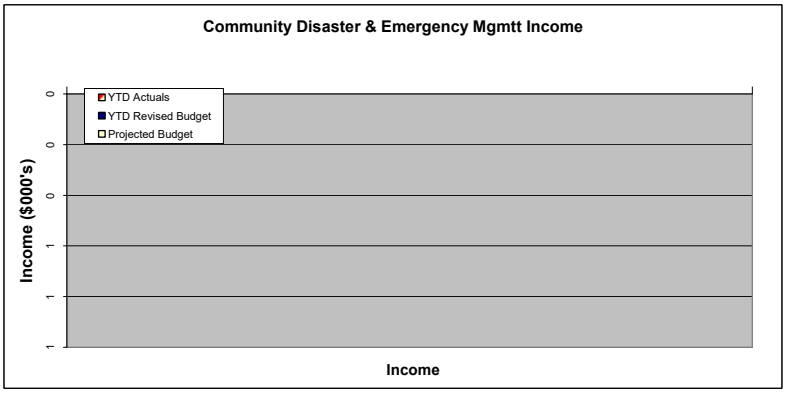
COMMUNITY DISASTER & EMERGENCY MANAGEMENT

STRATEGY
Community Disaster & Emergency Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	35	25	56
Other Employee Costs	11	11	18
Materials and Contracts	2	4	9
Depreciation	0	0	0
Interest	0	0	0
Other Costs	35	35	111
Total Operating Exp	**84**	**76**	**193**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	0	0	8
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**0**	**0**	**8**
Income (Op & Cap)			
User Fees	0	0	0
Fees and Charges	0	0	0
Grant Transfers	0	0	0
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	0	0	0
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**0**	**0**	**0**
Transfers from Reserves	(3)	0	(8)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**81**	**76**	**193**

*** Net Cost Funded By Rates**



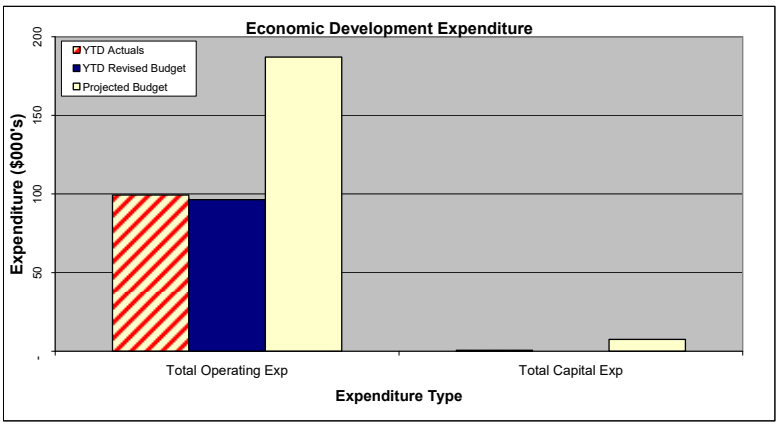


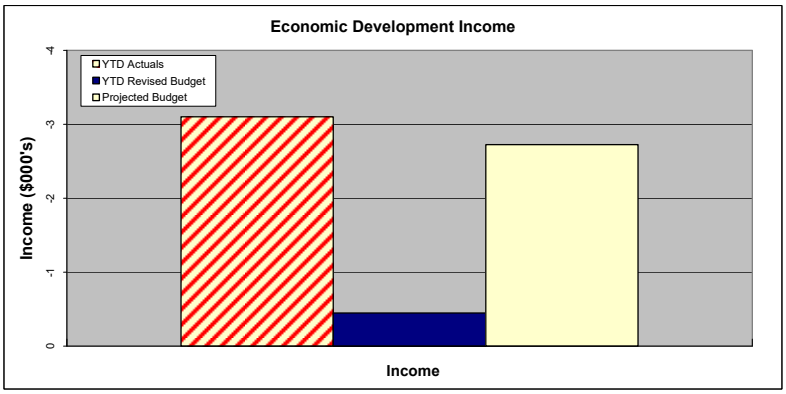
ECONOMIC DEVELOPMENT

STRATEGY
Economic Development

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	63	64	131
Other Employee Costs	20	23	41
Materials and Contracts	1	0	0
Depreciation	0	0	0
Interest	0	0	0
Other Costs	15	10	15
Total Operating Exp	**99**	**96**	**187**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	0	0	8
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**0**	**0**	**8**
Income (Op & Cap)			
User Fees	0	0	0
Fees and Charges	(3)	0	(3)
Grant Transfers	0	0	0
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(0)	(1)	0
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(3)**	**(0)**	**(3)**
Transfers from Reserves	(2)	0	(8)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**94**	**96**	**184**

*** Net Cost Funded By Rates**



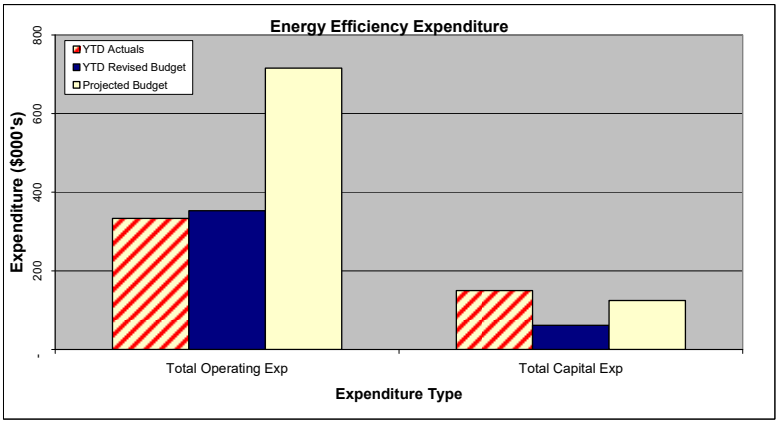


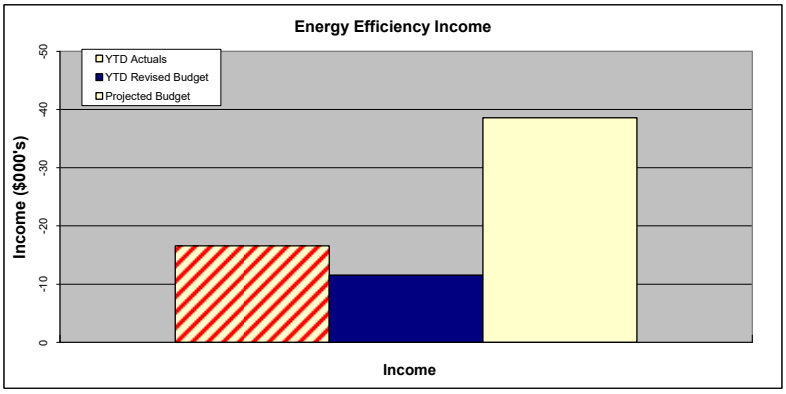
ENERGY EFFICIENCY

STRATEGY
Energy Efficiency

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	84	97	196
Other Employee Costs	29	35	65
Materials and Contracts	41	46	109
Depreciation	77	76	153
Interest	0	0	0
Other Costs	102	98	193
Total Operating Exp	**333**	**353**	**716**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	150	62	124
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**150**	**62**	**124**
Income (Op & Cap)			
User Fees	(10)	(7)	(15)
Fees and Charges	(1)	0	(1)
Grant Transfers	(2)	(4)	(19)
Contributions	(0)	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(3)	(1)	(3)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(17)**	**(12)**	**(39)**
Transfers from Reserves	(127)	(125)	(242)
Transfers to Reserves	0	0	20
Net Cost* / (Income)	**339**	**278**	**579**

*** Net Cost Funded By Rates**



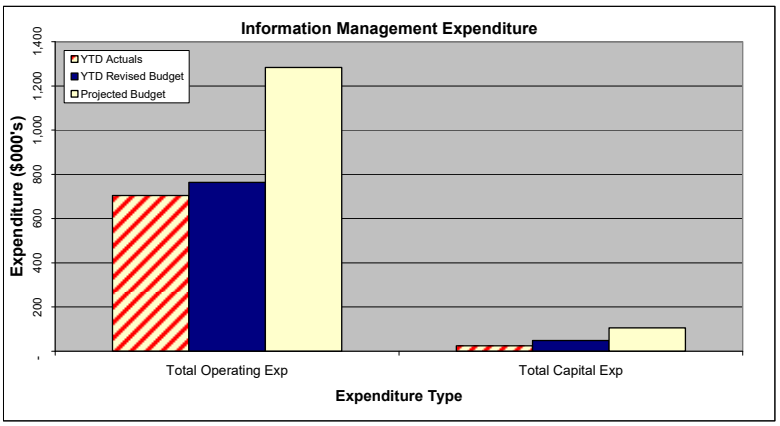


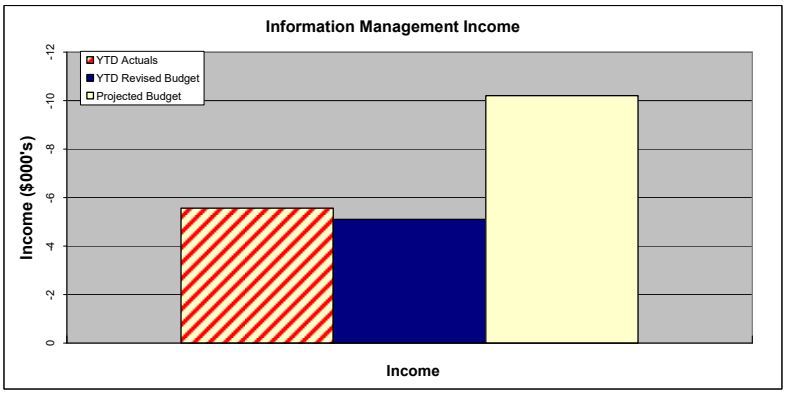
INFORMATION MANAGEMENT

STRATEGY
Information Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	297	290	575
Other Employee Costs	93	97	186
Materials and Contracts	198	199	264
Depreciation	82	82	164
Interest	0	0	0
Other Costs	35	96	95
Total Operating Exp	**705**	**764**	**1,283**
Capital Expenditure			
Capital Asset Acquisitions	24	49	98
Capital Works Programs	0	0	8
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**25**	**49**	**105**
Income (Op & Cap)			
User Fees	(5)	(4)	(9)
Fees and Charges	(0)	(0)	(1)
Grant Transfers	0	0	0
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(1)	(0)	(1)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(6)**	**(5)**	**(10)**
Transfers from Reserves	(108)	(130)	(267)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**616**	**678**	**1,111**

*** Net Cost Funded By Rates**



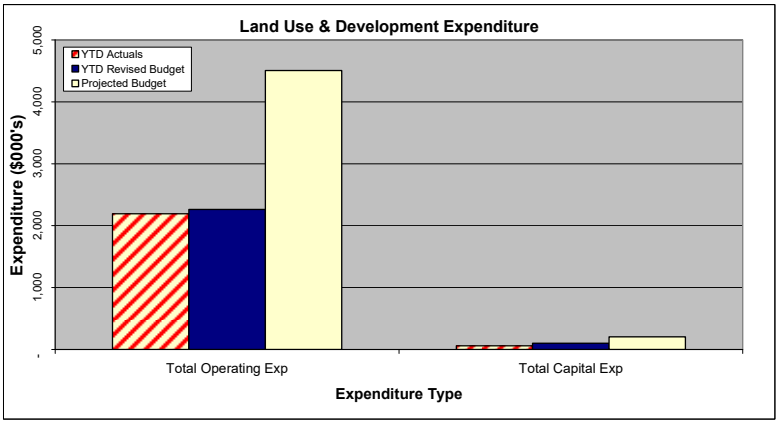


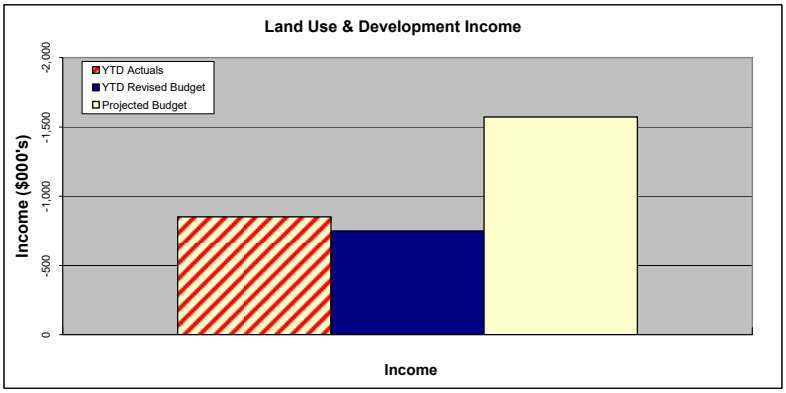
LAND USE & DEVELOPMENT

STRATEGY
Land Use & Development

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	1,150	1,185	2,327
Other Employee Costs	374	384	751
Materials and Contracts	42	47	106
Depreciation	20	20	40
Interest	0	0	0
Other Costs	608	627	1,282
Total Operating Exp	**2,194**	**2,263**	**4,506**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	60	98	204
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**60**	**98**	**204**
Income (Op & Cap)			
User Fees	(95)	(57)	(151)
Fees and Charges	(725)	(657)	(1,349)
Grant Transfers	(13)	(16)	(43)
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(18)	(19)	(29)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(851)**	**(748)**	**(1,572)**
Transfers from Reserves	50	(112)	(242)
Transfers to Reserves	0	0	8
Net Cost* / (Income)	**1,453**	**1,501**	**2,903**

*** Net Cost Funded By Rates**



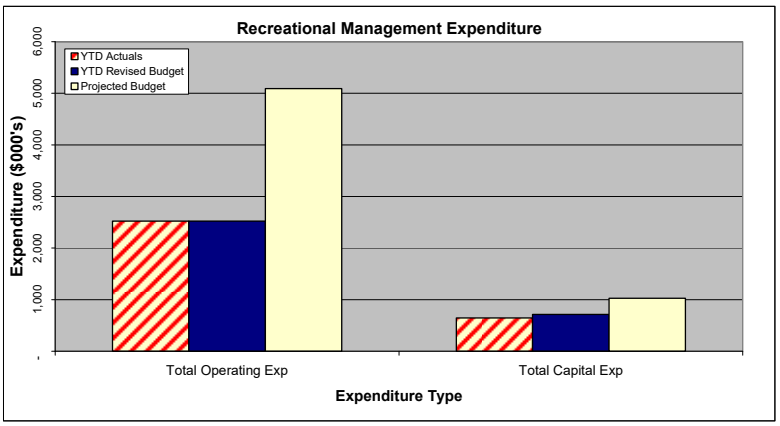


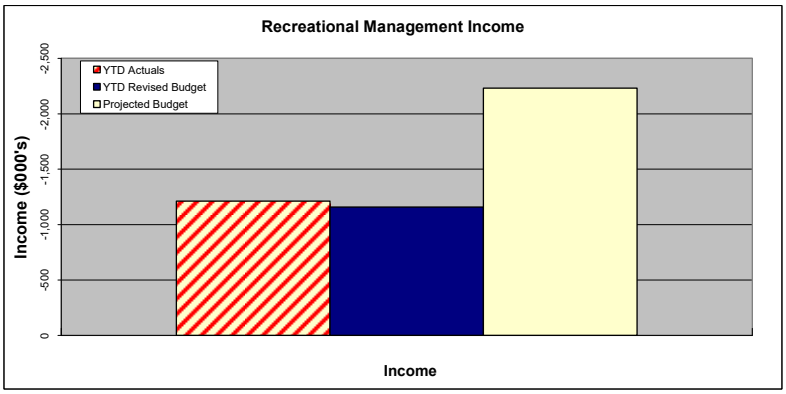
RECREATIONAL MANAGEMENT

STRATEGY
Recreational Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	992	1,002	1,965
Other Employee Costs	332	336	659
Materials and Contracts	538	525	1,135
Depreciation	435	435	869
Interest	0	0	0
Other Costs	226	225	463
Total Operating Exp	**2,523**	**2,523**	**5,092**
Capital Expenditure			
Capital Asset Acquisitions	84	74	161
Capital Works Programs	560	639	863
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**644**	**714**	**1,024**
Income (Op & Cap)			
User Fees	(723)	(706)	(1,272)
Fees and Charges	(219)	(219)	(437)
Grant Transfers	(46)	(64)	(128)
Contributions	(190)	(169)	(363)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(36)	(2)	(31)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(1,213)**	**(1,160)**	**(2,231)**
Transfers from Reserves	(789)	(953)	(1,526)
Transfers to Reserves	200	189	386
Net Cost* / (Income)	**1,365**	**1,312**	**2,745**

*** Net Cost Funded By Rates**



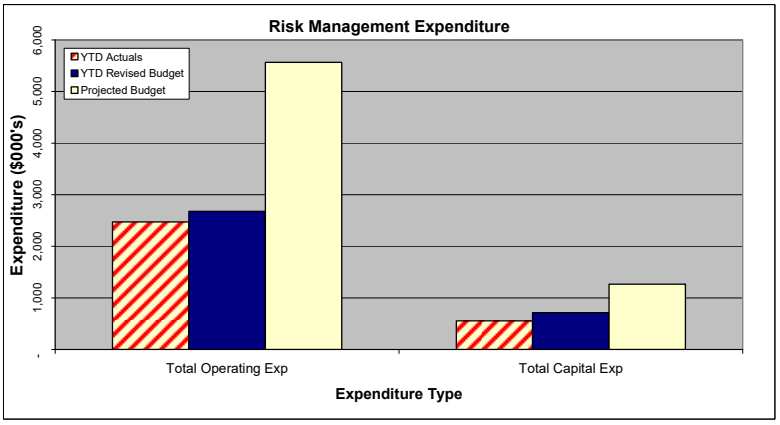


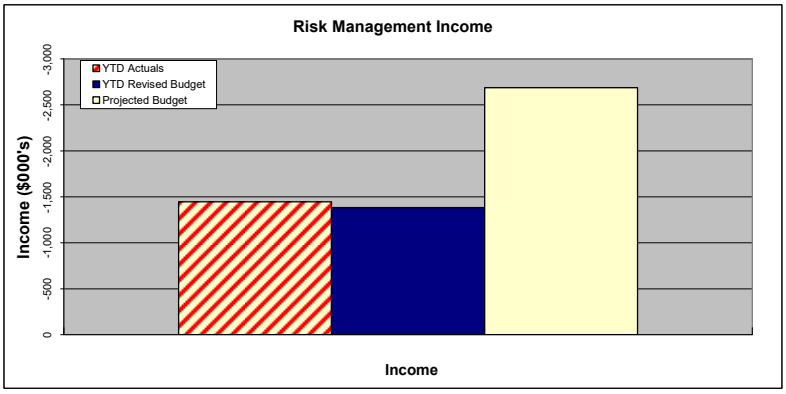
RISK MANAGEMENT

STRATEGY
Risk Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	825	911	1,777
Other Employee Costs	295	333	660
Materials and Contracts	427	437	999
Depreciation	218	218	435
Interest	0	0	0
Other Costs	708	777	1,699
Total Operating Exp	**2,472**	**2,676**	**5,569**
Capital Expenditure			
Capital Asset Acquisitions	(0)	0	0
Capital Works Programs	555	715	1,266
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**555**	**715**	**1,266**
Income (Op & Cap)			
User Fees	(207)	(177)	(302)
Fees and Charges	(661)	(664)	(1,331)
Grant Transfers	(360)	(357)	(732)
Contributions	(130)	(116)	(214)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(87)	(69)	(109)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(1,446)**	**(1,382)**	**(2,688)**
Transfers from Reserves	(464)	(520)	(974)
Transfers to Reserves	83	68	146
Net Cost* / (Income)	**1,200**	**1,555**	**3,320**

*** Net Cost Funded By Rates**



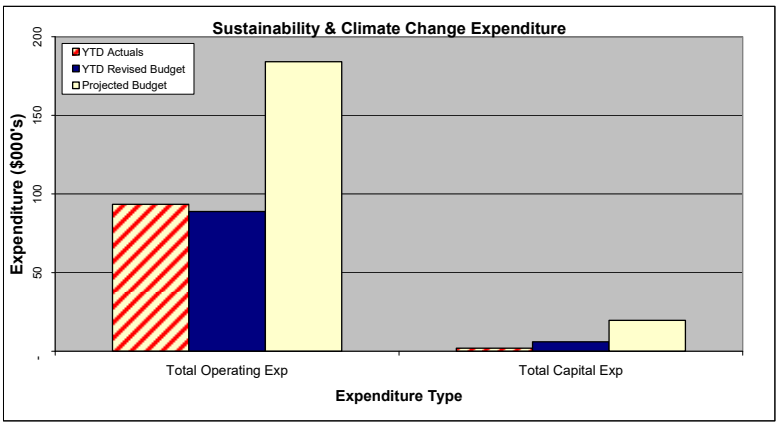


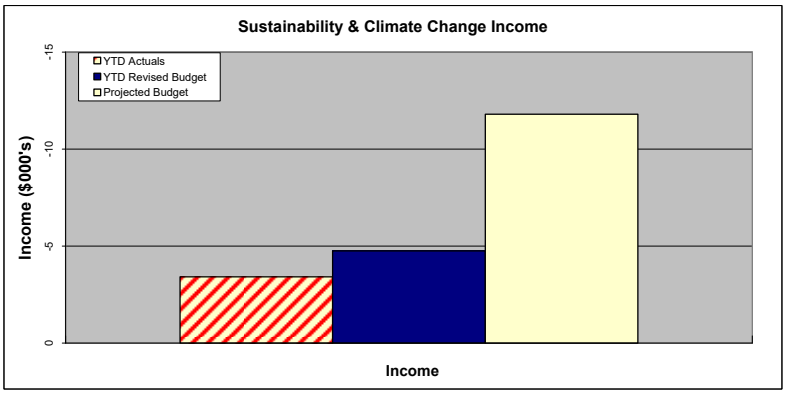
SUSTAINABILITY & CLIMATE CHANGE COORDINATION

STRATEGY
Sustainability & Climate Change Coordination

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	62	55	115
Other Employee Costs	21	21	36
Materials and Contracts	4	3	18
Depreciation	0	0	0
Interest	0	0	0
Other Costs	6	10	16
Total Operating Exp	**93**	**89**	**184**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	2	6	20
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**2**	**6**	**20**
Income (Op & Cap)			
User Fees	0	(1)	(2)
Fees and Charges	(1)	0	(1)
Grant Transfers	(2)	(4)	(8)
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	0	0	0
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(3)**	**(5)**	**(12)**
Transfers from Reserves	(2)	(1)	(13)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**89**	**89**	**179**

*** Net Cost Funded By Rates**



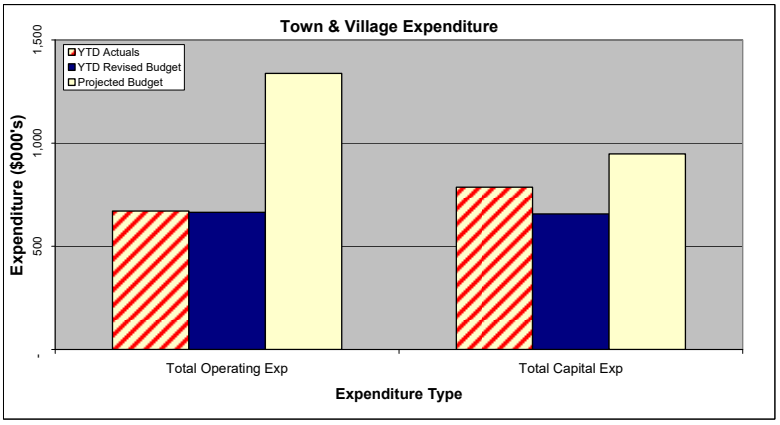


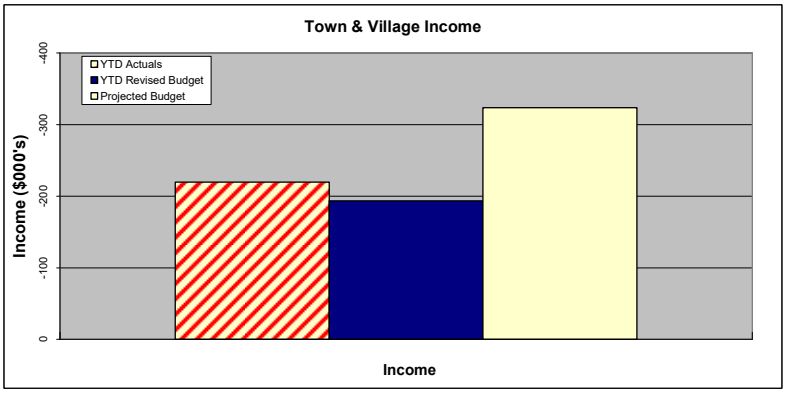
TOWN & VILLAGE

STRATEGY
Town & Village

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	364	364	721
Other Employee Costs	132	141	273
Materials and Contracts	49	59	131
Depreciation	33	33	66
Interest	0	0	0
Other Costs	93	66	148
Total Operating Exp	**671**	**664**	**1,338**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	786	657	948
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**786**	**657**	**948**
Income (Op & Cap)			
User Fees	(80)	(48)	(98)
Fees and Charges	(16)	(17)	(36)
Grant Transfers	(87)	(92)	(144)
Contributions	(30)	(27)	(40)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(6)	(10)	(6)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(220)**	**(194)**	**(324)**
Transfers from Reserves	(648)	(548)	(780)
Transfers to Reserves	65	43	87
Net Cost* / (Income)	**654**	**622**	**1,270**

*** Net Cost Funded By Rates**



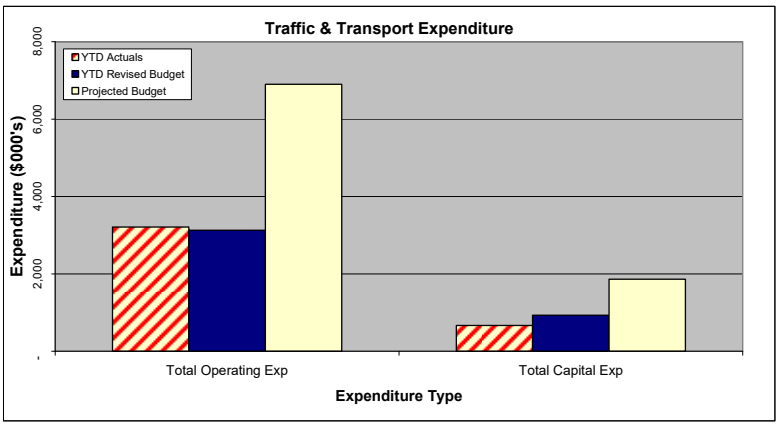


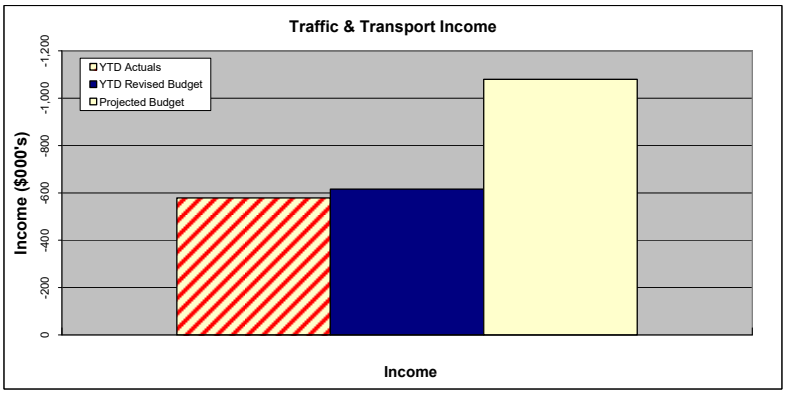
TRAFFIC & TRANSPORT

STRATEGY
Transport & Traffic

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	589	604	1,191
Other Employee Costs	241	270	526
Materials and Contracts	189	121	288
Depreciation	1,903	1,902	4,406
Interest	0	0	0
Other Costs	289	228	490
Total Operating Exp	**3,211**	**3,126**	**6,900**
Capital Expenditure			
Capital Asset Acquisitions	11	0	0
Capital Works Programs	654	931	1,861
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**666**	**931**	**1,861**
Income (Op & Cap)			
User Fees	(62)	(59)	(81)
Fees and Charges	(83)	(94)	(188)
Grant Transfers	(264)	(316)	(579)
Contributions	(163)	(145)	(225)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(7)	(1)	(7)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(579)**	**(615)**	**(1,080)**
Transfers from Reserves	(2,857)	(3,123)	(6,920)
Transfers to Reserves	18	9	18
Net Cost* / (Income)	**458**	**327**	**780**

*** Net Cost Funded By Rates**



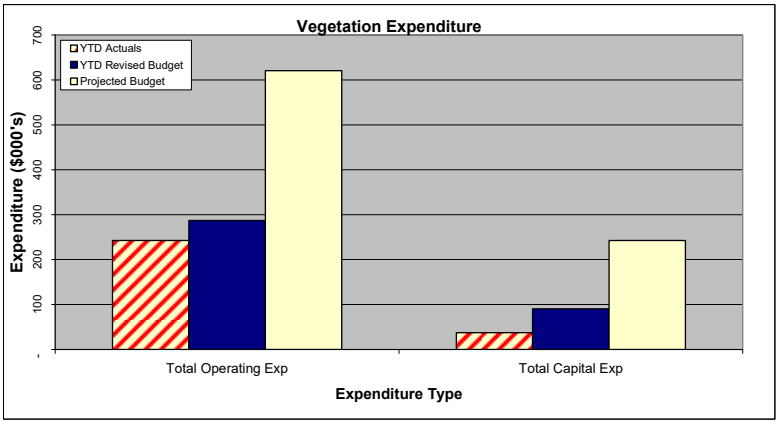


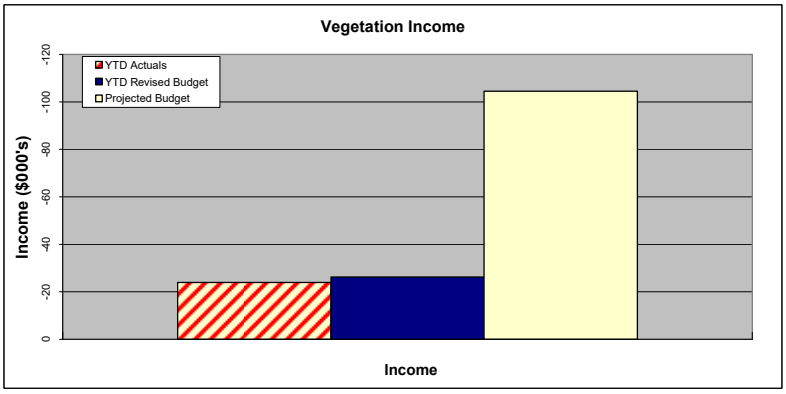
VEGETATION

STRATEGY
Vegetation

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	109	122	245
Other Employee Costs	36	45	83
Materials and Contracts	90	111	271
Depreciation	0	0	0
Interest	0	0	0
Other Costs	8	9	22
Total Operating Exp	**243**	**287**	**621**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	37	91	243
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**37**	**91**	**243**
Income (Op & Cap)			
User Fees	(0)	0	0
Fees and Charges	(5)	(4)	(9)
Grant Transfers	(17)	(22)	(93)
Contributions	0	0	(2)
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(2)	0	0
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(24)**	**(26)**	**(105)**
Transfers from Reserves	(24)	(58)	(180)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**232**	**293**	**579**

*** Net Cost Funded By Rates**



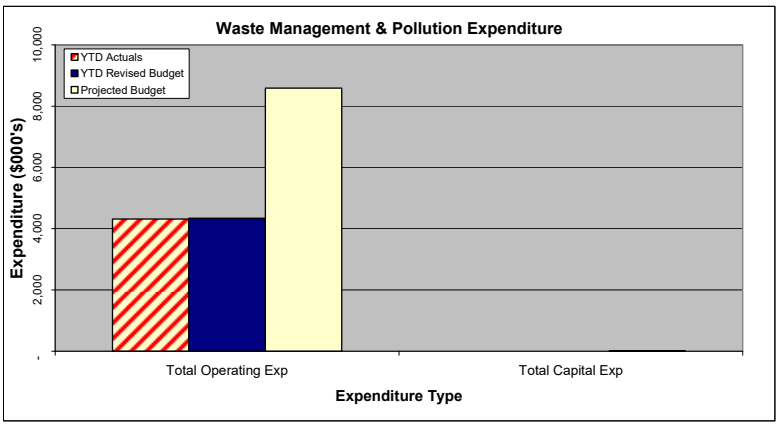


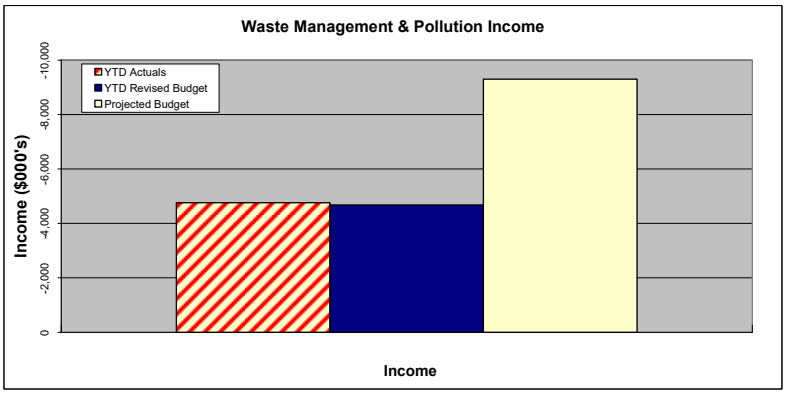
WASTE MANAGEMENT & POLLUTION CONTROL

STRATEGY
Waste Management & Pollution Control

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	280	282	558
Other Employee Costs	98	103	199
Materials and Contracts	2,326	2,410	4,871
Depreciation	1	1	3
Interest	0	0	0
Other Costs	1,605	1,544	2,957
Total Operating Exp	**4,310**	**4,340**	**8,588**
Capital Expenditure			
Capital Asset Acquisitions	0	0	0
Capital Works Programs	0	0	8
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**0**	**0**	**8**
Income (Op & Cap)			
User Fees	0	0	0
Fees and Charges	(59)	(61)	(121)
Grant Transfers	0	0	0
Contributions	0	0	0
Rates Income	0	0	0
Domestic Waste Charge	(4,488)	(4,477)	(8,958)
Interest on Investments	0	0	0
Other Income	(216)	(140)	(216)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(4,762)**	**(4,678)**	**(9,295)**
Transfers from Reserves	(2)	0	(8)
Transfers to Reserves	0	0	484
Net Cost* / (Income)	**(454)**	**(337)**	**(222)**

*** Net Cost Funded By Rates**



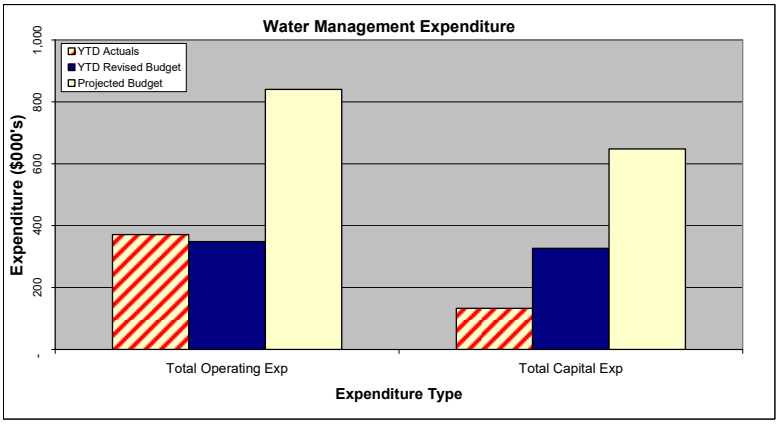


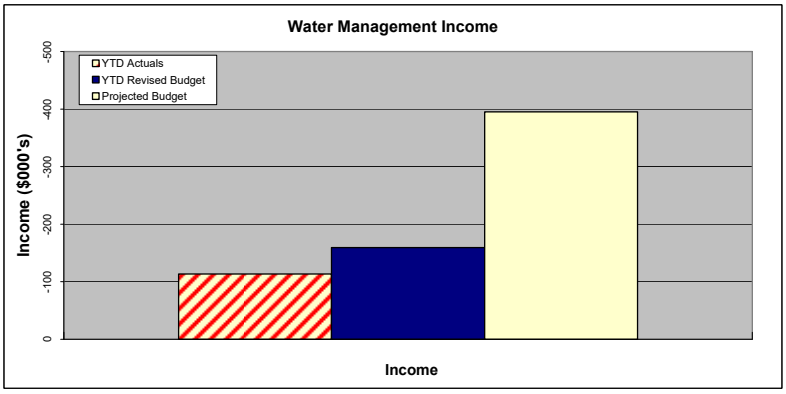
WATER MANAGEMENT

STRATEGY
Water Management

Operating Expenditure	YTD Actuals -$000's	YTD Revised Budget -$000's	Total Projected Budget -$000's
Salaries and Wages	166	160	317
Other Employee Costs	63	62	118
Materials and Contracts	47	16	87
Depreciation	19	19	37
Interest	0	0	0
Other Costs	76	93	282
Total Operating Exp	**372**	**349**	**840**
Capital Expenditure			
Capital Asset Acquisitions	7	0	0
Capital Works Programs	126	327	648
Capital Material Public Benefits	0	0	0
Loan Repayments	0	0	0
Total Capital Exp	**133**	**327**	**648**
Income (Op & Cap)			
User Fees	(16)	(3)	(16)
Fees and Charges	(92)	(93)	(186)
Grant Transfers	(0)	(64)	(192)
Contributions	(5)	0	0
Rates Income	0	0	0
Domestic Waste Charge	0	0	0
Interest on Investments	0	0	0
Other Income	(2)	0	(2)
Capital Assets Disposals	0	0	0
Total Income (Op & Cap)	**(114)**	**(160)**	**(395)**
Transfers from Reserves	(136)	(269)	(573)
Transfers to Reserves	0	0	0
Net Cost* / (Income)	**255**	**247**	**520**

*** Net Cost Funded By Rates**





4.0 EXECUTIVE SUMMARY

4.1 In providing the Council with the financial results for the period ending 31 December 2009 the following information should be noted:

- The Projected Consolidated financial result as at 31 December 2009 is an increase on Council funds of $59,000. Compared to the previously adopted budget of $44,000 this amounts to a decrease of $14,000.

- The Projected Operating result before capital as at 31 December 2009 is a surplus of $60,000. Compared to the previously adopted budget of $27,000 surplus this amounts to an increase of $33,000.

- The Major Projects Program budget stands at $8.026 million for 2009/10. Compared to the previously adopted budget figure of $8.048 million this amounts to a decrease of $22,000.

- The Projected cash and investment position at 30 June 2010 is $18.676 million. Compared to the previously adopted budget figure of $18.349 million this amounts to a decrease of $327,000.

RECOMMENDATION

1. That the financial results for the period ending 31 December 2009 be noted.

2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

Report prepared by Myles Thana, Management Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

PITTWATER COUNCIL

C10.2 Legal Expenditure for the month of December 2009

Meeting: Governance Committee **Date:** 15 February 2010

STRATEGY: **Business Management**

ACTION: To produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To advise on the status of Council's Legal Expenditure for the period ending 31 December 2009

1.0 BACKGROUND

1.1 In providing Council with an accurate picture of Pittwater's Legal Expenditure, current data and a graphical representation of Council's Legal Expenditure are presented.

2.0 ISSUES

2.1 Gross Annual Legal Budget for 2009/10: $910,000

Gross legal Expenditure Breakdown:

- Total Solicitor Fees at 31/12/09: $ 209,605
- Total Other Associated Expenditure at 31/12/09 $ 278,737

Total Gross Legal Expenditure at 31/12/09: $ 488,342

Year to date budget for legal expenses was $ 454,812

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required.

4.0 EXECUTIVE SUMMARY

4.1 The gross legal expenditure to December 2009 is $488,342 and is more than the Year to date 2009/10 budget.

RECOMMENDATION

That the information provided in the report be noted.

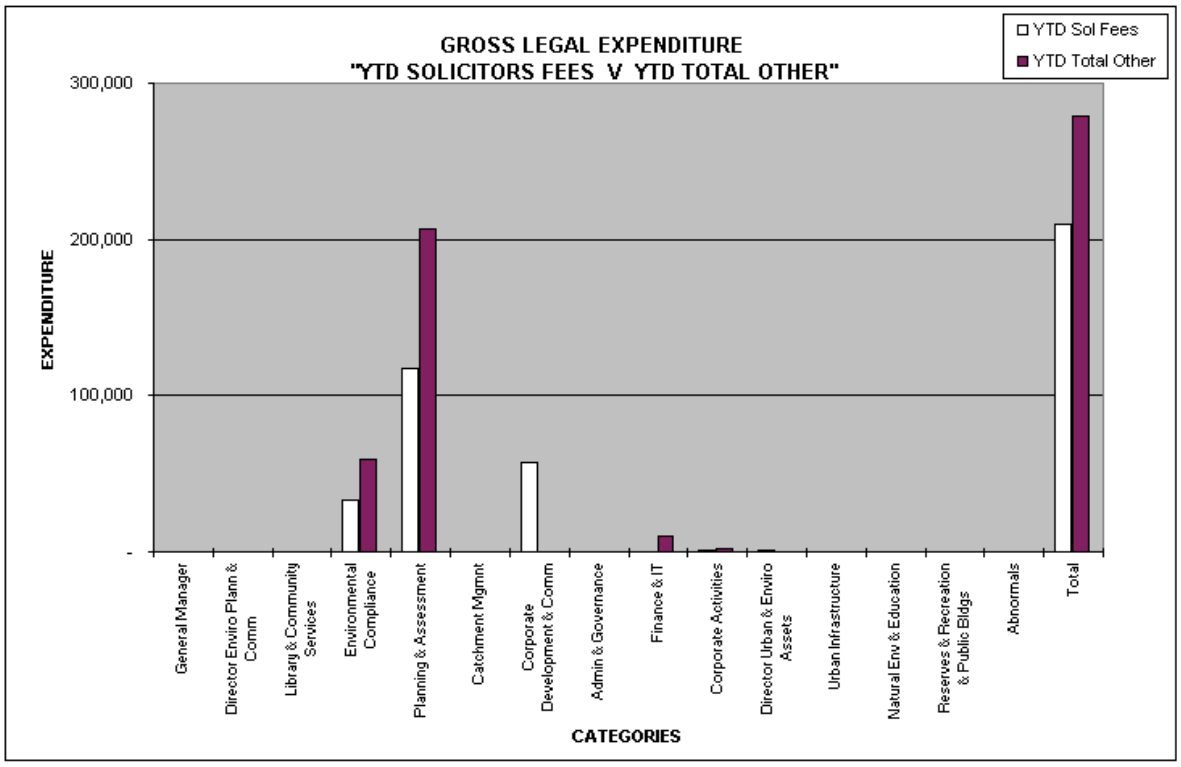
Report prepared by Christy Ratnakumar, Financial Accountant

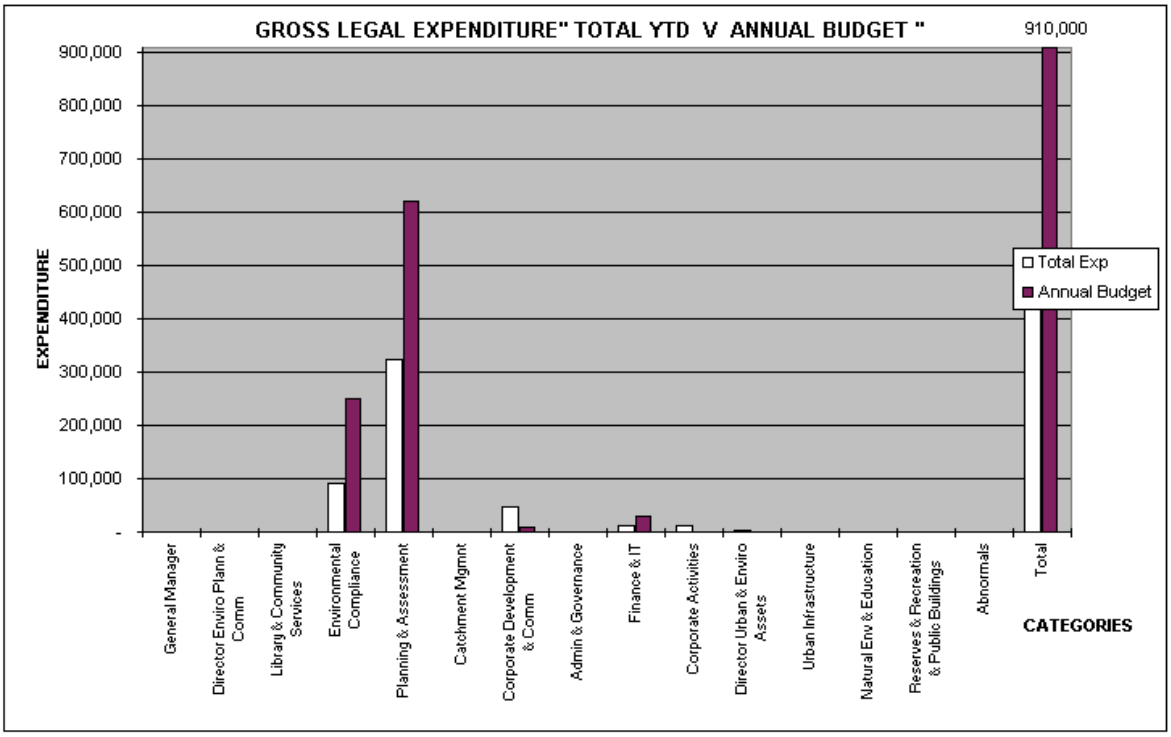
Mark Jones
CHIEF FINANCIAL OFFICER

LEGAL EXPENDITURE
TOTALS AND GRAPHICAL REPRESENTATION

as at 31st December 2009

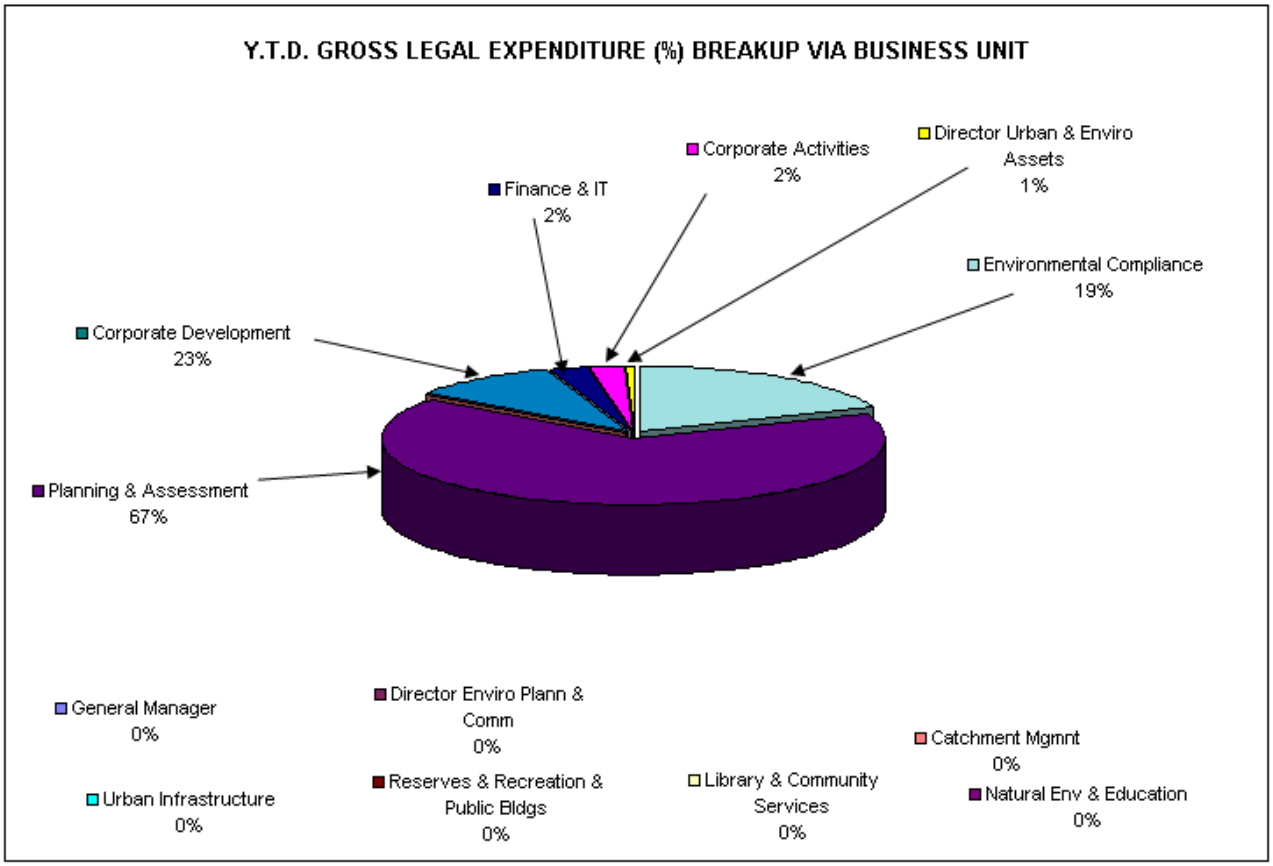
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Revrsal
170,847.09	209,604.74	107,890.92	488,342.75	910,000.00	52,277.19

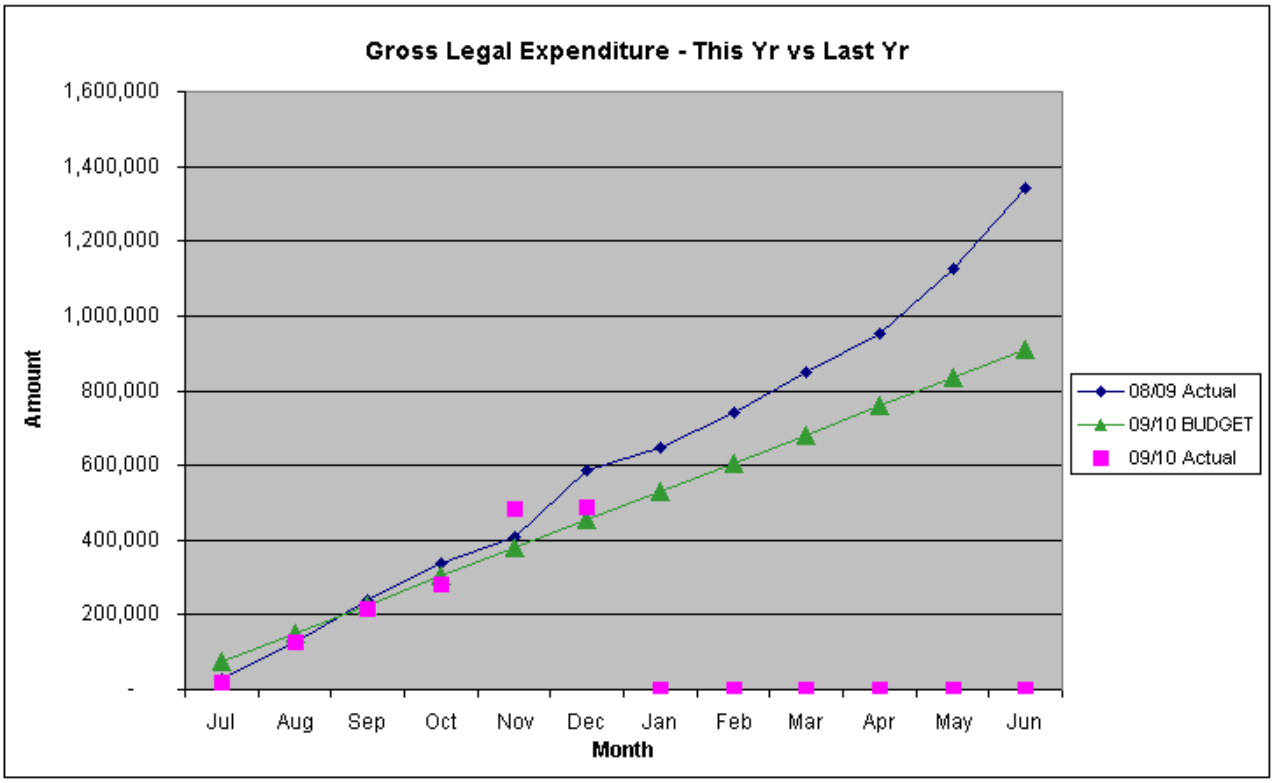




LEGAL EXPENDITURE
TOTALS AND GRAPHICAL REPRESENTATION

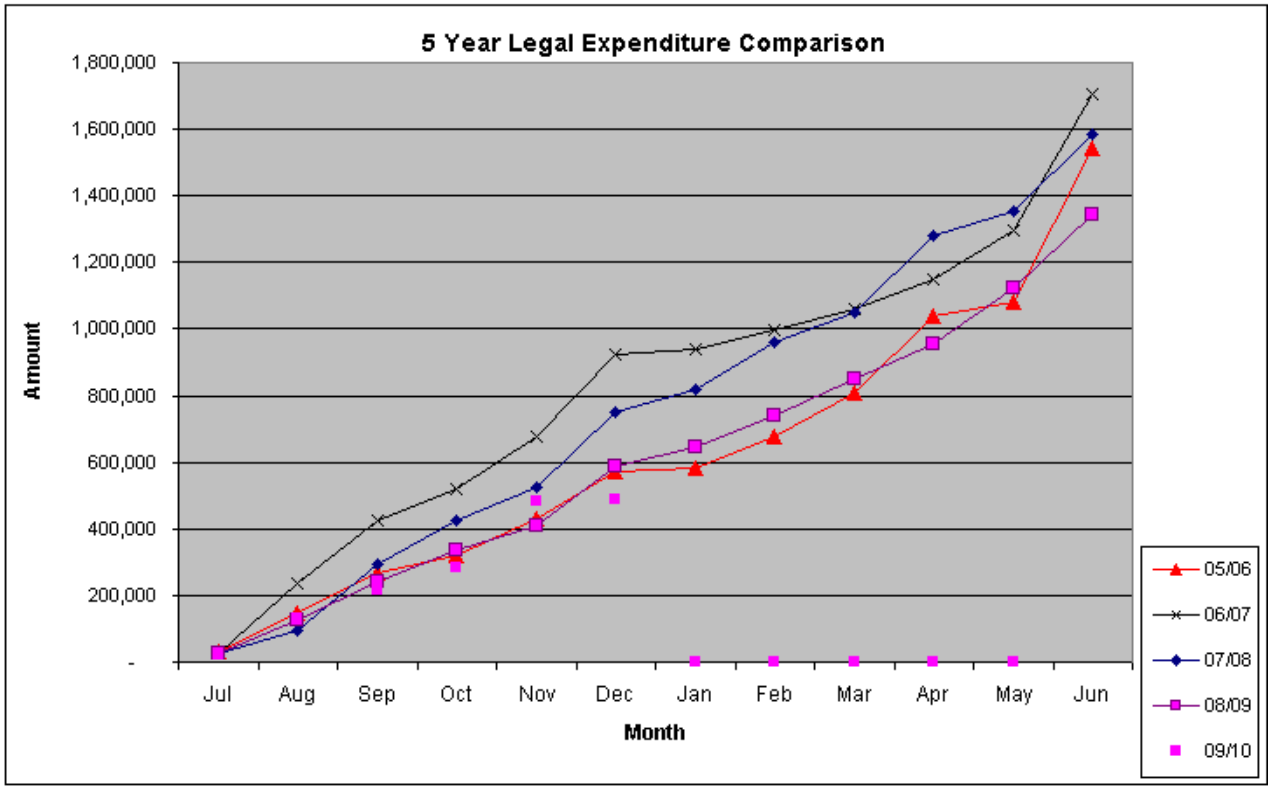
as at 31st December 2009





LEGAL EXPENDITURE
TOTALS AND GRAPHICAL REPRESENTATION

as at 31st December 2009



Top Ten Legal Matters by 2009/10 Expenditure

Property	Description	Prior years Expenditure	2009/10 Expenditure	Expenditure Life to Date All Years
94 George Street , Careel Bay	Defend Refusal	$ 56,984.49	$ 154,630.21	$ 211,614.70
2079 Pittwater Rd Bayview	Deemed Refusal	$ 4,303.40	$ 79,817.73	$ 84,121.13
Newport Car Park	Draft development of Newport Carpark	$ 24,509.10	$ 40,722.08	$ 65,231.18
6 Polo Ave. Mona Vale	Deemed Refusal	$ 9,503.79	$ 35,276.44	$ 44,780.23
62 Alexander Crescent Bayview	Deemed Refusal	$ -	$ 17,748.58	$ 17,748.58
29 Raulston Road Palm Beach	Deemed Refusal	$ -	$ 15,810.91	$ 15,810.91
4 Princes Street, Newport	Deemed Refusal	$ -	$ 13,870.71	$ 13,870.71
JW's Vs Pittwater Council	Breach of Privacy	$ 55,825.19	$ 10,887.98	$ 66,713.17
23 B McPherson St ,Warriewood	Deemed Refusal	$ 2,267.00	$ 9,687.00	$ 11,954.00
161 McCarrs Creek Rd Church Point	Unauthorised Works	$ 15,463.14	$ 8,352.50	$ 23,815.64
		$ 168,856.11	$ 386,804.14	$ 555,660.25

PITTWATER COUNCIL

C10.3 Investment Balances for the Month of December 2009

Meeting: Governance Committee **Date:** 15 February 2010

STRATEGY: **Business Management**

ACTION: To Provide Effective Investment of Council's Funds

PURPOSE OF REPORT

To advise on the status of Council's Investment Balances for the Month of December 2009

1.0 BACKGROUND

1.1 As provided for in Regulation 212 of the Local Government (General) Regulation, 2005, a report listing Council's investments (see Attachment 1) must be presented.

2.0 ISSUES

2.1 MONTHLY RETURN

Investment return for the month of December 2009.

Term deposits:	$ 92,277
Tradable CDO/FRNs:	$ 15,734
Net investment return for the month of December 2009.	$ 108,011

YEAR TO DATE RETURN

Investment return year to date December 2009.

Term deposits:	$ 434,211
Tradable CDO/FRNs:	$ 376,068
Net investment return year to date.	$ 810,279 *
Projected investment return budget for financial year. (12 months ending 30 June 2010 subject to adoption of the 2009-10 December Budget Review)	$ 864,000 *

** Note: The remaining budgeted returns from investments of $53,721 (full year budget of $864,000 less year to date actual of $810,279, as shown above) reflects both additional anticipated investment returns and anticipated losses associated with the CBA CDO of $500,000.*

2.2 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS

Annual returns of Council's portfolio for the last five years

Year to	Net Return	Return on average funds invested
June 2006	$1,004,795	5.9%
June 2007	$1,221,246	6.6%
June 2008	$ 594,815	2.3%
June 2009	$ 534,575	2.4%
Dec 2009	$ 810,279	7.1% (annualised)

RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION

The Responsible Accounting Officer certifies that all investments have been made in Accordance with Section 625 of the Local Government Act, 1993 the Local Government (General) Regulations, and Council's Investment Policy (No 143).

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required.

4.0 EXECUTIVE SUMMARY

4.1 The net investment return as at 31 December 2009 is a gain of $ 810,279.

RECOMMENDATION

That the information provided in the report be noted, including the year to date (December) net investment return of $ 810,279.

Report prepared by David Miller, Project Accountant

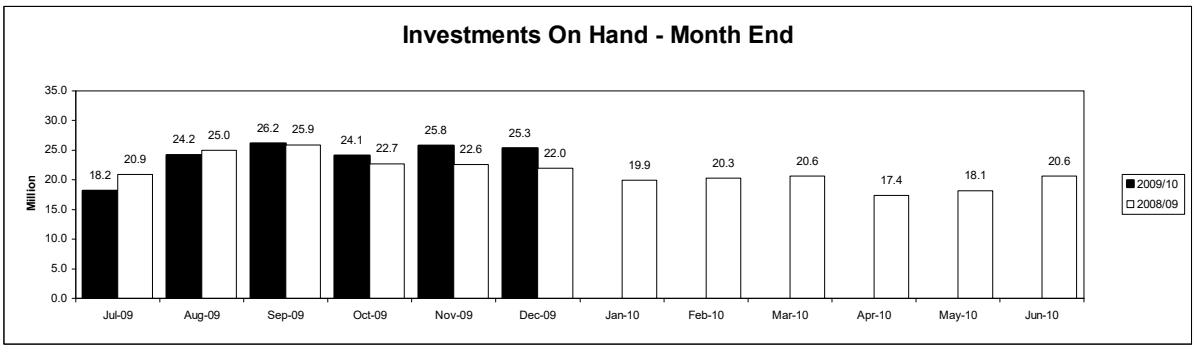
Mark Jones
CHIEF FINANCIAL OFFICER

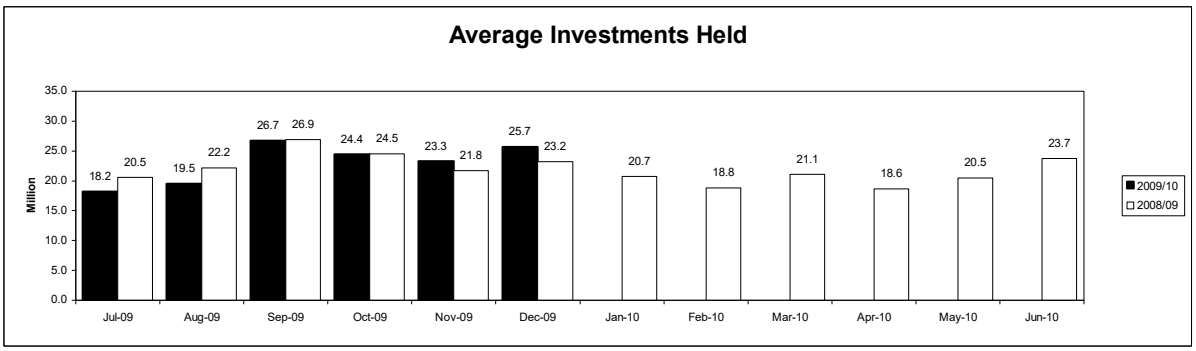
PITTWATER COUNCIL

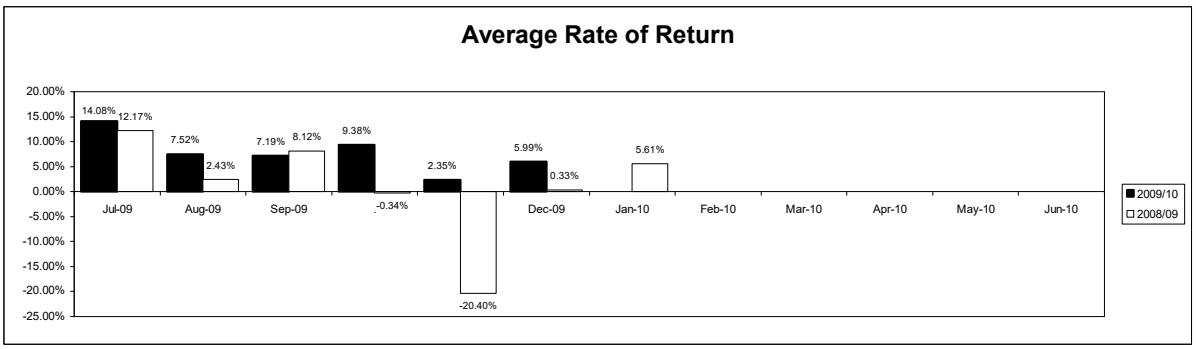
INVESTMENT BALANCES

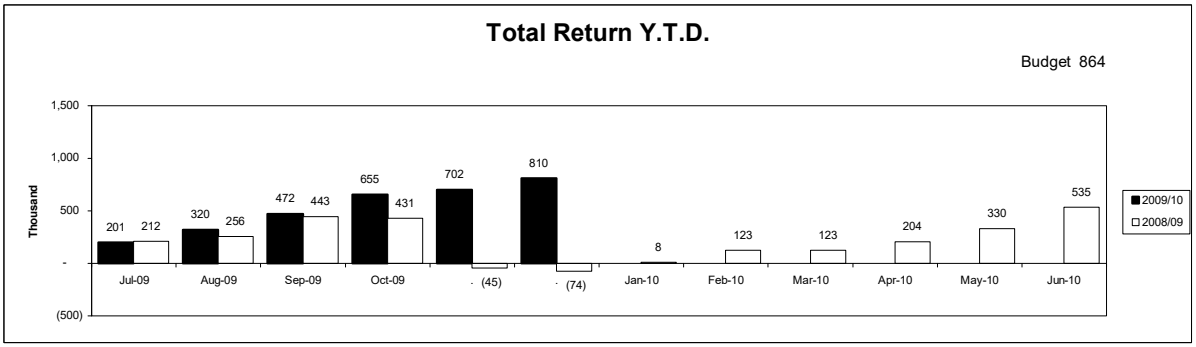
As at 31st December 2009

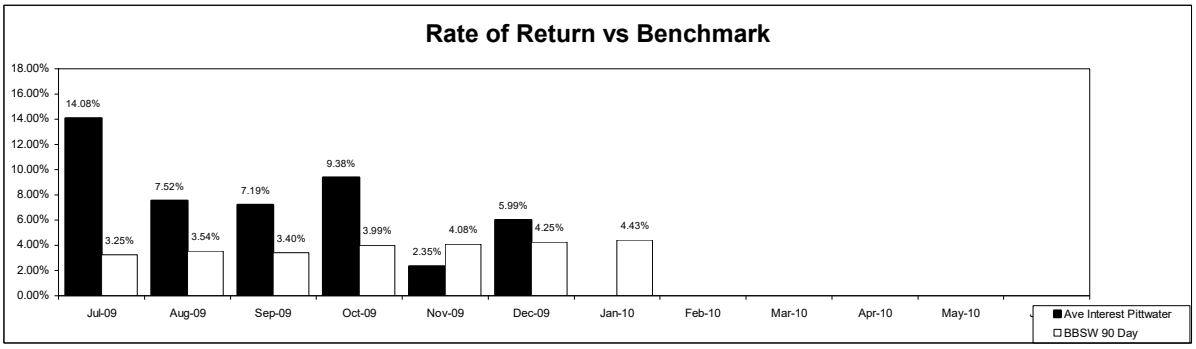
TYPE	INSTITUTION	Rating	AMOUNT $	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	CBA	AA	750,000.00	At Call	At Call	1	3.70%
At Call Total			**750,000.00**				
Term Dep	IMB Society	BBB	1,000,000.00	24-Aug-09	11-Jan-10	140	4.39%
Term Dep	IMB Society	BBB	1,000,000.00	1-Sep-09	29-Jan-10	150	4.48%
Term Dep	IMB Society	BBB	1,000,000.00	2-Nov-09	1-Feb-10	91	5.05%
Term Dep	IMB Society	BBB	500,000.00	6-Oct-09	3-Feb-10	120	4.50%
Term Dep	IMB Society	BBB	1,000,000.00	2-Sep-09	2-Mar-10	181	4.58%
Investee Total			**4,500,000.00**				
Term Dep	Metway	A+	1,000,000.00	6-Oct-09	6-Jan-10	92	4.64%
Term Dep	Metway	A+	1,000,000.00	25-Aug-09	25-Jan-10	153	4.57%
Term Dep	Metway	A+	1,000,000.00	4-Dec-09	4-Mar-10	90	5.16%
Term Dep	Metway	A+	1,000,000.00	30-Nov-09	30-Mar-10	120	5.35%
Investee Total			**4,000,000.00**				
Term Dep	Bankwest	AA	1,000,000.00	23-Nov-09	22-Feb-10	91	4.90%
Term Dep	Bankwest	AA	1,000,000.00	16-Dec-09	16-Mar-10	90	5.40%
Term Dep	Bankwest	AA	1,000,000.00	30-Sep-09	30-Mar-10	181	4.50%
Term Dep	Bankwest	AA	1,000,000.00	19-Nov-09	19-May-10	181	5.35%
Investee Total			**4,000,000.00**				
Term Dep	Citi Bank	AA-	1,000,000.00	31-Aug-09	4-Jan-10	126	4.68%
Investee Total			**1,000,000.00**				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	28-Aug-09	24-Feb-10	180	5.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	25-Nov-09	25-Mar-10	120	5.40%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	24-Nov-09	23-Apr-10	150	5.51%
Term Dep	Newcastle Permanent	BBB+	500,000.00	27-Jul-09	27-Jul-10	365	4.60%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	2-Dec-09	2-Dec-10	365	6.80%
Investee Total			**4,500,000.00**				
Term Dep	CBA	AA	1,000,000.00	4-Dec-09	5-Jan-10	32	4.61%
Term Dep	CBA	AA	500,000.00	30-Oct-09	28-Jan-10	90	4.09%
Term Dep	CBA	AA	1,000,000.00	30-Nov-09	29-Jan-10	60	4.57%
Floating Rate CDO	CBA (see investment information)	CCC-	481,000.00		20-Jun-11		bbsw + 0.90%
Investee Total			**2,981,000.00**				
Longreach Capital Markets Portfolio Manager							
Structured Note	Citigroup (see investment information)	A+	500,000.00		28-Jun-14		0.00%
Investee Total			**500,000.00**				
Floating Rate Note	Bendigo Bank	BBB+	499,535.00		16-Feb-15		bbsw + 0.75%
Floating Rate Note	Adelaide Bank	BBB+	494,600.00		29-Mar-10		bbsw + 0.67%
Floating Rate Note	Elders Rural Bank	BBB	963,400.00		13-Oct-10		bbsw + 0.75%
Floating Rate Note	HSBC	AA	483,005.00		22-Sep-11		bbsw + 0.28%
	**** Arranging Institution***						
Floating Rate CDO	* CSFB	BBB-	195,377.50		20-Mar-12		bbsw + 1.50%
Floating Rate CDO	* BNP Paribas	CCC	141,591.00		22-Jun-12		bbsw + 0.80%
Floating Rate CDO	* Lehman Bros	under review	44,000.00		20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	2,310.00		20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* HSBC	CCC	3,628.80		22-Jun-13		bbsw + 1.40%
Floating Rate CDO	* J P Morgan	CCC	75,690.00		20-Mar-12		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	7,696.50		23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	152,000.00		20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	40,830.00		20-Jun-15		bbsw + 2.00%
Investee Total			**3,103,663.80**				
					December bbsw close		4.25%
TOTAL INVESTMENTS			**$25,334,663.80**				


Investments On Hand - Month End
Million
35.0
30.0
25.0
20.0
15.0
10.0
5.0
0.0
18.2 20.9
24.2 25.0
26.2 25.9
24.1 22.7
25.8 22.6
25.3 22.0
19.9
20.3
20.6
17.4
18.1
20.6
Jul-09 Aug-09 Sep-09 Oct-09 Nov-09 Dec-09 Jan-10 Feb-10 Mar-10 Apr-10 May-10 Jun-10
2009/10
2008/09


Average Investments Held
Million
35.0
30.0
25.0
20.0
15.0
10.0
5.0
0.0
18.2 20.5
19.5 22.2
26.7 26.9
24.4 24.5
23.3 21.8
25.7 23.2
20.7
18.8
21.1
18.6
20.5
23.7
Jul-09 Aug-09 Sep-09 Oct-09 Nov-09 Dec-09 Jan-10 Feb-10 Mar-10 Apr-10 May-10 Jun-10
2009/10
2008/09


Average Rate of Return
20.00%
15.00%
10.00%
5.00%
0.00%
-5.00%
-10.00%
-15.00%
-20.00%
-25.00%
14.08% 12.17%
7.52% 2.43%
7.19% 8.12%
9.38% -0.34%
2.35% -20.40%
5.99% 0.33%
5.61%
Jul-09 Aug-09 Sep-09 Dec-09 Jan-10 Feb-10 Mar-10 Apr-10 May-10 Jun-10
2009/10
2008/09


Total Return Y.T.D.
Budget 864
Thousand
1,500
1,000
500
-
(500)
201 212
320 256
472 443
655 431
702 (45)
810 (74)
8
123
123
204
330
535
Jul-09 Aug-09 Sep-09 Oct-09 Jan-10 Feb-10 Mar-10 Apr-10 May-10 Jun-10
2009/10
2008/09


Rate of Return vs Benchmark
18.00%
16.00%
14.00%
12.00%
10.00%
8.00%
6.00%
4.00%
2.00%
0.00%
14.08% 3.25%
7.52% 3.54%
7.19% 3.40%
9.38% 3.99%
2.35% 4.08%
5.99% 4.25%
4.43%
Jul-09 Aug-09 Sep-09 Oct-09 Nov-09 Dec-09 Jan-10 Feb-10 Mar-10 Apr-10 May-10
Ave Interest Pittwater
BBSW 90 Day

Investment Information:

Types of Investments

At Call refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

A **Bank Bill** is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.

A **Floating Rate Note** is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months and are tied to a certain money-market index such as the BBSW.

A **Floating Rate CDO** or Collateralised Debt Obligation is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit Ratings are assigned to these investments as detailed in the investment balances listing.

Credit Rating Information

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA *Extremely strong capacity to meet financial commitments (highest rating)*
AA *Very strong capacity to meet financial commitments*
A *Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances*
BBB *Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments*
BB *Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions*
B *More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation*
CCC *Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments*
CC *Currently highly vulnerable*
C *Highly likely to default*
D *Defaulted*

The **Bank Bill Swap Rate (BBSW)** is the average mid rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

Note: Council's CBA Floating Rate CDO and Longreach CDO are shown at face value, less any crystallised losses, as required by international accounting standards as they were purchased on a hold to maturity basis, unlike Council's CDOs within the Lehman Bros portfolio that are considered tradable.

Current market values of these CDOs is :- CBA Floating Rate CDO is $ zero and
Longreach CDO $470,150

PITTWATER COUNCIL

C10.4 December 2009 Quarterly Management Report

Meeting: Governance Committee **Date:** 15 February 2010

STRATEGY: **Business Management**

ACTION: Develop a structure/framework for integrated Corporate Planning

PURPOSE OF REPORT

To report on the 2nd Quarter (Oct, Nov, Dec) of the 2009-2013 Management Plan.

1.0 BACKGROUND

1.1 Council is required to report each quarter on the progress of the 2009-2013 Management Plan. This is the first quarterly report for the 2009/2010 financial year. Budget results per Key Direction and associated Strategies are all detailed in the **Financial Report for the Period Ending 31 December 2009 of the 2009/2010 Financial Year** that is presented elsewhere in this Agenda. The Quarterly Report has been circulated separately and will be formally tabled at the meeting.

2.0 ISSUES

2.1 Reporting on the 2009-2013 Management Plan

This Quarterly Management Report provides an update as to the progress of the 2009/2010 ACTIONS that are contained in the 2009-2013 Management Plan. For consistency the same format has been used for this report as in the Management Plan.

The report is broken down by Council's 5 Key Directions and then by strategies and ultimately the operational ACTIONS. The report provides an update to each operational ACTION as well as additional comments relating to the progress of the ACTION.

The separately circulated report also includes the DLG Best Practice Review actions that are currently being actioned. Updates on each of the 24 actions are provided in the tabled report.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The activities below all have a positive affect on community connectedness and continue to provide a variety of services across the community.

- Meeting held with Avalon Chamber of Commerce to discuss antisocial behaviour in Avalon
- Cinema campaign developed to target secondary supply of alcohol to minors for two weeks during December
- Naturalisation ceremony held in November - for 98 new citizens
- New Seniors and Care Guide developed for 2010 as well as a new Retirement Housing Guide

- Volunteer civic reception held in December to recognise volunteer groups in Pittwater
- Commence planning a new "Graffiti Clean" program to address increased graffiti issue
- Plan of Management now adopted for Kitchener Park
- Entry sculptors installed at Governor Phillip Park
- Held a Mental Health Information session from seniors during Mental Health Week in October

3.2 Valuing & Caring for our Natural Environment (Environmental)

The activities below all reflect the philosophy of protecting and enhancing the human and natural environment for current and future generations.

- Lifeguard services provided throughout the quarter and supported patrolled beaches
- 18 participants when through the Coastal Ambassadors Program
- Reconstructed the Pittwater Park seawall north of Palm Beach Wharf
- Careel Bay foreshore restoration completed north of Etival St
- Working with Warringah Council on a regional Tree Vandalism Policy
- The community were engaged on a number of bushcare initiatives including; Winnererremy Bay, Narrabeen Lagoon, Climate Change Forum, Governor Phillip Park as examples
- Warringah /Pittwater Bushfire Risk Management Plan is near completion
- Council held its first Sustainable Awards program for residents, residential designers and businesses within the LGA
- The regional extensive State of the Environment Report was delivered by SHOROC to the DLG

3.3 Enhancing our Working & Learning (Economic)

Council continues to provide life-long learning opportunities for all sectors of the community. Council commits to local economic development initiatives that do not have a negative impact on the local natural environment.

- A very successful Teacher Professional Development Day was held in December at the Coastal Environmental Centre
- Pittwater Learning for Sustainability Plan was adopted in October and will now be included into the 2010-2014 Delivery Plan
- Eco-Ferry tours on the Pittwater Estuary continue to be very popular
- Mona Vale library had a total of 48,194 visitors during the quarter, including 81,88 loans
- Over 7500 residents attended activities in our community centres
- New WiFi contractor found to upgrade Mona Vale and Avalon free internet access

3.4 Leading an effective & Collaborative Council (Governance)

The activities below all contribute towards Council's ongoing commitment to transparency and accountability when dealing with the community.

- Council endorsed the Draft Plan of Management for Sydney Lakeside Narrabeen Holiday Park
- Council's investment returns have exceeded the December Quarter budget
- Pittwater 2020 Strategic Plan was adopted by Council as councils new Community Strategy Plan
- A number of civic events were held including the opening of Avalon Skate Park and a Water Workshop
- A number of education programs were conducted including; builders nights, learner driver advisory course and swimming pool safety lectures
- Council issued 54 media releases in the quarter

- Community consultation has been expanded on councils website further inform the community on consultation opportunities
- Council's community engagement policy is under going a major rework and will be published in February 2010
- Council adopted the Geotechnical Risk Management Policy for Pittwater 2009

3.5 Integrating our Built environment (Infrastructure)

All the highlights below are aimed at enhancing the provision and use of public space as well as ensuring that Council adhere to environmental principles.

- New recycling bins have been installed at all major beaches in Pittwater
- Installation of solar panels at Mona Vale Library and the Customer Service Centre is now complete
- Planet Footprint has been engaged to monitor and report on water and energy usage across council
- DCP completed for all planning issues
- Newport Commercial Centre upgrade is completed at a cost of $4m
- 46 building certificates issued with a median processing time of 10 days
- 629 planning certificates issues with 58% being issued within 5 minutes

4.0 EXECUTIVE SUMMARY

In providing Council with this information for the period ending 31 December 2009 the following information should be noted as a summary;

ACTION STATUS	Q1	Q2
Completed	8	20
Progressing	134	125
Ongoing Program	113	121
Deferred	36	21
Not Progressing	5	12

RECOMMENDATION

That the Quarterly Management Report and the Best Practice Review Action updates for the period ending 31 December 2009 (Quarter 1) be noted.

Report prepared by Paul Reid, Team Leader Corporate Strategy

Mark Ferguson
GENERAL MANAGER

PITTWATER COUNCIL

C10.5 Appointment of Internal Audit Committee Members

Meeting: Governance Committee **Date:** 15 February 2010

STRATEGY: **Business Management**

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To recommend the appointment of an alternative Councillor and two independent members to the Council Audit Committee in accordance with Department of Local Government Internal Audit Guidelines issued in October 2008 as per Council resolution of 16 November 2009.

1.0 BACKGROUND

1.1 The Department of Local Government issued Internal Audit Guidelines in October 2008 with the aim to assist Council in putting effective internal audit practices in place.

1.2 Council approved the establishment of an Audit Committee at its meeting held on 16 November 2009, and resolved to call for Expressions of Interest from suitably qualified and interested members of the public for appointment as independent members to the Audit Committee.

2.0 ISSUES

2.1 Council received seven applications in response to the call for Expressions of Interest from suitably qualified persons by the closing date, 8 January 2009. The applicants' submissions were assessed by the Internal Auditor and General Manager in consultation with the Mayor.

2.2 The most suitable applicants to be chosen as independent members of the Internal Audit Committee should be those applicants that would best serve a good practice Audit Committee, and would include a person who contributes:

- A good understanding of the Audit Committee's position in the legal and governance framework
- Relevant personal qualities and skills and either/or finance, audit, legal or business acumen
- The ability to maintain effective relationships with key stakeholders
- An independence of mind in deliberations and not acting as a representative of a particular area of the community or Council, or with conflicts of interest.

2.3 A summary of all applicant details is provided to Councillors only on a confidential basis.

2.4 Based on the criteria listed in paragraph 2.2 and assessment of the qualifications, skills and experience of the respective applicants, exceptional applications were received from:

- **Mr Neil Adams**, whom has undertaken several roles at senior levels of government and the private sector, and has substantial experience in both internal and external audit, corporate governance, probity, management and financial investigations, contract negotiation and administration. He holds Bachelor degrees in both Business and Law, and has held senior positions within the Australian National Audit Office. He is the Chair of the Parramatta City Council's Audit Committee.
- **Mr John Gordon,** whom has extensive experience in the provision of assurance and advisory services to a broad range of clients in the private and public sector as a Senior Assurance (Audit) Partner in the Resources, Services and Government Industry Group of PricewaterhouseCoopers. He is a Chartered Accountant and Independent Chair for Ryde City Council, Manly Council, Ku-ring-gai Council and North Sydney Councils' Audit Committees and the Chair of the ACT Chief Minister's Office and Department of Treasury.

It is recommended that Mr Neil Adams and Mr John Gordon be appointed as independent members of the Audit Committee.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Leading an effective & Collaborative Council (Governance)

3.1.1 An Audit Committee plays a pivotal role in the governance framework to provide Council with independent assurance and assistance in the areas of risk, control, compliance and financial reporting.

4.0 EXECUTIVE SUMMARY

4.1 Council is responding to the requirements of the Department of Local Government's Internal Audit Guidelines issued in October 2008 requiring Council to appoint two Councillors and two independent members to the Internal Audit Committee.

RECOMMENDATION

1. That Mr Neil Adams and Mr John Gordon be appointed as independent members of the Internal Audit Committee, one of whom will be elected as Chair.

2. That Council nominate a Councillor to act as an alternative delegate to the Committee should either the Mayor or Deputy Mayor be unable to attend an Audit Committee meeting.

3. That applicants not selected to become members of the Audit Committee be thanked for their interest.

Report prepared by Mechtild Stander - Internal Auditor

Mark Ferguson
GENERAL MANAGER

PITTWATER COUNCIL

C10.6 Monthly Contractors and Staff Report - Dec 2009

Meeting: Governance Committee Meeting **Date:** 15 February 2009

Strategy: Business Management
Action: Produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To report on staff appointments and contract engagements for the month of December 2009.

1.0 BACKGROUND

On 7 September 2009 Council resolved; "In light of the current economic crisis and financial constraints of Council, Council resume the monthly reporting of all staff and contractor appointments".

Accordingly, a monthly report in respect of all appointments of staff and engagement of contractors is submitted to Council.

In order to gain a more precise understanding of contractor engagements on a month by month basis, all subsequent Monthly Contractors and Staff Reports will list only new contractor engagements for each month.

2.0 ISSUES

The information at Attachment A of this Report has been provided by the Business Unit Managers and is broken into the following sub-sections:

- Appointment of Council staff
- Termination of Council Staff
- Contracts

3.0 SUSTAINABILITY ASSESSMENT

A Sustainability Assessment is not required for this Report.

4.0 EXECUTIVE SUMMARY

The movements of Council staff for the month of December 2009 are as follows:

- 2 appointments that refill existing vacancies
- 4 terminations

A summary of contractor engagements are outlined in Attachment A of this Report.

RECOMMENDATION

1. That the report on the monthly appointments for staff and engagement of contracts as at 31 December 2009 as provided by the Business Unit Managers at Attachment A be noted.

2. That the terminations and appointments of staff during December 2009 be noted.

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Appointments of Council Staff in December 2009

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
EC	Health Officer	PFT	21/12/2009	Not Applicable	Filling Vacancy
RR & BS	Streetscape Gardener	PFT	22/12/2009	Not Applicable	Filling Vacancy

Terminations of Council Staff in December 2009

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date
UI	Streetscape Vegetation	PFT	Not Applicable	4/12/2009
CL & ED	Team Leader	PFT	Not Applicable	11/12/2009
CL & ED	Child Development Officer	PFT	Not Applicable	24/12/2009
NE & E	Manager NE&E	PPT	Not Applicable	31/12/2009

Contract Engagements

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Environmental Compliance	United Resource Management (URM)	Domestic Waste Collection	Contract by Tender	$3.5 million pa	7 Years
Environmental Compliance	Reino International (Duncan Solutions)	Pay and Display Parking Machines	Contract by Tender	$140,000 pa	5 Years
Environmental Compliance	Chubb Security	Council Buildings	Competitive Quotation	$100,000 pa	1 Year
Reserves, Recreation & Building Services	Town & Park	Newport Commercial Centre – supply bench	Quote	$1,430	One off
Reserves, Recreation & Building Services	MM Civil Works	Newport Commercial Centre – supply pit	Quote	$1,039	One off
Reserves, Recreation & Building Services	Toolijoa Landscapes	Maintenance of Fern Creek	Quote	$4,021	2 Years
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen Creek Detention Basin maintenance	Contract	$1,318	On going
Reserves, Recreation & Building Services	The Glascott Group Pty Ltd	Progress claim 6a for landscape contract Newport Commercial Centre	Contract	$16,225	6 Months
Reserves, Recreation & Building Services	Camacorp Pty Ltd	Cleaning amenities south	Tender	$4,968.70	3 Years
Reserves, Recreation & Building Services	Redclean Pty Ltd	Cleaning of public amenities north	Tender	$8,234.54	3 Years
Reserves, Recreation & Building Services	Guardian Property Services	Cleaning of Council offices and Boondah	Tender	$4,984.37	3 Years
Reserves, Recreation & Building Services	Codmac Engineering	Supply and install galvanised handrails to Winnererremy Bay Bridge	Quote	$4,376.00	One off
Reserves, Recreation & Building Services	Brooks Plumbing	Plumbing Services – Various locations	Contract	$1,076.00	One off

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	On Line Pumping	Service and upgrade of pumping stations at Lakeside Caravan Park	Quote	$28,370.00	One off
Reserves, Recreation & Building Services	On Lime Pumping	Provide New valves, flanges & gaskets to sewer pump at station C Lakeside Caravan Park	Quote	$4,000.00	One off
Reserves, Recreation & Building Services	Aquapower Pty Ltd	Removal of graffiti at various sites	Contract	$1,699.00	One off
Reserves, Recreation & Building Services	Surf Life Saving Services Pty Ltd	Lifeguard Services	Tender	$66,166.66	5 Years
Reserves, Recreation & Building Services	Image Property Detailing Pty Ltd	Mowing Council Reserves north	Contract	$7,358.40	2 Years
Reserves, Recreation & Building Services	Marsupial Landscape Management Pty Ltd	Mowing Council Reserves south	Contract	$8,736.14	2 Years
Reserves, Recreation & Building Services	J & B Murphy Pty Ltd	Works at Yachtsman's Paradise Seawall	SHOROC Tender	$1,907.68	2 Years
Reserves, Recreation & Building Services	Sydney Weed & Pest Management Pty Ltd	Herbicide spraying of council parks & reserves	Quote	$9,800.55	One off
Reserves, Recreation & Building Services Reserves	Ausflow Irrigation Pty Ltd	Replace damaged sprinklers and service the bore water tanks at Kitchener park	Contract	$3,395.00	On going
Reserves, Recreation & Building Services	Total Irrigation Designers Pty Ltd	Survey of Irrigation options at Avalon G.C	Quote	$1,000.00	One off
Reserves, Recreation & Building Services	A Mack Earthmovers Pty Ltd	Remove sand from Narrabeen Rock Pool	Quote	$2,760.00	One off
Reserves, Recreation & Building Services	J & B Murphy Pty Ltd	Removal of sand from Narrabeen Rock Pool	Quote	$1,170.36	One off
Reserves, Recreation & Building	Northern Fencing Specialists	Repair rusted fence at Avalon Headland	Quote	$1,616.25	One off

Services					
Division/Unit	**Name of Approved Consultant/Contractor/ Agency**	**Position Type of Work**	**Terms of Engagement**	**Cost to Council**	**Term**
Reserves, Recreation & Building Services	Spring Horticultural Services	Plant maintenance Winnererremy Bay	Quote	$1,725	Monthly
Reserves, Recreation & Building Services	Qualturf	Turf for Etival St foreshore	Quote	$3,660.00	One off
Reserves, Recreation & Building Services	Stonehance and Co Pty Ltd	Stonewall repair at Yatchsmans Paradise Res	Quote	$1,000.00	One off
Reserves, Recreation & Building Services	Active Tree Services	Tree works various locations	Tender	$18,200	2 Years
Reserves, Recreation & Building Services	Plateau Tree Services	Tree works various locations	Tender	$25,290	2 Years
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Bimbimbi Reserve Bush Regen maintenance	Contract	Contract under $1,000	12 Months
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Parklands Reserve Bush regen maintenance	Contract	Under $1,000 contract for 12 month period	12 Months
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Warriewood Escarpment Hazard Reduction contract	Contract	$13,554.97	9 Months
Reserves, Recreation & Building Services	Big Picture	Attunga Rd Heath Bush Regeneration	Contract	$589.87	8 Months
Reserves, Recreation & Building Services	Big Picture	Attunga Reserve Asset Protection Zone maint Contract.	Contract	$997.42	8 Months
Reserves, Recreation & Building Services	Big Picture	Avalon Golf Course Bush regen & restoration Coastcare Grant (P.E.F. pays invoices)	Contract	$1,738	8 Months
Reserves, Recreation & Building Services	Big Picture	Dark Gully Bush Regeneration DA Funded	Contract	$1,136.85	12 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Big Picture	Mona Vale Headland Bush regen contract	Contract	$1,415.70	12 Months
Reserves, Recreation & Building Services	Big Picture	Bilgola Escarpment Asset Protection Zone, SFAZ, Hazard Reduction	Contract	$19,800	12 Months
Reserves, Recreation & Building Services	Big Picture	Porter South Asset Protection Zone Maintenance	Contract	$1,000	6 Months
Reserves, Recreation & Building Services	Jan Koltai	Bush to Bay Bush Regeneration & Maintenance	Contract	$402.50	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Crescent Reserve Bush Restoration & Maintenance	Contract	$542.50	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Kanimbla Reserve Maintenance	Contract	$332.50	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Norma Park & Little Head Bush Restoration & Maintenance	Contract	$315	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Old Wharf Bush Regeneration & Maintenance	Contract	$332.50	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Plateau Park Maintenance & Hazard reduction contract	Contract	$542.50	9 Months
Reserves, Recreation & Building Services	Jan Koltai	Winji Jimmi Reserve Bush Restoration & Maintenance	Contract	$140	9 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services\	Australian Bush Restoration	Elanora Rd Bushcare Site Bush regen & restoration contract Urban Sustainability Narrabeen Lagoon Grant	Contract	$1,181.25	8 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Nareen Creek Environmental Trust Bush Restoration Terrestrial	Contract	$2,718	19 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Kundibah Reserve Bush regen contract Urban Sustainability Grant	Contract	$792	19 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Eungai Road Res Bush regen contract Urban Sustainability Grant	Contract	$1,476	19 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Warriewood Biodiversity & Viewing Platform Bush Regeneration.& maint contract Coastcare Grant	Contract	$3,703	9 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Mirbelia Road Reserve Hazard Reduction Contract	Contract	$562.50	9 Months
Reserves, Recreation & Building Services	Australian Bush Restoration	Woorarra Res Hazard Reduction contract	Contract	$918.75	6 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	John Allen	North Narrabeen Dunes Bush Regeneration	Contract	New contract totalling $1,000	6 Months
Corporate Development & Commercial	Anvera P/L	Holiday Park Management	Contract by Tender	15% gross income from long term sites, 20% gross income from short term sites, 20% of the remaining gross income from other sources	10 Years + 9 Months
Corporate Development & Commercial	Narrabeen Golf Centre	Avalon Golf Clubhouse & Restaurant Management	Contract by Tender	$224,400 pa + CPI increase annually	5 + 5 Years
Corporate Development & Commercial	Tempnet	Casual Parking Officers	Contract Agreement – Acceptance of Quote	$5,928	1 Year
Corporate Development & Commercial	Tempnet	Temporary Town Planning Staff	Contract Agreement	$1,617	1 Year
Corporate Development & Commercial	Tempnet	Casual Education Officers – CEC	Contract Agreement	$558	1 Year
Corporate Development & Commercial	Tempnet	Temporary Administration Officers – Environmental Complicance	Contract Agreement	$2,160	1 Year
Corporate Development & Commercial	Peoples Ability (Accountability)	Casual staff – Pay Office	Contract Agreement	$2,016 for Dec 09	6 Months
Corporate Development & Commercial	Sydney Occupational Services	Pre employment functional screens – Field Staff	Acceptance of Quote – Agreed hourly rate	$203.50 for Dec 09	1 Year
Urban Infrastructure	Pitney Bowes Software Pty Ltd	Technical Support	Contract	$14,898.04	1 Month
Urban Infrastructure	TempNet	Supply of temporary staff – Meng Wang	6 months contract	$7,367.26	Ongoing
Urban Infrastructure	Boral Asphalt/Bitupave	Supply cold mix - Boondah	Contract	$7,405.57	1 Month
Urban Infrastructure	Stabilised Pavements of Australia	Profiling and Sealing Works – Pavements Stabilisation	Contract	$67,778.71	1 Month

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Urban Infrastructure	Downer EDI Works	Supply and lay AC14HD – Weekend daywork Mini Profiler	Contract	$28,080.75	1 Month
Urban Infrastructure	Brookvale Mini Crete	Supply concrete	Contract	$5,907.86	1 Month
Urban Infrastructure	Warringah Crane and Transport Services	Crane Hire	Contract	$1,963.50	Ongoing
Urban Infrastructure	Metromix Pty Ltd	Supply concrete	Contract	$2,876.45	Ongoing
Urban Infrastructure	Brocks Plumbing	Repair Water Service	Contract	$347.60	Ongoing
Urban Infrastructure	Visionstream Pty Ltd	Relocation of Telstra Network Facilities	Contract	$374.00	1 Month
Urban Infrastructure	Midor Australia Pty Ltd	Float excavator P4053	Contract	$440.00	Ongoing
Urban Infrastructure	Tempnet Personnel	Temporary truck driver/plant operator	Contract	$4,659.82	1 Month
Urban Infrastructure	GHD Pty Ltd	Site Inspections	Contract	$2,335.85	1 Month
Urban Infrastructure	Spring Horticultural and Garden Services	General garden maintenance	Contract	$1,353.00	1 Month
Urban Infrastructure	Rocco Crea Concrete	Construction of driveway – 20 Palmgrove	Contract	$19,000.00	1 Month
Community, Library & Economic Development	Amlib	Software maintenance	Maintenance agreement	$12,000 pa	12 Months
Community, Library & Economic Development	Envisionware	Software maintenance	Maintenance agreement	$4,000 pa	12 Months
Community, Library & Economic Development	Pink Hygiene Solutions	Hygiene services	Letter of engagement	$2,900 pa	12 Months
Community, Library & Economic Development	BACS	Computer cleaning	Letter of engagement	$1,750	Quarterly

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Community, Library & Economic Development	Spring Horticultural	Gardening	Letter of engagement	$2,000	Quarterly
Community, Library & Economic Development	Xerox	Copier lease/ maintenance	Maintenance agreement	$11,916	4 Years
Community, Library & Economic Development	Focus Capital	Copier lease/ maintenance	Maintenance agreement	$3,787	4 Years
Community, Library & Economic Development	Capital Finance	Multiscreen Channel System lease/maintenance	Maintenance agreement	$4,900	4 Years
Community, Library & Economic Development	Big DY	Telecommunications MV Library – Avalon Library	Service agreement	$4,800	12 Months
Community, Library & Economic Development	Toll	Courier service Mona Vale Library – Avalon Library	Letter of engagement	$3,000	12 Months
Community, Library & Economic Development	URM	Waste disposal – Mona Vale Library	Letter of engagement	$3,000	12 Months
Community, Library & Economic Development	Clearwater	Supply of filtered water	Maintenance agreement	$300	12 Months
Community, Library & Economic Development	Romteck Grid P/L	Fire Monitoring	Letter of Engagement	$1,950pa	12 Months
Community, Library & Economic Development	URM	Waste disposal at all Community Centres	Letter of Engagement	$10,000pa	12 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Community, Library & Economic Development	H20 Cleaning	Cleaning contractor	Letter of Engagement	$62,000	12 Months
Community, Library & Economic Development	JS Peninsula Cleaning	Cleaning contractor	Letter of Engagement	$42,420pa	12 Months
Community, Library & Economic Development	HIS Washroom Management	Urinal, soap & sanitary services	Letter of Engagement	$6,400pa	12 Months
Community, Library & Economic Development	Squeegee Window Cleaning	Window cleaning contractor	Letter of Engagement	$12,000pa	12 Months
Community, Library & Economic Development	Secom Security	Security Monitoring at all Community Centres	Letter of Engagement	$5,500pa	12 Months
Community, Library & Economic Development	All Grass Surfaces	Preventative Treatment of tennis courts	Letter of Engagement	$1,200pa	Quarterly
Community, Library & Economic Development	ABS Timber Floor Services	Refurbishment of timber floors at all Community Centres	Letter of Engagement	$29,000pa	12 Months
Community, Library & Economic Development	VIP Cleaning Services	Cleaning contractor	Letter of Engagement	$50,000pa	12 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Community, Library & Economic Development	ABA Carpet Cleaning	Carpet cleaning	Letter of Engagement	$835pa	12 Months
Community, Library & Economic Development	Fresh & Clean	Sanitary Unit Charges	Letter of Engagement	$1,520pa	12 Months
Community, Library & Economic Development	Fresh & Clean	Sanitary Unit & Nappy Bin Charges	Letter of Engagement	$2,640pa	12 Months
Community, Library & Economic Development	Sharp Direct	Maintenance of copier at NHC	Letter of Engagement	$226 pa	12 Months
Community, Library & Economic Development	Safecorp Security	Security patrols at Avalon	Letter of Engagement	$1,386pa	12 Months
Community, Library & Economic Development	RMS	Community Centre Booking Systems	Letter of Engagement	$3,811pa	12 Months
Community, Library & Economic Development	FC Horticare	Landscape Maintenance Contractor	Letter of Engagement	$1,500pa	12 Months
Community, Library & Economic Development	In Trac	On line Tennis Court Bookings	Letter of Engagement	$1,400pa	12 Months
Community, Library & Economic Development	Austratronics	Fire Panel Maintenance	Letter of Engagement	$2,090pa	12 Months
Community, Library & Economic Development	Secom	GPRS Unit – Avalon Recreation Centre	Letter of Engagement	$635pa	12 Months
Community, Library & Economic Development	Hornsby Cleaning Services	Casual Contract Cleaner	Letter of Engagement	$1,732pa	12 Months

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Community, Library & Economic Development	Hildebrandt Locksmiths	Software for Tennis Courts	Letter of Engagement	$330pa	12 Months
Community, Library & Economic Development	Spring Horticulture	Landscape Maintenance Contractor	Letter of Engagement	$2,288pa	12 Months
Community, Library & Economic Development	Biosonic Cleaning	Cleaning of blinds contractor	Letter of Engagement	$1,500pa	12 Months
Community, Library & Economic Development	Sharp	Maintenance & copier Contract	Letter of Engagement	$180pa	12 Months
Natural Environment and Education	Eastcoast Flora and Bangalay Vegetation Mapping	Vegetation Mapping and Management Plan	Contract by Quote via Tenderlink	$60,000 over total contract period	1 Year
Natural Environment and Education	Ecotone	Native Animal Management Plan	Contract via competitive quote	$45,000 over total contract period	1 Year
Admin & Governance	Pittwater Life	Advertising	Purchase order	$7,200 pa	Ongoing
Admin & Governance	Leonard Holt Robb	Type set and Design	Purchase order	$3,700 pm	Ongoing
Admin & Governance	Free Lance Designer	Pittwater report Design	Purchase Order	$2,200 pa	Ongoing
Admin & Governance	Squiz (Internet)	Software maintenance	Service Agreement	$1,375 pm	Ongoing
Admin & Governance	Squiz (Internet)	Web hosting	Service Agreement	$825 pm	Ongoing
Admin & Governance	Government Records Repository	Records storage & retrieval	Purchase order	$4,466 pm	Ongoing
Admin & Governance	Australia Post	DX Mail Contract	Purchase order	$4,587 pa	Ongoing
Admin & Governance	Beem Electrical	Set up room for Council meetings	Purchase order	$200 per meeting	Ongoing
Admin & Governance	Corella Catering	Council meeting dinners (2/month)	Purchase order	$1,308	Ongoing
Finance & IT	Spencer Steer & Associates	Auditors	Contract by Tender	$40,000pa	6 Years
Finance & IT	Commonwealth Bank	Banking Services	Contract by Tender	Approx $6,000	3 Year + 2 Year Option

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Finance & IT	Recoveries & Reconstruction Pty Ltd	Recoveries Agent (all costs are past on to rate payers who are subject to recovery action)	Contract by Tender	$110,000pa	3 Years + 2 Year Option
Finance & IT	Australia Post	Payment of rates in post offices	Contract by Tender	$25,000 pa	3 Years + 2 Year Option
Finance & IT	Corum E-Commerce	Phone & Internet payments	Contract by Tender	$11,000pa	3 Years + 2 Year Option

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

PITTWATER COUNCIL

C11.1 N0346/09 - 16 Emma Street, Mona Vale, for demolition of the existing dwelling and construction of a new dwelling and swimming pool

Meeting: Planning an Integrated Built Environment Committee **Date:** 15 February 2010

STRATEGY: **Land Use and Development**

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0346/09 – 16 Emma Street, Mona Vale, for demolition of the existing dwelling and construction of a new dwelling and swimming pool.

1.0 BACKGROUND

1.1 The Development Unit, at its meeting held on Thursday, 28 January 2010 considered the Development Officer's report (Attachment 1) for determination of Development Application N0346/09 – 16 Emma Street, Mona Vale, for demolition of the existing dwelling and construction of a new dwelling and swimming pool.

2.0 REASON FOR REFERRAL TO COUNCIL

2.1 Councillor Grace has called this item to Council for determination.

3.0 DEVELOPMENT UNIT DELIBERATIONS

3.1 Mr Sean Pinwill and Mrs Kylie Pinwill (Applicants) addressed the Development Unit on the Application. One Objector, with his Consultant, also addressed the Development Unit relating to view loss and visual privacy.

3.2 The Development Unit considered the issues raised by the Objector and resolved to support the Assessing Officer's recommendation, however an additional conditional was required that addressed the restoration of the nature strip and kerb.

4.0 ISSUES

- View loss
- Visual privacy
- Bulk and scale as viewed from the street
- Inadequate survey plan

5.0 SUSTAINABILITY ASSESSMENT

5.1 This report does not require a sustainability Assessment.

6.0 EXECUTIVE SUMMARY

6.1 The application was considered by the Development Unit at its meeting held on 28 January 2010 and after hearing from the Applicant and the Objector, endorsed the Assessing Officer's recommendation after including an additional condition that addressed the restoration of the nature strip and kerb.

RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and Development Application N0346/09 for demolition of existing dwelling and construction of a new dwelling and swimming pool at 16 Emma Street Mona Vale, be granted development consent subject to the conditions contained in the Draft Determination and the following additional Condition of Consent:

1. Additional Condition B29

B29 That the existing driveway be removed and the nature strip and kerb be restored to Council's requirements.

Report prepared by

Ruth Robins
PRINCIPAL OFFICER, ADMINISTRATION & DEVELOPMENT UNIT CHAIRPERSON

WARWICK LAWRENCE
MANAGER, ADMINISTRATION & GOVERNANCE

Subject: N0346/09 16 Emma Street Mona Vale

Determination Level: Development Unit **Date:** 28 January 2009

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Deren Pearson
APPLICATION SUBMITTED ON:	21/08/2009
APPLICATION SUBMITTED BY:	SEAN MATTHEW PINWILL and KYLIE EMMA PINWILL 16 EMMA STREET MONA VALE 2103
OWNER(S):	PINWILL, SEAN MATTHEW (OwnResOcc) PINWILL, KYLIE EMMA (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

The site is zoned Residential 2(a) under the provisions of the Pittwater LEP 1993. The proposed dwelling house is permissible with development consent;

SEPP (BASIX) 2004;

Pittwater 21 DCP;

The property is not identified as being affected by any hazards;

The site does not contain any identified heritage items and it is not in the vicinity of any.

2.0 NOTIFICATIONS

Six (6) property owners notified

One (1) submission received

3.0 ISSUES

- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- 3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development DrawingsC1.3 View Sharing
- C1.5 Visual Privacy
- C1.14 Separately Accessible Structures
- D9.1 Character as viewed from a public place
- D9.7 Side and rear building line
- D9.10 Site coverage - General

4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?
O - Can the proposal achieve the control outcomes?
N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-

B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Heritage					
B1.3 Heritage Conservation - General			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		Submission received regarding a lack of survey information.	Y	Y	N
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B3.5 Acid Sulphate Soils		Acid Sulphate Soils Region 5. No issues.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse		Not proposed .	-	-	-

B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		Submission received from the architect representing the neighbour at 18 Emma Street, regarding a loss of views.	Y	Y	N
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		Submission received regarding windows on the western elevation overlooking 18 Emma Street.	Y	Y	N
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		Submission received regarding bottom floor potentially being used as a separate dwelling.	Y	Y	N
C1.17 Swimming Pool Safety			Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D9.1 Character as viewed from a public place		Submission received regarding the building having unreasonable bulk and scale.	Y	Y	N
D9.2 Scenic protection - General			Y	Y	Y
D9.3 Building colours and materials	Dark and earthy tones.	Dark grey roofing and mid grey walls. Satisfactory.	Y	Y	Y
D9.4 Height - General	Maximum 8.5 metres.	8.4 metres.	Y	Y	Y
D9.6 Front building line	6.5 metres.	6.5 metres.	Y	Y	Y
D9.7 Side and rear building line	1 metre to one side, 2.5 metres to the other, 6.5 metres to rear	The dwelling is 6.2 metres from the eastern side boundary, 2 metres from the western side boundary and 6.5 metres from the rear boundary. The pool is 1.60 metres from the rear boundary and results in a non-compliance with the control.	N	Y	Y

D9.9 Building envelope		The eave on the western side of the dwelling breaches the building envelope; however the control variations state that eaves are permitted to extend outside the building envelope. The minor non-compliance will result in some view loss; however the impact is negligible given that it does not affect the water view. Satisfactory.	N	Y	Y
D9.10 Site coverage - General	Maximum 50% site coverage, minimum 50% landscaped area.	380.03m² (54.45%) site coverage, 317.97m² (45.55%) landscape area. With variations considered the site coverage is 48.45% and the landscape area is 51.55%.	N	Y	Y
D9.12 Fences - General			Y	Y	Y
D9.14 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

*Issues marked with an **x** are discussed later in the report.

Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The site is known as Lot 3, DP 230566, 16 Emma Street, Mona Vale. The property has a total area of 698 square metres and it contains an existing single dwelling. The property is not identified as being affected by any hazards and it does not contain any heritage items, nor is it in the vicinity of any. The land slopes from RL44.04 at the north-western end of the site to RL 38.28 at the south-eastern end.

6.0 PROPOSAL IN DETAIL

The proposal involves demolition of the existing dwelling on the site and construction of a new dwelling and a swimming pool.

7.0 BACKGROUND

The application was lodged on 21 August 2009 and was notified for a period of 14 days. One submission was received during the notification period. Additional information was requested on 24 September 2009 and a response from the applicant was received by Council on 4 November 2009.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

  Council's Natural Resources Assessment Officer has provided the following comments regarding the proposed development:

  Property contains a modified landscape typical of a domestic garden. The proposed works involve demolition of the existing dwelling and construction of a new dwelling and swimming pool in the rear yard area. All vegetation onsite is non-indigenous at present, and the proposed works will require the removal of nine existing trees, none of which are indigenous and there are no objections to their removal provided replacement planting is undertaken. The landscape plan (DesignerScapes Drawing No. 022/09/LP1 29th May 2009) indicates the trees to be removed and also provides 12 new locally native trees. All proposed shrubs and groundcovers are acceptable and the appropriate boundary screen planting has been provided on the plan. The proposed landscaping will enhance the habitat and amenity value of the site and is therefore accepted.

- **3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings**

  The architect representing the neighbour at 18 Emma Street has raised in their submission that the application was not supported by a survey plan that indicates reduced levels (RL's) for the ridge levels and deck levels of the adjoining properties. The survey submitted with the DA did not include these details, however the survey plan submitted with the additional information has rectified this. Therefore the proposal satisfies the criteria for information to be submitted with a Development Application.

- **C1.3 View Sharing**

  A submission has been received from the architect representing the neighbour at 18 Emma Street, regarding a loss of views from their property. As a result, the applicant was requested to erect height poles with certification from a Registered Surveyor in order to allow for a view sharing assessment to be carried out. Subsequently, the applicant erected height poles and they were viewed from the neighbour's property.

  View sharing has been assessed by considering the DCP control C1.3 and the Land and Environment Court Planning Principles for view sharing as established in *Tenacity Consulting v Warringah (2004) NSWLEC 140*.

  The planning principle adopts a four step assessment which has been applied below for the subject application.

  The first step is to consider the views to be affected. A distant ocean water view can be seen when looking to the east from 18 Emma Street. The view includes the ocean off Mona Vale Beach, Turimetta Head and Mona Vale district land views. While the interface between land and water is not visible due to the trees in the foreground, the view is still considered to be valuable.

  The second step is to consider from what part of the property the views are obtained. The views from 18 Emma Street are primarily obtained across the eastern side boundary, from the balcony and principal living room of the dwelling. The dwelling layout takes advantage of the views with the living rooms and balcony on the eastern side of the dwelling. Given that the views are obtained across a side boundary and through the middle of the subject site, they are more difficult to preserve. The dwelling at 18 Emma Street is also set back 11 metres from the front property boundary, which makes the view more vulnerable. Partial views are also available from the southern living room window and the entry patio. These views are currently obscured by three trees in the front yard at 16 Emma Street; however these trees are proposed to be removed, which will improve the views from the southern side of the neighbouring dwelling.

  The third step is to assess the extent of the impact. The proposed dwelling will have a severe impact on the views from the living room and eastern balcony, given that almost the whole water view will be blocked by the new dwelling. However, when considering the impact on the property as a whole, it is moderately affected because the views from the front living room window and the entry patio of 18 Emma Street will be improved by the removal of the three trees in the front yard of the subject property. While these views are not as significant as those from the eastern living room windows and balcony, the property will still receive water views.

  The fourth step is to assess the reasonableness of the proposal that is causing the impact. The proposed dwelling complies with Pittwater 21 DCP when the variation clauses are applied; therefore it is more reasonable than a non-complying development. The minor breach of the building envelope will result in some view loss, however the impact is negligible given that it does not affect the water view. The control variations also permit eaves to extend outside the building envelope.

  Given that it is compliant, it must be considered whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the neighbour's views. For the view to be retained, the ridge of the proposed dwelling would have to be reduced by approximately 2 metres.

This could be achieved by using a flat roof (5 degree pitch), reducing floor to ceiling heights and excavating the lower floors further into the ground. However, this would not afford the owners of the subject property the same amenity as the proposed development because their views would affected by lowering the floor levels. Given that the development complies with the provisions of the DCP and that the views from 18 Emma Street are vulnerable because they are over a side boundary and through the middle of the site, the proposal is considered acceptable.

The impact upon the view from 18 Emma Street is significant, however a reasonable sharing of views is achieved as required by section C1.3 in Pittwater 21 DCP and the *Tenacity Consulting v Warringah* Land and Environment Court Planning Principle.

- **C1.5 Visual Privacy**

  In their submission, the architect representing the owner of 18 Emma Street has raised concern regarding the first floor windows on the proposed western elevation overlooking the property at 18 Emma Street. The bathroom window on the western elevation appears to consist of frosted glass, however to ensure that there is no overlooking from this window, a condition of consent is also recommended to ensure that the window is obscured glass. The bedroom window on the western elevation has a sill height of 1.3 metres, however this will allow for overlooking between the bedroom and the eastern balcony and living room at 18 Emma Street. A higher sill level would not rectify this because the window is not higher than the balcony; therefore it is recommended that this window should also have frosted glass. The proposal is considered to be acceptable subject to the recommended condition of consent.

- **C1.14 Separately Accessible Structures**

  A submission was received regarding the garage level of the proposed dwelling potentially being used as a separate dwelling. There is a large unnamed area on the lower floor; however it is associated with the garage, storage area and cellar on the same level. There are no kitchen or bathroom facilities proposed on this level, therefore the lower floor is not considered to be designed as a separate dwelling and the proposal is acceptable in this regard.

- **D9.1 Character as viewed from a public place**

  A submission was received from the architect representing the owner of 18 Emma Street, regarding the bulk and scale of the building being unreasonable. The dwelling is consistent with the requirements of the site coverage, height, building envelope and building line controls, therefore the size of the dwelling is acceptable. It also provides an articulated facade with a verandah and entry feature. The dwelling achieves the requirements of the DCP and is considered to be acceptable in this regard.

- **D9.7 Side and rear building line**

  The dwelling is 6.2 metres from the eastern side boundary, 2 metres from the western side boundary and 6.5 metres from the rear boundary. The pool is 1.60 metres from the rear boundary and results in a non-compliance with the control. However, a minimum setback of 1 metre can be considered where the pool is in-ground and where landscaping is provided between the pool and the boundaries. The proposal meets the variation criteria for Pittwater 21 DCP and it is considered to be acceptable.

- **D9.10 Site coverage – General**

  The proposal is inconsistent with the technical requirements of the site coverage control because the site coverage exceeds the control maximum of 50%. However the control provides for variations to be considered, which results in 48.45% site coverage. The proposal complies with the variation provisions and it meets the desired outcomes of the control, therefore it is considered to be acceptable.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposed new dwelling and swimming pool at 16 Emma Street, Mona Vale, is permissible within the Residential 2(a) zone as defined by Pittwater Local Environmental Plan 1993. The proposal results in minor technical non-compliances with Pittwater 21 DCP, however it complies with the variation provisions of the policy. The impact on the views from 18 Emma Street is significant, however given that the proposal is compliant and the views are vulnerable, the development is considered to be acceptable.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to development application N0346/09 for demolition of existing dwelling and construction of a new dwelling and swimming pool at 16 Emma Street Mona Vale subject to conditions of consent.

Report prepared by

Deren Pearson
PLANNER

DETERMINATION

CONSENT NO: N0346/09
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

SEAN MATTHEW PINWILL and
KYLIE EMMA PINWILL
16 EMMA STREET
MONA VALE 2103

Being the applicant in respect of Development Application No N0346/09

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0346/09 for:

Demolition of the existing dwelling and construction of a new dwelling and swimming pool.

At: 16 EMMA STREET, MONA VALE (Lot 3 DP 230566)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with
Plans numbered 1165-1, 1165-2, 1165-3, 1165-4, 1165-5, 1165-6, 1165-7, 1165-8, 1165-9, 1165-10, 1165-11, 1165-12, 1165-13, 1165-14 all dated 23/2/2009, prepared by JD Evans and Co; and Landscape Plan 022/09/LP1, Issue A dated 29.05.09, prepared by DesignerScapes
as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent Insert Date

Mark Ferguson
GENERAL MANAGER
Per:

DRAFT

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.

2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.

3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

    a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and

    b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working house, and

    c. stating that unauthorised entry to the work site is prohibited.

    Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

    a. in the case of work for which a principal contractor is required to be appointed:

        i. The name and licence number of the principal contractor, and

        ii. The name of the insurer by which the work is insured under Part 6 of that Act.

    b. in the case of work to be done by an owner-builder:

        i. The name of the owner-builder, and

        ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer\'s Specifications and associated operational guidelines.

2. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer\'s Specifications and associated operational guidelines.

3. The internal driveway finish is:

    a. to be a stable surface for all weather conditions

    b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.

4. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.

5. At least twelve (12) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

6. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

7. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.

8. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.

9. Any vegetation planted outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council\'s website www.pittwater.nsw.gov.au

10. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.

11. The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.

12. Screen planting is to be provided, which after three years will, in conjunction with the canopy planting, screen 50% of the built form when viewed from the street. Species selection is to incorporate locally native species. This screen planting is to be retained over the life of the development and replaced if any part of it should die or be destroyed or removed.

13. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council\'s road reserve.

14. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.

15. Where waste water is directed to the Sydney Water sewerage system the installation of in-sink food waste disposal units is prohibited due to the increased loading placed on the Warriewood Sewage Treatment Plant particularly during wet weather.

16. The first floor windows on the western elevation (bedroom 2 and bathroom) are to consist of frosted glazing.

17. No water pollution shall result from the operation of any plant or equipment or activity carried out.

18. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.

19. No odour nuisance to the public or any adjoining premises shall be created by the operation of any plant or equipment or any procedure carried out at the premises.

20. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.

21. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pool Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools

22. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.

    a. The warning notice (i.e. sign) must contain all of the following words:

        i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and

        ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

        iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

    b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):

i. that are set out in accordance with the relevant provisions of that Guideline, and

ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and

iii. that are illustrated by drawings with key words only in bold print,

c. a statement to the effect that formal instruction in resuscitation is essential,

d. the name of the teaching organisation or other body that published the sign and the date of its publication.

23. All plumbing and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.

24. All external glazing is to have a maximum reflectivity index of 25%.

25. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.

26. The pool concourse, walkway or deck is to be a minimum 900mm clear of the boundary.

27. Any front and side fences within the front building setback (6.5 metres) are to be a maximum of 1 metre in height.

28. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering plans including specifications and details of the on-site stormwater detention system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.8 of Pittwater 21 DCP.

   Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.

2. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

   Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

3. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.

    a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.

    b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).

    c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.

    d. Council\'s Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.

4. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

5. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 *The Demolition of Structures*.

    Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

    1. Protection of site workers and the general public.

    2. Erection of hoardings where appropriate.

    3. Asbestos handling and disposal where applicable.

    4. Any disused service connections shall be capped off.

    Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

2. Structural Engineering details relating to the new works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

7. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.

2. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

3. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

4. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

   All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

   The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

5. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.

6. No works are to be carried out in Council\'s Road Reserve without the written approval of the Council.

7. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council\'s Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.

8. No skip bins or materials are to be stored on Council\'s Road Reserve.

9. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.

10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

    - The builder\'s name, builder\'s telephone contact number both during work hours and after hours.
    - That no works are to be carried out in Council\'s Road Reserve without the written approval of the Council.
    - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council\'s Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
    - That no skip bins or materials are to be stored on Council\'s Road Reserve.
    - That the contact number for Pittwater Council for permits is 9970 1111.

11. All construction in the public road reserve must be undertaken by a Council authorised contractor.

12. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.

13. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

14. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

15. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 1991 The Demolition of Structures.

    The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

    All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.

2. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer\'s specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.

3. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.

4. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council\'s written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

5. Restoration of all damaged public infrastructure caused as a result of the development to Council\'s satisfaction. Council\'s written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

6. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

7. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.

8. Street numbers are to be affixed to the building prior to occupation.

9. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.

10. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.

2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.

3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

4. In accordance with Section 95(2) of the Act, this consent will lapse if the development, the subject of this consent, is not commenced within 2 years after the date from which this consent operates.

   NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.

5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).

6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as

advised at the time of lodgement of such request, within 1 year from the date of determination.

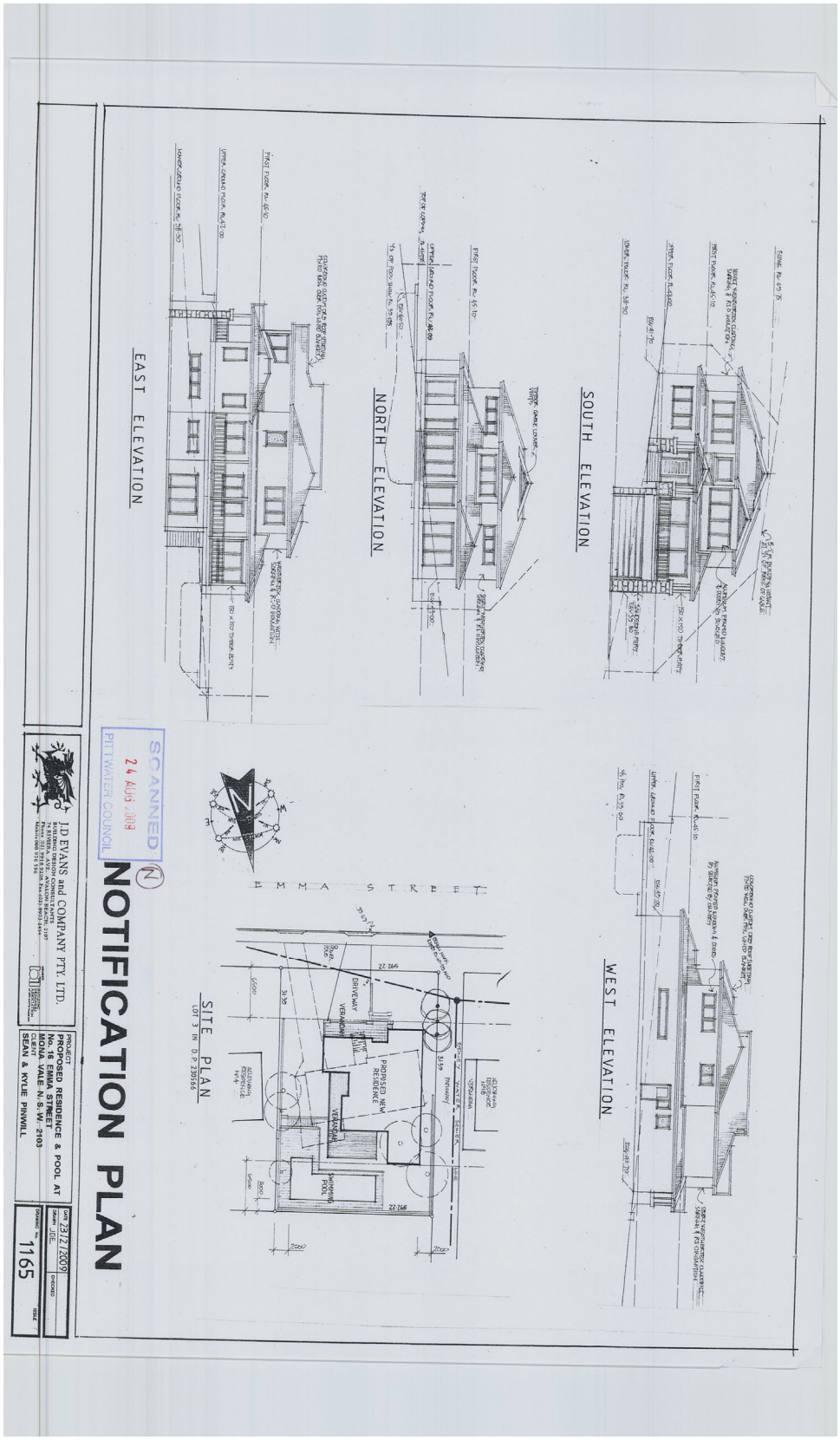
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.

8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

DRAFT

LOCALITY MAP

NOTIFICATION PLAN



PITTWATER COUNCIL

C11.2 Rezoning Application (R0001/05) - 4 and 8 Forest Road, Warriewood (Sector 5 of Warriewood Valley)

Meeting: Planning an Integrated Built Environment Committee **Date:** 15 February 2010

STRATEGY: **Land Use & Development**

ACTION: Coordinate land use planning component of land release

PURPOSE OF REPORT

To report the outcomes of the public exhibition of the Planning Proposal to rezone Sector 5 in Warriewood Valley and to recommend progressing an amended Planning Proposal.

1.0 BACKGROUND

1.1 On 2 February 2005, a rezoning application was lodged for 4 and 8 Forest Road, Warriewood (Lot B DP 370222 and part of Lot 1 DP 5055), comprising Sector 5 in the Warriewood Valley Urban Land Release Area (see **Attachment 1**). The application proposes to rezone the land from 1(b) Non-Urban to 2(f) Urban Purposes – Mixed Residential.

1.2 On 5 November 2007, Council initially resolved to commence the statutory rezoning process, however, required the applicant to resolve outstanding bushfire and water management issues.

1.3 On 17 August 2009, at the applicant's request and with the Department of Planning's (DoP) permission, Council resolved to recommence the statutory rezoning process via the new Gateway Determination process.

1.4 The Gateway Determination (dated 10 November 2009) enabled the commencement of the public exhibition.

2.0 PUBLIC EXHIBITION

2.1 In accordance with the Gateway Determination, public exhibition was held for 14 days from 26 November to 10 December 2009. Letters were sent out to adjoining landowners advising of the public exhibition and inviting comment. It was advertised in the Manly Daily on 25 November 2009. The NSW Rural Fire Service (RFS) was also consulted in accordance with the Gateway Determination.

2.2 Four letters were received, including comments from the RFS.

3.0 ISSUES

- Matters raised in submissions
- Response from the NSW Rural Fire Service
- Response in relation to climate change
- Amendments proposed to the exhibited Planning Proposal

4.0 MATTERS RAISED IN SUBMISSIONS

4.1 Matters include:

- Likely increase in traffic, exacerbating congestion already experienced in the road networks, particularly with school-related traffic
- Insufficient on-street parking in Forest Road
- Inadequate public transport servicing Warriewood Valley
- Concern regarding groundwater seepage and shallow soil movement impacting on 2 Forest Road, Warriewood (adjoining property)
- Likely run-off onto 2 Forest Road, Warriewood (adjoining property)
- Loss of well-established palm tree
- Potential loss of habitat for owls
- Loss of solar access and privacy

The three submissions received from residents raised issues that will be considered in greater detail under the Development Application (DA) process.

The rezoning stage provides for general planning for landuse allocation (as per the Warriewood Valley Urban Land Release Planning Framework 1997) where supporting documentation is required to demonstrate and ensure that the objectives of the Planning Framework and the relevant controls in the Pittwater 21 DCP can be achieved and that the rezoning is suitable.

4.2 *Likely increase in traffic*

Mater Maria Catholic School is located at the western end of Forest Road, and congestion exists along Forest Road during school drop-off and pick-up periods.

In planning the Warriewood Valley Urban Land Release, the Traffic and Transport Study (1997) undertaken accounted for existing and future traffic-generating developments in Warriewood Valley, including the school and future residential development in Sector 5. The Traffic and Transport Study (1997) predicted an increase of up to 31,000 vehicle trips per day, based on an acceptable level of service. Roads in Warriewood Valley were planned as a slow-down mechanism for cars, and in turn, discourage through traffic. Estimations indicate that the network can accommodate up to 44,000 vehicle trips per day with a reduced level of service for the AM and PM peak demands.

The submitted masterplan envisages 68 dwellings, which is less than the maximum number of dwellings (75) Council had anticipated for this sector in 1997.

Council's Principal Engineer (Roads, Traffic and Urban Infrastructure Operations) has reviewed the masterplan and advised that the level of traffic to be generated by the 68 dwellings envisaged, is consistent with the anticipated development for the Warriewood Valley Urban Land Release.

The capacity of surrounding road networks, in particular Mona Vale Road, was also raised as a concern. Mona Vale Road, as a classified road, is the responsibility of the RTA.

Construction traffic, noise and dust resulting from future construction will need to be addressed at the Development Application stage.

4.3 *Insufficient on-street parking*

It is acknowledged that kerbside parking is well utilised within Warriewood Valley. Developments, as part of the DA process, are required to provide sufficient off-street parking in accordance with Council's DCP.

4.4 *Inadequate public transport services in and around Warriewood Valley*

Warriewood Valley is serviced by three regular bus routes. Routes185 and L85 travel along Garden Street and Macpherson Street, while Route 182 travels along Macpherson Street. Public transport services are the responsibility of the State Government, with Sydney Buses responsible for allocated bus routes through Warriewood Valley.

4.5 *Concern is raised regarding groundwater seepage, shallow soil movement and likely destabilising*

The *Preliminary Geotechnical Investigation and Slope Stability Risk Assessment* prepared by Jubilee Investments Pty Ltd (2005), and submitted with the rezoning application, was reviewed by Urban Infrastructure and considered satisfactory.

Any future earthworks/soil disturbance will be subject to further geotechnical assessment that will be undertaken as part of the DA stage.

4.6 *Concern is raised to likely run-off onto 2 Forest Road as a result of future development on the subject site*

The water management report is in accordance with the *Warriewood Valley Urban Land Release Water Management Specification 2001*, enabling progress of the rezoning.

Matters regarding the water cycle and management will be addressed in greater detail as part of any DA.

4.7 *Concern is raised regarding likely loss of an existing palm tree (on the boundary of 2 and 4 Forest Road)*

Council's Natural Resources Assessment Officer advises:

> *"…the tree is a Cocos Palm, which is an environmental weed species which is exempt from Council's Tree Preservation Order. Although no mention of the tree has been made yet in any submitted plans, Council does not view the tree as significant and as it is located on the subject property, its removal is permissible. As the species is exempt, Council has no obligation to protect the tree and any negotiations to retain the tree are a civil matter and not to be addressed by Council".*

4.8 *Concern for the owls audible from the subject site*

Council's Natural Resources Assessment Officer advises:

> *"Powerful Owls (a listed threatened species under the Threatened Species Conservation Act 1995) are known from the Warriewood Escarpment area and often hold wide territories. The current rezoning application has addressed the formation of an Asset Protection Zone which may impact on a small number of trees along the escarpment edge to create a discontinuous canopy within the nominated zone. The removal of a few trees will not impact on a species as mobile and wide-ranging as the Powerful Owl.*

As mentioned in Appendix 10 of the Ecological Assessment (Place December 2004) in the Assessment of Significance for the species "the proposal will remove a narrow band of vegetation along the edge of a relatively large patch of habitat...the area of Eucalypt woodland to be lost as a result of this proposal is not likely to support a high abundance of preferred prey, and supports no suitable nest sites...the proposed rezoning will not affect critical habitat of the Powerful Owl". This view is supported and there is highly unlikely to be any impact on owls as a result of the proposed rezoning and creation of an APZ".

4.9 *Likely loss of solar access and privacy*

Controls relating to subdivision layout, side and rear building lines, site coverage, and solar access contained in the Pittwater 21 DCP will form part of the assessment of any future DA on the land to ensure privacy and visual amenity is maintained.

5.0 CONSULTATION WITH RURAL FIRE SERVICE (RFS)

5.1 The RFS raised no issues to the rezoning. The RFS advised that, as part of a future DA for subdivision, a Bush Fire Safety Authority will be required from the RFS. That DA will need to be assessed against the requirements of *Planning for Bush Fire Protection* (2006). This is not required at the rezoning stage.

6.0 RESPONSE IN RELATION TO CLIMATE CHANGE

Given the current extent of knowledge in relation to climate change, where bushfire risk is particularly relevant to Sector 5, consideration of impact can be reasonably undertaken through the preparation, assessment and determinations of any future DA for Sector 5.

7.0 AMENDMENTS TO PROPOSED EXHIBITED PLANNING PROPOSAL

7.1 Following the exhibition, Council staff identified anomalies regarding the State imposed interim transport levy ($17, 000 per lot).

In 2007, the Department of Planning advised Council that this levy would be applicable to the sectors within Warriewood Valley as they are rezoned. Clause 30E in the Pittwater LEP, relates to the application of this levy, and currently only applies to Sector 3 (being the last residential sector to be rezoned). Uncertainty as to whether the levy would apply to Sector 5 is raised following review of the Department's letter dated 4 May 2007 (**ATTACHMENT 2)**.

Verbal advice was recently sought from the Department to clarify the matter, however some uncertainty remains. Accordingly, the Planning Proposal needs to be amended to remove the application of Clause 30E to Sector 5.

7.2 Minor administrative errors, resulting from misinterpretation, was also identified in the exhibited Planning Proposal, relevant to the Checklist for the Section 117 Directions, as to whether the rezoning was consistent with specific Directions or not.

The Department of Planning, prior to the issue of the Gateway Determination, also did not identify these clerical errors. Nonetheless, there is Court precedent in relation to errors in the public exhibition of draft planning instruments that have rendered the subsequent gazetted instrument invalid. The test, in these cases, has been *"whether a reasonable reader, without knowledge of planning law, or understanding of legal interpretation, may have been confused or possibly misled by documents placed on exhibition"* (Homeworld Ballina Pty Limited v Ballina Shire Council & Anor [2009] NSWLEC 172).

Although minor in nature, it is prudent to amend the Planning Proposal document.

8.0 DRAFT WARRIEWOOD VALLEY PLANNING FRAMEWORK 2010

8.1 Council recently resolved to exhibit the Draft Warriewood Valley Planning Framework 2010, where dwelling density was increased at certain locations where development has not yet occurred.

8.2 Although Sector 5 was identified as land that has not yet be rezoned, the Draft Planning Framework 2010 does not propose any change to this sector. Nonetheless, land owners of Sector 5 will be invited to attend a public meeting in accordance with Council's resolution of 1 February 2010.

9.0 FORWARD PATH

9.1 The matters raised in residents submissions, are essentially related to the future development of the land and would be matters that are considered under the DA process. The rezoning for Sector 5 would continue orderly development of Warriewood Valley consistent with the 1997 Planning Framework and the yet to be exhibited 2010 Draft Planning Framework. Progression of the rezoning application is supported, as it contributes to Warriewood Valley continuing as a viable land release.

9.2 Amendments required to the exhibited Planning Proposal document, however, may require a new Gateway Determination from the Director General, consistent with the new LEP-making process (**Attachment 3**).

The amendments are not significant and it may be determined by the Department of Planning that reissuing a Gateway Determination, and in turn re-exhibition, is unwarranted and unnecessary. This decision however, must be made by the Director General as Council has not received appropriate delegation regarding the new LEP-making process.

9.3 Council will, in forwarding the amended Planning Proposal (**Attachment 4**), write to the Department of Planning advising that Council has not applied Clause 30E of Pittwater LEP 1993 to the Sector 5 lands (under this LEP amendment/Planning Proposal), as it relates to the State-imposed interim transport levy (**Attachment 5**), and refers the Department to its own letter of 4 May 2007.

10.0 SUSTAINABILITY ASSESSMENT

10.1 Supporting & Connecting our Community (Social)

10.1.1 Progressing the rezoning of Sector 5, contributes towards completing the Warriewood Valley Urban Land Release Area in accordance with the Warriewood Valley Urban Land Release Planning Framework (1997).

Once rezoned, the land is able to be developed for new residences providing new housing stock and additional residents that will enhance the Warriewood Valley community.

10.2 Valuing & Caring for our Natural Environment (Environmental)

10.2.1 The rezoning application was accompanied by relevant environmental assessments and studies, which have been reviewed by relevant Council officers, providing an environmentally responsive masterplan for the sector. The development opportunities being provided by this sector will seek to introduce initiatives that aim to reduce our ecological footprint and protect our biodiversity.

Future applications, subsequent from the rezoning, will continue assessment of potential environmental impacts (under Section 79C of the EP&A Act) to minimise such impacts.

10.3 **Enhancing our Working & Learning (Economic)**

10.3.1 Progressing the rezoning of Sector 5 will enable land to be released for residential development resulting in economic benefits associated with Warriewood Valley Urban Land Release on the whole.

10.4 **Leading an effective & Collaborative Council (Governance)**

10.4.1 Progressing the rezoning of the subject lots, in accordance with the Warriewood Valley Urban Land Release Planning Framework (1997) and the Draft Warriewood Valley Planning Framework 2010, ensures Council's role as an effective governance authority.

This report informs the outcomes of the community consultation process ensuring transparency in its decision-making.

10.5 **Integrating our Built environment (Infrastructure)**

10.5.1 As Sector 5 forms part of the Warriewood Valley Urban Land Release Area, its rezoning will contribute to completing the land release in accordance with the Planning Framework documents for Warriewood Valley, and subsequently contribute to integrating our built environment.

11.0 EXECUTIVE SUMMARY

11.1 The Planning Proposal was publicly exhibited in accordance with the Gateway Determination. The matters raised in the three submissions received have been considered in this report. No objection was raised to the rezoning by the NSW Rural Fire Service.

11.2 Errors identified in the exhibited Planning Proposal have resulted in amendments necessary to the Planning Proposal document, and may require (subject to the Director-General's decision) recommencement of the Gateway Determination and re-exhibition.

RECOMMENDATION

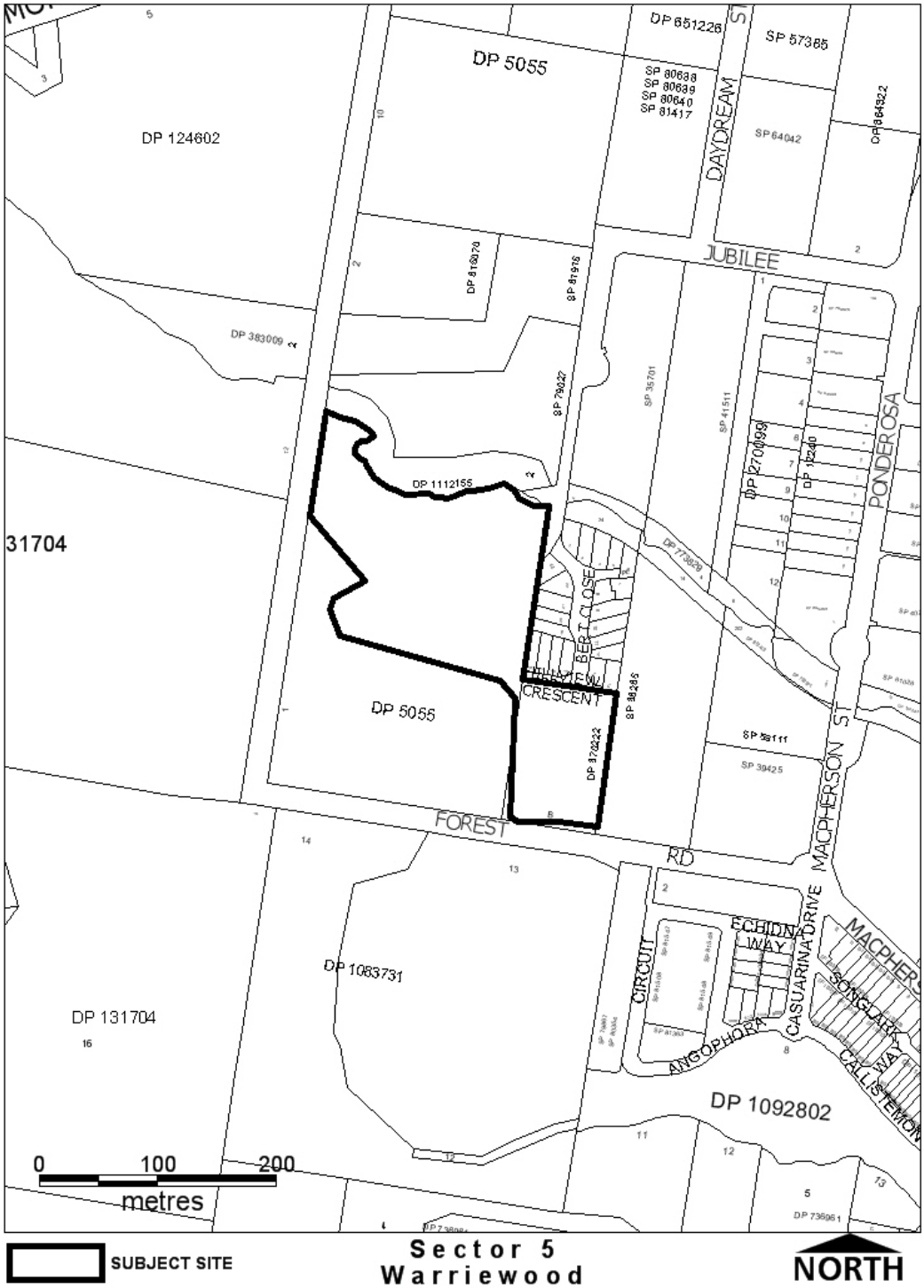
1. That Council continue progressing the statutory rezoning process to rezone Sector 5 of Warriewood Valley to 2(f) Urban Purposes – Mixed Residential to allow residential development.

2. That Council forward to the Department of Planning, the amended Planning Proposal (**Attachment 4**) for their consideration.

3. That the applicant and owners of Sector 5, and all persons who have made a submission, including the RFS, be formally advised of Council's decision.

Report prepared by Kelly Wilkinson – Planner (Land Release)

Liza Cordoba
ACTING MANAGER, PLANNING AND ASSESSMENT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DP 5055
DP 651226
SP 57385
SP 80638
SP 80639
SP 80640
SP 81417
DAYDREAM ST
SP 64042
DP 864322
JUBILEE
DP 383009
SP 81976
SP 79027
SP 35701
SP 41511
DP 1270193
DP 1240
PONDEROSA
DP 1112155
31704
DP 773829
BERT CLOSE
HILLVIEW CRESCENT
SP 88285
DP 5055
DP 370222
SP 58111
SP 39425
FOREST RD
MACPHERSON ST
ECHIDNA WAY
CASUARINA DRIVE
CIRCUIT
ANGOPHORA
SONGBIRD
CALLISTEMON WAY
DP 1083731
DP 131704
DP 1092802
0 100 200
metres
SUBJECT SITE
Sector 5
Warriewood
NORTH

NSW GOVERNMENT
Department of Planning

11 MAY 2007

Mr Steve Evans
Director Environment, Planning and Community
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Y07/188

Dear Mr Evans

I refer to your letter concerning, in particular, regional infrastructure contributions for Sector 3 of the Warriewood Valley land release area.

The Department acknowledges the advanced status of development in the Warriewood Valley land release area, which has been progressively developed through a sector by sector approach not previously requiring a regional infrastructure levy. As only a small proportion of the land remains un-zoned, it is agreed that it would be inefficient to undertake a full examination of all infrastructure issues arising from these remaining lands.

For all LEPs gazetted prior to 30 December 2008, a satisfactory arrangements clause should be inserted in the LEP for the purposes of applying the Interim Transport Contribution ($17,000/lot). The funds arising from this levy will be directed to regional transport initiatives, such as the expansion of Mona Vale Road at Ingleside.

It is recommended that you inform potential developers of this requirement, as after this time the contribution amount for any remaining unzoned land in the Warriewood Valley will be reviewed.

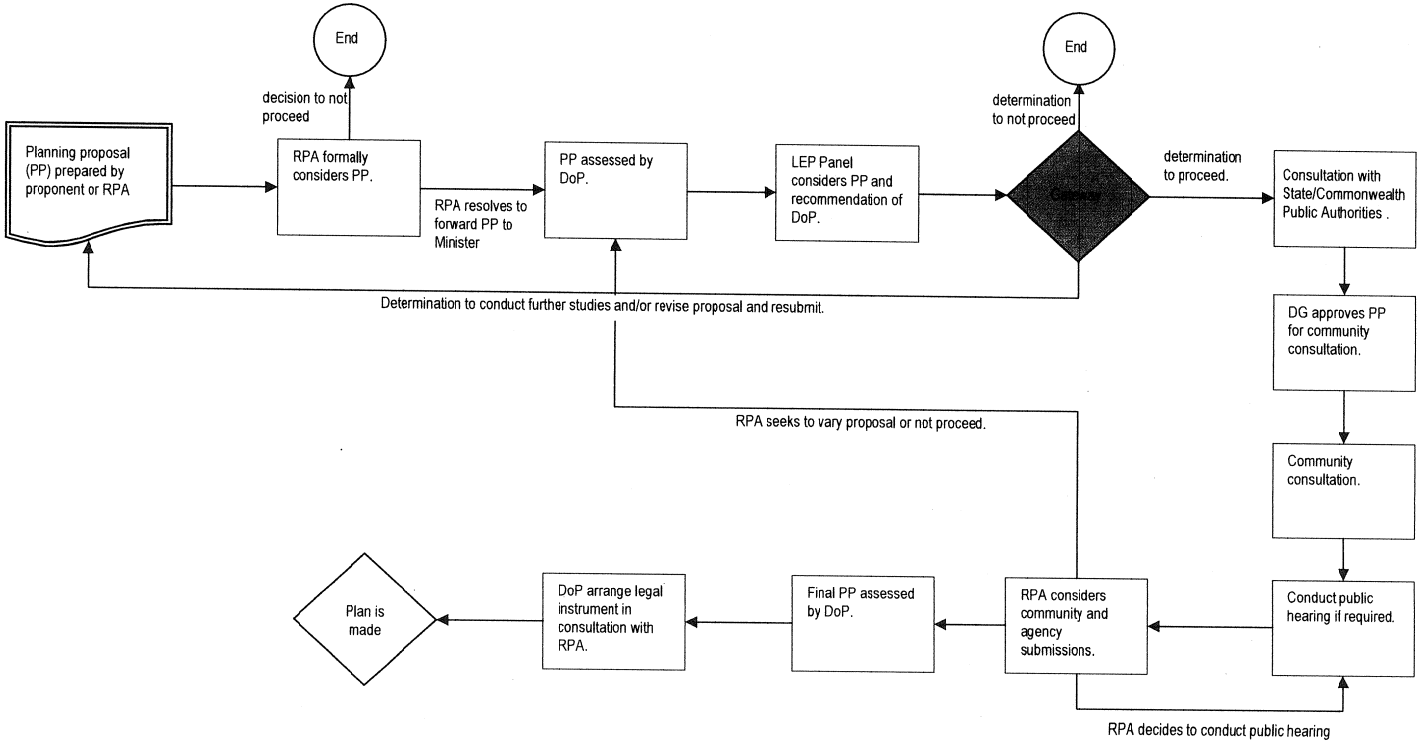
Yours sincerely

Gail Connolly
Executive Director
Metropolitan Planning

4/5/07

Bridge St Office, 23-33 Bridge St, NSW 2000, GPO Box 39, Sydney NSW 2001
Phone: (02) 9228 6111 Fax: (02) 9228 6191 Website: www.planning.nsw.gov.au

Figure 5 – Process to make a local environmental plan



PITTWATER COUNCIL

PLANNING PROPOSAL

To rezone lands in Sector 5 from non-urban to 2(f) (Urban Purposes – Mixed Residential) to enable residential development in this sector of Warriewood Valley Urban Land Release

Prepared by Pittwater Council

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To rezone 4 and 8 Forest Road, Warriewood (Lot 1 DP 5055 and Lot B DP 370222), comprising Sector 5 of Warriewood Valley, from non-urban land to zone 2(f) (Urban Purposes – Mixed Residential), and enable residential development. See Appendix 1 for location map.

The subject land will allow not more than 75 residential dwellings and not less than 65 residential dwellings.

PART 2 EXPLANATION OF PROVISIONS

Amend the definition of "**the Zoning Map"** in Clause 5 of the *Pittwater Local Environmental Plan 1993* to include the zoning map for the Planning Proposal, being:

> "Pittwater Local Environmental Plan 1993 (Amendment No. X) – Sheet 2."

Amendment of Clauses 30B and 30C of the *Pittwater Local Environmental Plan 1993*.

Clause 30B(1) would need to be amended to include:

> "Land at Warriewood within Sector 5 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. X)"

Clause 30C would need to be amended to include:

> "Sector 5 not more than 75 dwellings or less than 65 dwellings"

PART 3 JUSTIFICATION

A Need for the Planning Proposal

(A1) Is the Planning Proposal a result of any strategic study or report?

Yes. The Warriewood Valley Urban Land Release Planning Framework (1997) is Council's adopted strategy for the release of non-urban land in Warriewood Valley to allow urban development, in accordance with the State Government's Metropolitan Development Program (MDP).

A suite of studies undertaken in 1994, including a Bushfire Hazard Evaluation, Contaminated Land Study, Fauna Conservation Study, Integrated Water Management Strategy, Water Cycle Management Study, Urban Land Capability Study, Visual Impact Study, Aboriginal Archaeological Study, Heritage Study, Traffic and Transportation Study, and Vegetation Conservation Study, informed the Warriewood Valley Urban Land Release Planning Framework 1997.

The Warriewood Valley Urban Land Release Planning Framework identifies Sector 5, being the land subject to this Planning Proposal, as non-urban land within Warriewood Valley to be rezoned for urban purposes.

(A2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the intended outcome as it would be consistent with land already rezoned and developed in the Warriewood Valley Urban Land Release area, which forms part of the State Government's MDP. The Planning Proposal is consistent with the Warriewood Valley Urban Land Release Planning Framework 1997.

(A3) Is there a net community benefit?

If Sector 5 were to be rezoned for urban purposes, this would be consistent with the land already released for development in Warriewood Valley. This would subsequently positively contribute to the social and economic benefit achieved by the Warriewood Valley Urban Land Release on the whole.

Additionally, by rezoning Sector 5 to allow urban purposes, new dwellings will be permitted, which will contribute to fulfilling the housing requirements imposed by the Sydney Metropolitan Strategy, Draft North East Subregional Strategy and the MDP.

B Relationship to Strategic Planning Framework

(B1) Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

In the Draft North-East Subregional Strategy, Action C1 calls for ensuring the adequate supply of land and sites for residential development, where the MDP is the State Government's key program for managing and monitoring land and housing supply. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. The Planning Proposal is therefore consistent with such an action

This Planning Proposal would also be consistent with Action C4 of the North East Subregional Strategy, which calls for improving housing affordability. By enabling residential development, this Planning Proposal is therefore consistent with such an action.

As the intended outcome of this Planning Proposal is to allow new residential development, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

(B2) Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Planning Proposal is consistent with the Warriewood Valley Urban Land Release Planning Framework 1997, which is the underlying strategic plan for the release of land within Warriewood Valley (as discussed in A1 of this Planning Proposal).

(B3) Is the Planning Proposal consistent with applicable state environmental planning policies?

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (SEPPs). Most of the relevant SEPPs apply specifically to residential

zones and will therefore be assessed when the subject lots are rezoned and Development Applications are lodged.

Where there are inconsistencies, justification has been provided (see Appendix 2).

As part of the rezoning application, an Ecological Assessment Report (Place Environmental 2004) was submitted, which flagged potential koala habitat in the area. However, no koalas were spotted during the duration of the study and the report included an assessment of significance, which was undertaken in accordance with Part 5A of the EP&A Act. Subsequently, SEPP No 44 – Koala Habitat Protection does not apply to this Planning Proposal.

(B4) Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the relevant Section 117 Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 3).

C Environmental, social and economic impact

(C1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land borders the Warriewood/Ingleside escarpment and accommodates a portion of Fern Creek. Accordingly, an Ecological Assessment Report (Place Environmental 2004) was submitted as part of the rezoning application, which assesses any potential impact on flora and fauna, including assessments of significance in accordance with Section 5A of the EP&A Act, and provides mitigation measures to ensure there is no direct impact.

The report concluded that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this Planning Proposal. Council's Natural Resources Assessment Officer has reviewed the Ecological Assessment Report, and supports the Planning Proposal.

(C2) Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Other potential environmental effects resulting from this Planning Proposal relate to water management, bushfire hazard, waste management, contamination, geotechnical considerations, heritage, and traffic.

The following reports were submitted with the rezoning application as environmental assessments:

- A waste management statement (United Resources Management Group 2005)
- A Preliminary Geotechnical Investigation and Slope Stability Risk Assessment (Jeffery and Katauskas Pty Ltd 2005)
- A Concept Stormwater Management Plan (Brown Consulting NSW 2004)
- A Preliminary Site Contamination and Acid Sulphate Soil Investigation (Environmental Investigation Services 2005)
- A Traffic and Parking Assessment (John Hewitt Traffic Planning Associates Pty Ltd 2005)
- A Preliminary Bushfire Hazard Assessment (Building Code and Bushfire Hazard Solutions 2007)

With regard to heritage, there are no known heritage items on or near the subject land. It is therefore not considered necessary for a heritage assessment to be undertaken at the rezoning stage.

Following review of the rezoning application and associated documents, Council staff consider that there is no significant reason why the subject lots should not be rezoned.

Further, any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flood, bushfire prone land, waste, contamination, geotech, heritage, and traffic, through the Pittwater LEP and the Pittwater 21 DCP.

(C3) How has the Planning Proposal adequately addressed any social and economic effects?

As mentioned, the subject land makes up Sector 5 of the Warriewood Valley Urban Land Release, in accordance with the State Government's MDP. As the Warriewood Valley Urban Land Release is underlain by the Warriewood Valley Urban Land Release Planning Framework (1997), a suite of studies have been undertaken on Warriewood Valley as a whole to address social and economic effects. This Planning Proposal will therefore not have any negative marked social or economic effects.

D State and Commonwealth interests

(D1) Is there adequate public infrastructure for the Planning Proposal?

Yes. As the subject lots form part of the Warriewood Valley Urban Land Release, public infrastructure is provided through the Warriewood Valley Urban Land Release Planning Framework (1997) and the Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment No. 16).

(D2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The original Planning Proposal prepared for this site, which was subject to a Gateway Determination issued 10 November 2009 (Appendix 4), was required to consult with the NSW RFS. The RFS comments were not relevant to the rezoning application but advised that a Bush Fire Safety Authority will be required from the RFS at the subdivision stage (Appendix 5).

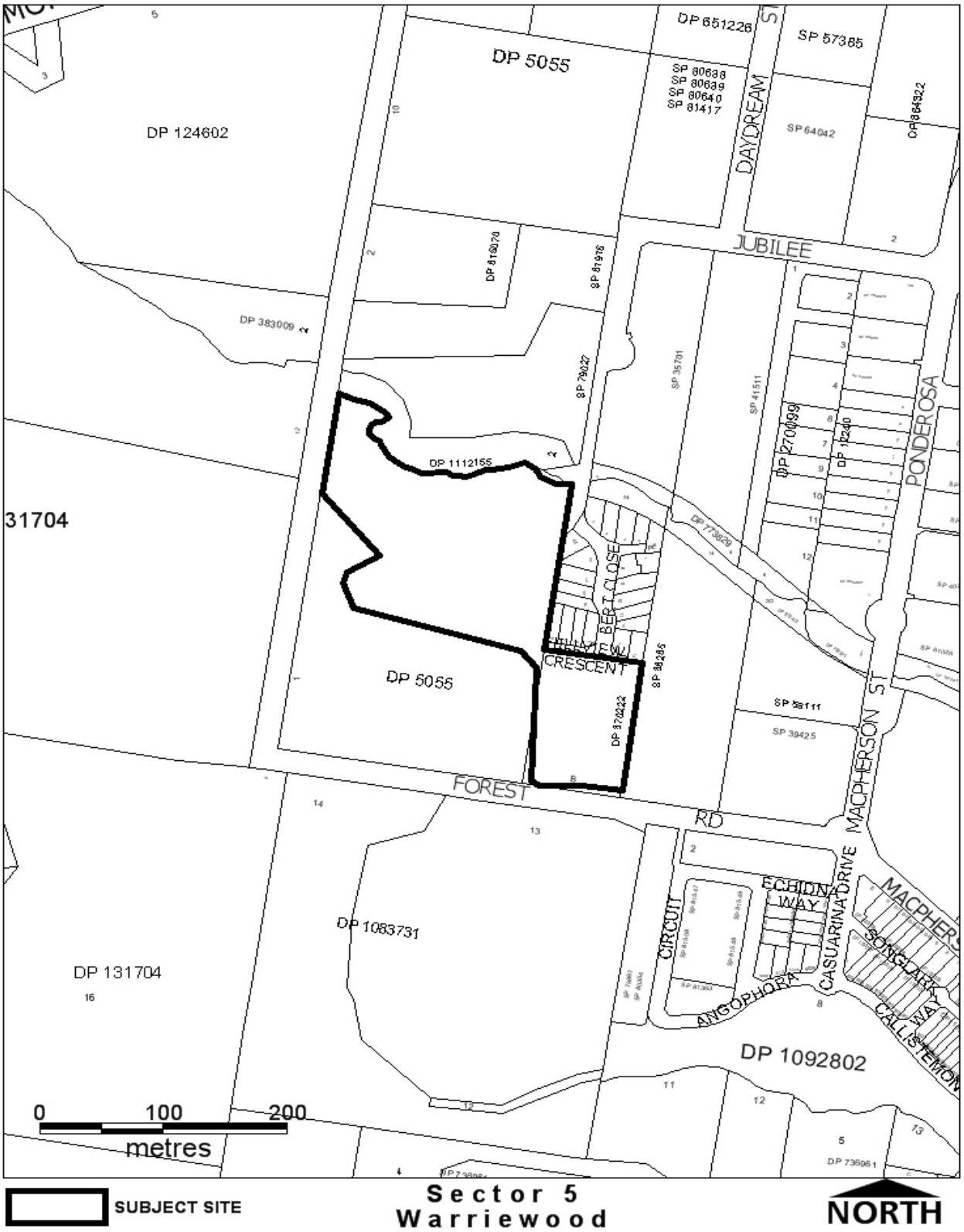
PART 4 COMMUNITY CONSULTATION

The subject land forms Sector 5 within Warriewood Valley, which is one of two remaining sectors to be rezoned for residential purposes. This Planning Proposal is consistent with the rezoning that has previously occurred in Warriewood Valley. Subsequently, this Planning Proposal is considered a 'low impact' Planning Proposal.

To be in keeping with *A guide to preparing local environmental plans* (Department of Planning 2009), the following community consultation is considered appropriate:

- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council's website for the duration of the exhibition period
- An exhibition period of 14 days commencing the date the advertisement appears in the local newspaper
- Notifying the adjoining property owners by mail
- Notifying the Warriewood Valley Rezoning Association by mail

LOCALITY MAP



Checklist - Consideration of State Environmental Planning Policies

The following SEPPs are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	YES	YES	
SEPP No 4 – Development without consent…	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	NO	N/A	
SEPP No 65 – Design Quality of Residential Flat Development	NO	N/A	
SEPP No 70 – Affordable Housing (Revised Scheme)	YES	YES	

SEPP No 71 – Coastal Protection	NO	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES	
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	
SEPP (Infrastructure) 2007	NO	N/A	
SEPP (Major Development) 2005	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Rural Lands) 2008	YES	**NO**	See below.
SEPP (Temporary Structures and Places of Public Entertainment) 2007	NO	N/A	

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)	**Applicable**	**Consistent**	**Reason for inconsistency**
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	N/A	

Justification for inconsistency with SEPP (Rural Lands) 2008

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban Purposes – Mixed Residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program.

Planning and development of Warriewood Valley is based on Council's adopted planning strategy – the Warriewood Valley Urban Land Release Planning Framework 1997. The rezoning of Sector 5 lands from non-urban to 2(f) for urban purposes is consistent with Council's adopted strategy.

Checklist – Consideration of Section 117 Ministerial Directions

1 Employment and Resources

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	NO	n/a
1.2	Rural Zones	YES	**NO**
1.3	Mining, Petroleum Production and Extractive Industries	NO	n/a
1.4	Oyster Aquaculture	NO	n/a
1.5	Rural Lands	YES	**NO**

Justification for inconsistencies with Directions 1.2 and 1.5

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban purposes – Mixed residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program.

Planning and development of Warriewood Valley is based on Council's adopted planning strategy – the Warriewood Valley Urban Land Release Planning Framework 1997. The rezoning of Sector 5 lands from non-urban to 2(f) for urban purposes is consistent with Council's adopted strategy.

2 Environment and Heritage

	Direction	Applicable	Consistent
2.1	Environmental Protection Zones	YES	**NO**
2.2	Coastal Protection	NO	n/a
2.3	Heritage Conservation	YES	**NO**
2.4	Recreation Vehicle Areas	YES	YES

Justification for inconsistencies with Directions 2.1 and 2.3

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban Purposes – Mixed Residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program. Planning and development of Warriewood Valley is based on Council's adopted planning strategy – the Warriewood Valley Urban Land Release Planning Framework 1997.

Provisions in the Pittwater LEP incorporate requirements for the protection and conservation of environmentally sensitive areas and the conservation of all heritage items, areas, objects, and places of heritage significance. These provisions will continue to apply to the land subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

	Direction	Applicable	Consistent
3.1	Residential Zones	YES	**NO**
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development near Licensed Aerodromes	NO	n/a

Justification for inconsistency with Direction 3.1

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban Purposes – Mixed Residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program.

Planning and development of Warriewood Valley is based on Council's adopted planning strategy – the Warriewood Valley Urban Land Release Planning Framework 1997 – which is based on a suite of environmental studies, and subsequent objectives, relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial sustainability, to form the fundamental basis for planning and implementation of development in Warriewood Valley.

Provisions in the Pittwater LEP, as it relates to Warriewood Valley, and in turn Sector 5, requires a mix of housing types, encourages efficient use of infrastructure and services, encourages good design, and prohibits residential development until the land is adequately serviced. The provisions will continue to apply to land subject to this Planning Proposal therefore additional clauses are not proposed.

4 Hazard and Risk

	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	n/a
4.3	Flood Prone Land	YES	**NO**
4.4	Planning For Bushfire Protection	YES	**NO**

Justification for inconsistencies with Direction 4.3 and 4.4

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban Purposes – Mixed Residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program.

Direction 4.3
The floodprone land relates to the upstream section of Narrabeen Creek, which is in Sector 5. The planning and development of Warriewood Valley is based on utilising the creekline corridor to convey the 1% AEP flood event. Although the floodprone land in Sector 5 is to be rezoned to residential, no residential development will be permitted on that portion of land. Rather, that portion of land (that is floodprone) becomes the multi-functional creekline corridor, which will be owned by Pittwater Council, in accordance with the Warriewood Valley Section 94 Contributions Plan.

Direction 4.4
It is inconsistent insofar as the Planning Proposal does not introduce controls as per 5(b) of the Direction 4.4. Nonetheless, the RFS provided commentary to the original Planning Proposal to which no objection is raised. The RFS letter of 18 December 2009 is attached at Appendix 5.

5 Regional Planning

	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	n/a
5.2	Sydney Drinking Water Catchments	NO	n/a
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	n/a
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	n/a
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	NO	n/a
5.8	Second Sydney Airport: Badgerys Creek	NO	n/a

Justification for inconsistency

NIL

6 Local Plan Making

	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Purposes	YES	**NO**

Justification for inconsistency with Direction 6.3

The Planning Proposal intends to rezone non-urban land to 2(f) (Urban purposes – Mixed residential) to enable residential development, as the land is within the Warriewood Valley Urban Land Release area. Warriewood Valley is identified in the NSW State Government's Metropolitan Development Program.

Clause 30C of Pittwater LEP applies by prescribing dwelling yields to specific residential sectors in Warriewood Valley. The Planning Proposal intends to amend this clause by inserting a minimum and maximum dwelling range for Sector 5, and provides consistency as the anticipated total dwelling numbers are integral to the overall development of the land release.

7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES

Justification for inconsistency

NIL

NSW GOVERNMENT
Department of Planning

Office of the Director-General

Contact Margaret Kirton
Phone (02) 9228 6289
Fax (02) 9228 6177
Email margaret.kirton@planning.nsw.gov.au
Postal GPO BOX 39 Sydney NSW 2001

Our ref S07/02019-1

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

RECEIVED
1 6 NOV 2009
PITTWATER COUNC

Dear Mr Ferguson,

Re: Planning Proposal to rezone 4 and 8 Forest Road, Warriewood to 2(f) (Urban purposes – mixed residential) to enable residential development in Sector 5 of the Warriewood Valley Urban Land Release Area

I am writing in response to your Council's letter dated 21 August 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Pittwater Local Environmental Plan 1993 by rezoning 4 and 8 Forest Road, Warriewood to 2(f) (Urban purposes – mixed residential) to enable residential development in Sector 5 of the Warriewood Valley Urban Land Release Area

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation Council is to ensure that the Sector 5 Masterplan and all relevant studies regarding water and waste management, bushfire protection, contamination, geotechnical and traffic are included with the exhibition material

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met

Should you have any queries in regard to this matter, please contact the Regional Office of the Department

Yours sincerely,

SHaddad
Sam Haddad
Director-General
10/11/2009.

SC
16 NOV 2009
PITTWATER CO

RECEIVED
16 NOV 2009
PITTWATER COUNCIL

Bridge Street Office 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone (02) 9228 6111 Facsimile (02) 9228 6191 Website www.planning.nsw.gov.au

NSW GOVERNMENT
Department of Planning

Gateway Determination

Planning Proposal (Department ref: S07/02019-1): *To rezone 4 and 8 Forest Road, Warriewood to 2(f) (Urban purposes – mixed residential) to enable residential development in Sector 5 of the Warriewood Valley Urban Land Release Area*

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Pittwater Local Environmental Plan 1993 to rezone 4 and 8 Forest Road, Warriewood (Lot 1 DP 5055 and Lot B DP 370222) to 2(f) (Urban purposes – mixed residential) should proceed subject to the following conditions

1 Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act') as follows

   (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 days**, and
   (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4 5 of *A Guide to Preparing LEPs* (Department of Planning 2009)

2 Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument
   - NSW Rural Fire Service

3 No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act

4 The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination

Dated 10th day of November 2009

Sam Haddad

Sam Haddad
Delegate for the Minister for Planning

Pittwater S07/02019-1

All communications to be addressed to

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Development Control Services
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2127

Telephone (02) 8741 5555
Facsimile (02) 8741 5550
e-mail development assessment@rfs nsw gov au

Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attention Kelly Wilkinson

Your Ref R0001/05
Our Ref LEP/0142
HQ09/2979

18 December 2009

RECEIVED
23 DEC 2009
PITTWATER COUNCIL

Dear Ms Wilkinson,

Re: Warriewood Valley Sector 5 – Rezoning
4 & 8 Forest Road, Warriewood

I refer to your letter dated 23 November 2009 seeking our comments from the NSW Rural Fire Service (RFS) in relation to the above rezoning

Further to our previous correspondence dated 15 August 2006, I wish to advise that the revised guidelines *Planning for Bush Fire Protection* 2006 (PBP) is now in force

The Masterplan for the residential subdivision of the land will require a Bush Fire Safety Authority to be issued by the RFS and will be assessed against the requirements of the new guidelines In this regard

1 Asset protection zones shall comply with section 4 3 1 of PBP, and

2 Access shall comply with section 4 3 1 of PBP

For any enquiries regarding this correspondence please contact Garth Bladwell

Yours faithfully,

Mark Hawkins

Mark Hawkins
A/Team Leader
Development Assessment & Planning

For information on *Planning for Bush Fire Protection 2006* visit the RFS web page www rfs nsw gov au

Kelly Wilkinson
8am to 5:30pm Monday-Thursday
8am to 5pm Friday
Ph: (02) 9970 1283

16 February 2010

The Regional Director
Sydney East Region
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Dear Sir

RE: AMENDED PLANNING PROPOSAL
4 and 8 Forest Road, Warriewood (Sector 5 of Warriewood Valley Urban Land Release)
Your Ref. S07/02019-1

At its meeting of 15 February 2010, Council's Planning an Integrated Built Environment Committee considered a report on the outcomes of the public exhibition of the Planning Proposal to rezone the subject land from non-urban to 2(f) (Urban Purposes- Mixed Residential) under Pittwater LEP 1993. Amendments were made to the exhibited Planning Proposal that requires re-commencement of the process.

On 15 February 2010, Council resolved inter alia:

"1. That Council continue progressing the statutory rezoning process to rezone Sector 5 of Warriewood Valley to 2(f) Urban Purposes – Mixed Residential to allow residential development.

*2 That Council forward to the Department of Planning, the amended Planning Proposal (**Attachment 4**) for their consideration."*

In drafting the Planning Proposal, Council had sought the Department's advice as to whether Clause 30E "Public infrastructure in urban release areas" applied to the subject land. Uncertainty is raised in regard to a paragraph contained in the Department's letter of 4 May 2007, which I have attached for your reference. Given the uncertainty, Council has not applied Clause 30E to the Planning Proposal.

I would appreciate if the Planning Proposal be referred to the LEP Review Panel for Gateway Determination in a timely manner. Accordingly, I attach the Planning Proposal for the subject land, the report to Council and the Council minute.

If you have any questions in relation to this matter, please contact Kelly Wilkinson on 9970 1283 who is familiar with this matter.

Yours faithfully

Liza Cordoba
ACTING MANAGER, PLANNING & ASSESSMENT

Attachments: Planning Proposal
Report to Council and Minute of 15 February 2010
Department of Planning Letter of 4 May 2007

PITTWATER COUNCIL

C11.3 Strategic Planning for Sea Level Rise and Climate Change Influenced Inundation

Meeting: Planning an Integrated Built Environment Committee **Date:** 15 February 2010

STRATEGY: **Risk Management Co-ordination**
Sustainability & Climate Change Coordination
Land Use and Development

ACTION: Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.
To co-ordinate review of LEP/DCP to include sustainability and climate change initiatives and provisions.
To respond to reforms in planning process and advocate on behalf of Council.

PURPOSE OF REPORT

To provide systematic strategic direction to inform Council's planning instruments and development controls in regard to future risks associated with predicted climate change impacts.

1.0 BACKGROUND

1.1 Climate change will not introduce any new natural hazards to the Pittwater LGA, however it will potentially exacerbate existing hazards (i.e. flooding, coastal erosion, extreme weather, etc). Many areas of Australia experience few natural disasters, in these areas the community is generally poorly prepared when disasters occur and express both surprise and anger at the resulting impacts. Climate change is likely to increase the impacts from and frequency of natural disasters and extreme weather events.

1.2 The impacts of some natural hazards can be reduced, notably flood risk is more manageable than the risk from other natural hazards as floods are limited to definable areas. In an effort to reduce the impacts of floods, considerable expenditure is committed by all levels of government and industry to define the areas affected by flood hazard and identify the risk for a range of small and frequent, to extreme and rare scenarios.

1.3 To date the management of risk associated with inundation (i.e. floodplain management, estuary flooding, coastal inundation, overland flow and emergency management) across the Pittwater LGA has been somewhat ad hoc. Numerous studies have been undertaken in isolation of an overall assessment of relative risk, with some important flood studies dating back several decades. This type of hazard management typically involves modelling natural process and an assessment of the exposure and vulnerability of the impacted assets, infrastructure and populations. Climate change, particularly sea level rise, carries the requirement to reinvestigate past and current studies to update and quantify the existing and future risks associated with natural hazards across the LGA.

1.4 Context in 2020 Strategic Plan

Pittwater Council's 2020 Strategic Plan requires preparation and implementation a Climate Action Plan to mitigate and adapt to the predicted impacts of climate change. A Climate Action Plan Framework adopted by Council on 6 April 2009, identifies key sub-plans for climate change adaptation. This report covers three of these sub-plans:

- Potential Flooding Adaptation Plan
- Coastline Hazards Adaptation Plan
- Extreme Weather Events Adaptation Plan

The Climate Action Plan Framework also identifies priorities for climate change adaptation, which includes the following priority:

"any asset or development that is likely to have an active life of 20 years or more is likely to be impacted by climate change. Therefore the establishment of planning benchmarks including flood planning levels, estuary planning levels and coastal hazard vulnerability are required."

1.5 Accounting for Climate Change and Sea Level Rise in land-use planning

The IPPC 2007 4th Assessment Report provides direction for decision makers and has been used by the NSW State Government to provide a scientific basis for developing guidelines and draft policies. Recently the NSW Government has incorporated sea level rise planning benchmarks in the NSW Sea Level Rise Policy Statement. These were recognised by Council at its meeting of 7 December 2009 with the adoption of the following recommendation:

"That the Sea Level Rise Policy Statement be considered and the sea level rise planning benchmarks contained therein, be utilised for the purposes of strategic and land use planning, development assessment and risk and management planning for all parts of the Pittwater local government area that are likely to be affected by sea level rise."

To date there is no adopted practical or quantitative guidance in relation to how this is to be managed or implemented particularly in relation to Council's Local Environment Plan and Development Control Plans.

Given the uncertainty and the complexity of the science that underpins forecasting of climate change effects, there is a strong need for the introduction of robust risk management systems both now and in the future. The Department of Environment Climate Change and Water (DECCW) and Department of Planning (DoP) have developed draft guidelines for Local Government which are expected to be finalised by March this year. Details of the draft guidelines were reported to Council at the meeting of 7 December 2009.

The indemnity that Local Government (*S733, Local Government Act*) enjoys in relation to "acting in good faith", regarding floodplain and coastal management is not clearly inclusive for sea level rise and other climate change impacts.

1.6 The issues for Local Government in managing the impacts from Climate Change include:

- many of the impacts are inevitable and already happening, such as sea level rise;
- there is uncertainty over the extent and timeframe of these impacts;
- current sea level rise estimates are of a 0.9m rise by 2100, but sea level rise will continue beyond this point in time for centuries into the future;

- Councils have been placed on notice that they will face "*duty of care issues*" in regard to climate change for development assessment, strategic planning and risk management purposes;
- Councils potentially face liability and insurance exposures;
- currently there is limited federal or state government guiding strategy or policy for climate change adaptation, particularly sea level rise.

1.7 Sea Level Rise and Climate Change Influenced Inundation

There are three areas where climate change may impact on land use in the Pittwater LGA. These are (as they appear in the *Climate Action Plan Framework*):

- direct inundation from rising sea levels (*Potential Flooding Adaptation Plan*);
- long term coastal recession and increased coastal erosion as a result of sea level rise and more frequent extreme weather events (*Coastline Hazards Adaptation Plan*); and
- increased floodplain inundation due to higher intensity rainfall and higher tailwater levels (*Extreme Weather Events Adaptation Plan and Potential Flooding Adaptation Plan*).

These impacts require different assessment methodologies which have varying levels of complexity and uncertainty. The studies required to identify potential impacts of climate change cannot be completed overnight and use of "rules of thumb" are ill defined and may be overly conservative. Attachment 1 shows the expected timeframe to review and produce relevant studies, based on current levels of resourcing and grant funding.

1.8 Direct inundation from rising sea levels.

The NSW Sea Level Rise Policy Statement provides planning benchmarks for a predicted sea level rise of 0.4m by 2050 and 0.9m by 2100 based upon 1990 mean sea level. Logically the benchmarks need to be incorporated into Council's current flood planning to develop potential inundation extents due to sea level rise. This will allow the consideration and notification requirements to fulfil Council's legislative obligations. To do this it is proposed to review current risk management studies utilising the process outlined in *NSW Floodplain Development Manual* and/or future guidelines produced by the State Government to determine interim assessments (until such time as relevant flood studies are completed).

The Floodplain Development Manual also provides for another priority in the Climate Action Plan Framework i.e. "……*develop a community engagement process strategy for development of the plans…….*".

1.9 Long term coastal recession and increased coastal erosion from sea level rise and more frequent extreme weather events

The likely impacts of Sea Level Rise on the open coastline have been summarised by DECCW as:

- beach recession (approx. 50-100 times the vertical rise in sea level);
- loss of beach amenity and public access over time;
- landward migration of the mean high water mark;
- potential changes to the hydraulic characteristics of tidal regime in estuaries;
- changes to entrance management regimes of estuaries and lagoons.

The potential for beach erosion and coastline recession may be significantly increased due to sea level rise and other climate change impacts. The "Bruun" rule is commonly used to calculate the extent of beach recession that can be expected as a result of a given rise in sea level. Recession rates equate to between 50 and 100m lateral recession (depending upon the slope of the shoreline) for every vertical metre increase in sea level rise.

It is also predicted in the *IPCC 4th Assessment Report 2007* that there will be an increase in the severity and frequency of extreme weather events. Changes may also occur in the direction of storm attack and there is likely to be a change in cyclic patterns of beach rotation as a result. A higher incidence of short term beach erosion events is likely to result.

1.10 Increased flooding due to higher intensity rainfall and higher tail water conditions in receiving waters.

Whilst floodplains may be impacted either by increased extreme rainfall events and/or higher tailwater effects due to sea level rise in receiving waters, the degree of potential increase is not yet clearly defined. However, the Floodplain Risk Management Guideline, "*Practical Consideration of Climate Change, October 2007*" (Department of Environment and Climate Change) indicate that flood plain management studies should incorporate sensitivities analysis of a 10%, 20% and 30 % increase in rainfall intensity during storm events.

Currently, Council's floodplain risk management strategy identifies approximately 2500 properties as being within seven floodplains in the Pittwater LGA, these floodplains are;

- Great Mackerel Beach
- Careel Creek (Avalon)
- Newport Beach
- Mona Vale/Bayview
- Warriewood Valley
- Nareen Creek (North Narrabeen)
- Narrabeen Lagoon.

Additionally, there are some 1500 properties identified as being at risk around the Pittwater foreshore. All of these catchments and foreshore areas have current flood studies which now require reassessment incorporating climate change scenarios.

2.0 ISSUES

2.1 Incorporation of benchmarks into Council's risk management planning

Council has numerous plans that will require the incorporation of sea level rise benchmarks, and other climate change impacts. Generally, these revolve around Council's strategic and land use planning, development assessment and risk and management planning. Council will need to undertake the following:

- update current risk management studies;
- review regional risk management studies;
- interim assessment of risk and identification of high risk locations for land-use planning;
- provide emergency management for identified "hot spots".

Council needs to provide a way forward in assessing development in the short-term to ensure that Climate change impacts are considered. The review of all current relevant risk management studies is expected to take several years with available resources; a Gantt Chart showing a proposed timetable is shown in Attachment 1.

It is expected that by the end of 2010 all affected properties will be identified by either an updated risk assessment (flood study or coastal vulnerability assessment) or *via* an interim assessment based risk management and appropriate criteria as defined by the DoP and DECCW.

2.2 Updating of current studies

Floodplain management assessment is an ongoing program Attachment 2 provides a list of the current studies when they were undertaken and what review is required. Currently there are three current draft studies in the process of finalisation:

- Great Mackerel Beach
- Mona Vale/Bayview
- Nareen Creek (North Narrabeen).

These three studies have incorporated in their assessment the State Government guideline *Practical Consideration of Climate Change* (DECCW, 2007) which recommended the following climate change scenarios:

- Low level ocean impacts - 0.18m sea level rise with a 10% increase in rainfall intensity;
- Mid range ocean impacts - 0.55m sea level rise with a 20% increase in rainfall intensity;
- High level ocean impacts - 0.91m sea level rise with a 30% increase in rainfall intensity.

The development of these floodplain risk management studies were undertaken as *per* the process outlined in the *Floodplain Development Manual* and as such receive indemnity under *section 733* of the *Local Government Act.* The Manual provides a process for risk assessment, community engagement, notifications, adaption, etc.

The Pittwater Foreshore Floodplain - Mapping of Sea Level Rise Impacts report will update the current *Estuarine Planning Level Mapping Pittwater Estuary Report (2004)* current estuarine planning levels to incorporate the NSW Sea Level Rise Policy Statement benchmarks. This will document set a flood planning level and will provide a determination of properties at risk from potential inundation around the foreshore of Pittwater.

The mapping of properties affected by overland flow was undertaken several years ago and has recently been peer reviewed. This review determined that the information and methods have been superseded and that the number of affected properties would have been over estimated. The peer review has recommended that affected properties be redefined, using improved methodology such as LiDar survey data, to better quantify the impacts on properties.

2.3 Review of regional studies involving adjacent councils

The Narrabeen Lagoon Flood Study is approximately 20 years old and needs to be reviewed and climate change incorporated into the study. Pittwater has negotiated with Warringah to ensure that this Study is undertaken as a priority. It is likely that this study will be complex and be split into the development of floodplain planning levels as a priority, prior to development of floodplain management options.

2.4 Interim assessment of high risk locations

- coastal
- tidal
- extension
-

Obviously there is a requirement to develop consistent and realistic criteria for the development of proposed investigation areas. DECCW and the DoP have indicated to Council staff and elected representatives that these guidelines will be will be available from the DoP by the end of March 2010.

The assessment of properties at risk in terms of the adopted sea level rise benchmarks and planning horizons is necessary to enable an appropriate and consistent development assessment process to be implemented by local government. The assessment process would be as per the NSW Coastal and Floodplain Management Policies and associated Manuals together with the *NSW Coastal Planning Guideline* and technical guides currently under review by DECCW and DoP.

In the management of risk associated with coastal hazards, measures such as setbacks, restrictive rezoning, DCP controls, strategic retreat, dune management, beach nourishment, etc would need to be considered, adopted as appropriate and implemented.

In the interim, Council's *Pittwater Coastline Risk Management Policy for Development in Pittwater* (Appendix 6 in P21 DCP) requires applicants to seek their own professional advice on:

- the risks associated with coastline hazards (including sea level rise) to an existing development (where retained) and proposed development; and
- measures to reduce this risk to an acceptable level for the design life of the development (generally taken to be 100 years unless otherwise justified).

The policy requires that measures to reduce risk (eg appropriate setbacks, floor levels, foundation designs and terminal revetment structures) need to take account of the relevant likely future conditions associated with sea level rise using the most recent scientific advice at the time of the application and must be certified for the design life of the subject development.

These provisions are consistent with the aims and guiding principles of the *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* and any amendment of P21 DCP

policies and controls (in regard to coastal risk management) should only be undertaken once the legislative amendments, new policies and guidelines associated with the NSW Coastal Erosion Reform Package are in place.

2.4 Emergency management of identified hot spots

The State Government has recently announced several coastal hot spots, two of which are within the Pittwater LGA - Mona Vale Basin Beach and Bilgola Beach. This listing requires Council to prepare coastal erosion emergency management plans by September 2010, assuming that the necessary legislative and policy amendments are in place by the end of March 2010.

The emergency management plans will set out how landowners, agencies and councils will respond in the event of storm driven erosion and wave inundation. The Government will offer some funding to help councils prepare their plans. They will also be providing a template for the production of these plans and their implementation, however, the timing of the provision of the template is unknown.

Details of the approval process and technical requirements for emergency property protection works are yet to be finalised, however, DECCW has asked and expects Councils to take a reasonable approach to assist any landowners who want to undertake appropriate temporary erosion protection works (eg sand bags), at short notice to protect their property if damaging storms are imminent.

2.5 Risk to Council

There is a potential risk for Council in terms of planning advice as current flood planning levels and other risk management plans do not account for sea level rise, increased coastal recession, etc. The potential liability for Local Government as a whole is unclear and there is the possibility of potential court challenges to Council DA determinations.

This is exacerbated by current State Flood and Coastal Management policies which do not provide clear and consistent protection for Councils. However, one thing is clear from *L&E Court* determinations; Council must begin the process of considering Climate Change in its planning and assessment processes.

2.6 Resourcing

The effective and accurate updating of the current level of flood planning is not a simple task with all Council's flood and coastal risk management studies requiring updating. Additionally, current policies and controls will require substantial updating. There are currently two staff identified to undertake the bulk of this work. The timeframe identified in Attachment 1 is ambitious and will require these staffs full time commitment. There will also need to be a substantial input from all other areas of Council to support these works.

The program for floodplain management and other risk management plans has a potential cost of up to $1 million. Currently grant funding is being provided on a 1:2 basis for approved flood studies, although this funding is only provided for "current flood studies".

2.7 Reducing the number of studies

There is the potential to review the way we have done floodplain planning. Currently floodplain studies are completed on a catchment by catchment basis. There is the potential to group catchments and place large contracts for specialist consultancy services.

Narrabeen Lagoon is an obvious demarcation as the flood study would include Nareen Creek, Warriewood Valley and the Lagoon foreshore flooding. Other catchments could be grouped into one study in the future

This is unlikely to provide any significant cost savings as each sub-catchment would still require individual modelling, assessment and project manager's attention. It may reduce the level of contract management and allow some tasks, such as advertising and community consultation, to be streamlined.

2.8 Community engagement

Pittwater Council is committed to consulting with its community and recognises that a standard of consultation should be undertaken commensurate with the nature, complexity and impact of the issue involved. Given the complexity of the issues around climate change a framework ensuring a consistent and appropriate process of community engagement will be developed by Council staff in relation to the application of the NSW Sea Level Rise Policy Statement.

Council's strategic plan places an emphasis on the importance of providing the public with awareness of natural risks so that they are informed about risks. This community engagement will follow the criteria and intent of Councils Community Engagement Policy (Policy 170). It must also meet the general requirements of the community consultation and involvement provisions of the Coastline Management Manual or Floodplain Development Manual (*section 733 of the Local Government Act 1993*).

2.9 Notification

Clearly there is a need for Local Government to notify land owners of risks prescribed in the *Environmental Planning and Assessment Regulation (EPAR), 2000*. Within the *Environmental Planning and Assessment Act (EP&A) 1979* when property is sold in NSW, the vendor must attach to the contract documents a copy of a planning certificate for the property issued by the local council under Section 149 of the *EP&A Act*. Schedule 4 of the *EPAR* lists the prescribed matters to be included in certificates. Council should ensure the legal robustness of the matters they prescribe.

Schedule 4 section 7 of the *EPAR, 2000*:

Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

(a) adopted by the council, or
(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A Flood related development controls information

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006 .

On this basis any flood risk management plan or study and associated changes to any Development Control adopted by Council will require a section 149(2) notification of the affected properties.

However, The *Floodplain Development Manual 2005* provides the following recommendations:

- *in relation to item (12) in Schedule 4 of the EPAR, councils should only provide information under section 149(2) in relation to land subject to flood related development controls (land at or below an flood planning level (FPL) for development control) where such controls are imposed by policies adopted by council in accordance with statutory requirements under the Local Government Act 1993;*
- *for land above the FPL, councils may consider including "notes" on flood risk in planning certificates, which must be clearly distinguished from information relating to prescribed matters;*
- *Council could also indicate, under section 149(5), that land above the FPL may be subject to flooding.*

It would then be feasible to notify properties identified in any interim arrangements *via* 149(5) that the property is potentially at risk from the impacts of climate change. Following the completion of relevant risk management studies within the interim areas and the adoption of any associated hazard risk restriction via the LEP or DCP would require the formalisation of this information *via* a section 149(2) notification.

The wording of notification advice needs to be developed and it is expected that the DoP will be providing guidance on this with the finalisation of the

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The incorparation of adopted of benchmarks into Council land-use planning requires informing, consulting, engaging and preparing the Pittwater community. Effective community engagement is paramount in developing an appropiate risk based strategy for sea level rise (SLR).

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 Assessing the predicted impacts of climate change will allow for future planning of impacts on tidal ecosystems, ground water dependent ecosystems, adverse water quality, threatened species, coastal erosion, etc.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 A strategic plan is required to ensure that adopted sea level rise benchmarks are incorporated into Council's land-use planning to reduce the potential risk to future development in relation to the current predictions of climate change impacts.

3.4 **Leading an Effective & Collaborative Council (Governance)**

3.4.1 The implementation of current SLR benchmarks and incorporation into Council's hazard management planning will provide compliance with Council's obligations under the NSW Coastal Policy, NSW Flood Prone Land Policy and *Environmental Planning and Assessment Act 1979*.

3.5 **Integrating our Built Environment (Infrastructure)**

3.5.1 Incorporation of the adopted benchmarks will allow Council to make informed decisions for the management of current and the provision of future infrastructure from the impacts of climate change.

4.0 EXECUTIVE SUMMARY

4.1 The recognition of the NSW Sea Level Rise Policy Statement and the adoption of the benchmarks contained in the policy, requires the updating of all Council's relevant risk management studies and amendments to associated land use planning policies.

4.2 The "*Practical Consideration of Climate Change, October 2007*" (Department of Environment and Climate Change) indicates that a sensitivity analysis for increased rainfall should be undertaken in the review of flood studies.

4.3 The review and completion of the relevant risk management studies is likely to take several years, therefore there is a requirement to have interim hazard identification to allow ongoing development assessment. The DoP and DECCW have indicated to Council that they will finalise the current

4.4 It is proposed that by the end of 2010 all affected properties will be identified by either an updated risk management assessment (flood study or coastal vulnerability assessment) or *via* an interim assessment based risk management and appropriate criteria as defined by the DoP and DECCW.

4.5 It is important to follow the prescribed process in the NSW Floodplain Development Manual and Coastal Management Manual, in the development of these risk assessments to provide indemnity and ensure appropriate community engagement prior to adoption.

4.6 Upon adoption of either a detailed or interim risk management assessment an appropriate notification for affected properties be provided..

RECOMMENDATION

1. That Council recognises that adoption of the benchmarks within the NSW Sea Level Rise Policy requires the review of existing land-use planning policies and risk management studies (e.g. flood studies).

2. That as well as the NSW Sea Level Policy Statement benchmarks, Council adopt the requirement for rainfall sensitivity analysis contained within the "*Practical Consideration of Climate Change, October 2007*" (Department of Environment and Climate Change) in the review of flood studies.

3. That where relevant risk management studies will not be completed by the end of 2010, interim hazard identification will be undertaken in line with guidelines being prepared by the DoP and DECCW.

4. That Council staff prepare an amendment to the development control *B3.23 Climate Change* to include the *NSW Sea Level Rise Policy Statement* benchmarks for intensification of development in flood affected areas.

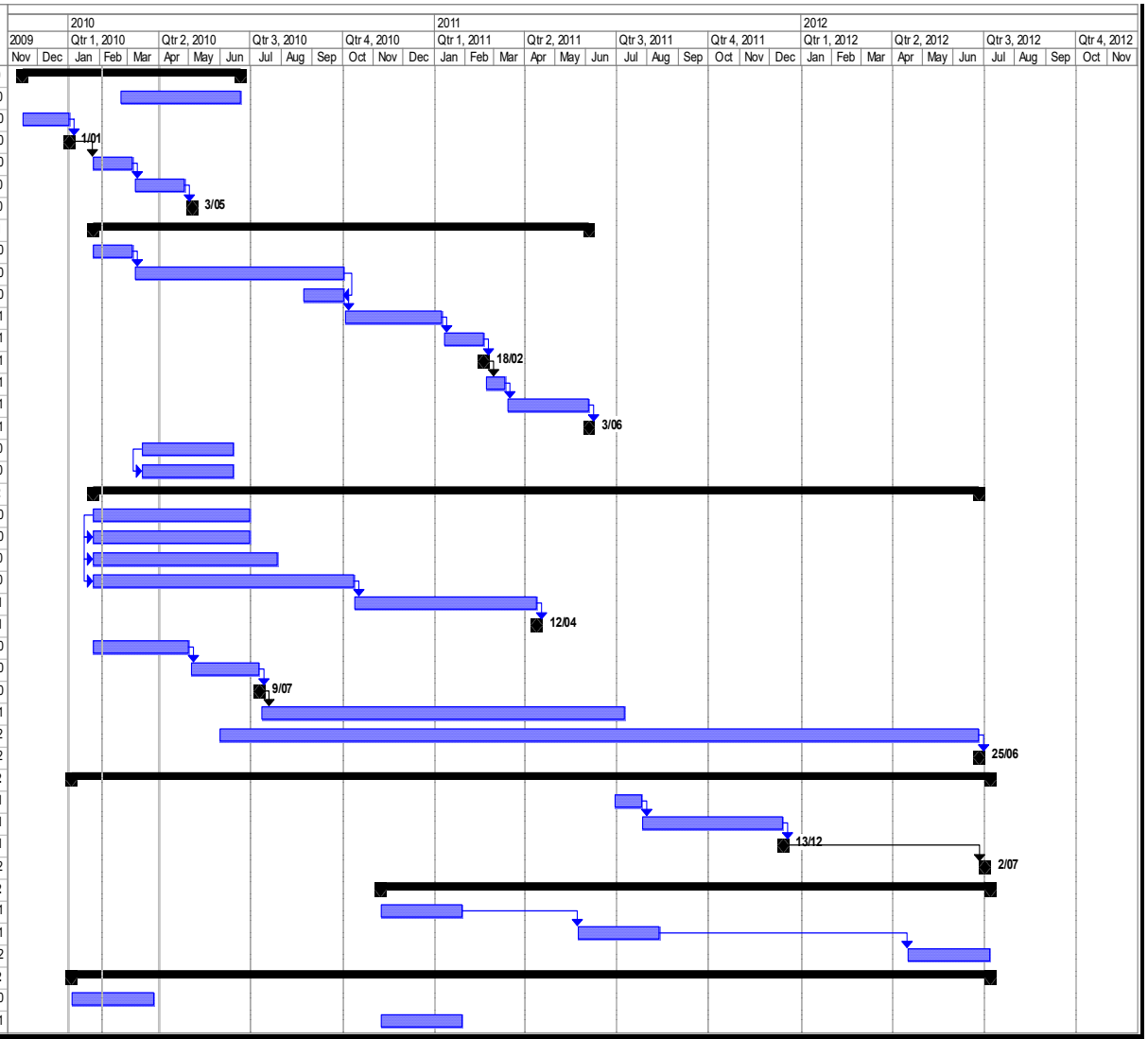
Report prepared by

Mark Beharrell
ACTING GROUP LEADER, CATCHMENT MANAGEMENT & CLIMATE CONTROL

ATTACHMENT 1

Potential time table for Completion of Risk Management Plans for Sea Level Rise

ID	Task Name	Duration	Start	Finish
1	**Incorparate SLR State benchmarks into current flood studies**	**156 days?**	**Mon 16/11/09**	**Mon 21/06/10**
2	Update development control3.23 Climate Change	86 days?	Mon 22/02/10	Mon 21/06/10
3	Prepare a report to Council Adopting Proposed Benchmarks	35 days	Mon 16/11/09	Fri 1/01/10
4	Council report to adopt State Government Benchmarks	0 days	Fri 1/01/10	Fri 1/01/10
5	Community engagement re NSW Sea Levl Rise Policy	30 days	Mon 25/01/10	Fri 5/03/10
6	Development of appropaite notification plan	36 days?	Mon 8/03/10	Mon 26/04/10
7	Notify currently affected properties	0 days	Mon 3/05/10	Mon 3/05/10
8	**Assess future impact of coastal erosion and extreme weather**	**355 days?**	**Mon 25/01/10**	**Fri 3/06/11**
9	Let Brief for Coastal Vunerability Assessments	30 days	Mon 25/01/10	Fri 5/03/10
10	Assess coatal Vunerability Assessment	150 days	Mon 8/03/10	Fri 1/10/10
11	Community Consultation and Exhibition Assessment process	30 days	Mon 23/08/10	Fri 1/10/10
12	Develop Development Controls	70 days	Mon 4/10/10	Fri 7/01/11
13	Community Consultation and Exhibition	30 days	Mon 10/01/11	Fri 18/02/11
14	Report to Council	0 days	Fri 18/02/11	Fri 18/02/11
15	Notify affected propoerties	15 days	Mon 21/02/11	Fri 11/03/11
16	Review Coastal Policy in LEP/DCP	60 days	Mon 14/03/11	Fri 3/06/11
17	Report to Council	0 days	Fri 3/06/11	Fri 3/06/11
18	Emergency Management Plan - Mona Vale Beach	66 days	Mon 15/03/10	Mon 14/06/10
19	Emergency Management Plan - Bilgola Beach	66 days?	Mon 15/03/10	Mon 14/06/10
20	**Floodplain management**	**631 days?**	**Mon 25/01/10**	**Mon 25/06/12**
21	Finalise Mackeral Beach Floodplain Risk Management Plan and Study	113 days	Mon 25/01/10	Wed 30/06/10
22	Pittwater Foreshore Floodplain Report	113 days?	Mon 25/01/10	Wed 30/06/10
23	Finalise Nareen Creek Floodplain Risk Management Plan and Study	132 days	Mon 25/01/10	Tue 27/07/10
24	Finalise Mona Vale-Bayview Floodplain Risk Management Plan and Study	187 days	Mon 25/01/10	Tue 12/10/10
25	Update overland flow	130 days	Wed 13/10/10	Tue 12/04/11
26	report flood studies to council for adoption	0 days	Tue 12/04/11	Tue 12/04/11
27	Data Compliation Narrabeen Lagoon Flood Study	70 days	Mon 25/01/10	Fri 30/04/10
28	Prepare briefs for flood stdies	50 days?	Mon 3/05/10	Fri 9/07/10
29	Let tender/report to Council	0 days	Fri 9/07/10	Fri 9/07/10
30	Narabeen Lagoon Flood Study	260 days	Mon 12/07/10	Fri 8/07/11
31	Other cathcments eg: Avalaon Newport, etc	541 days	Mon 31/05/10	Mon 25/06/12
32	Report to Council set Flood Planning Levels	0 days	Mon 25/06/12	Mon 25/06/12
33	**Review Flood Policy**	**655 days**	**Mon 4/01/10**	**Fri 6/07/12**
34	Write Brief in association with EPA	20 days	Wed 29/06/11	Tue 26/07/11
35	Review and rewrite Flood policy in line with new flood studies	100 days	Wed 27/07/11	Tue 13/12/11
36	Report to Council	0 days	Tue 13/12/11	Tue 13/12/11
37	Include new fpl from finished studies	0 days	Mon 2/07/12	Mon 2/07/12
38	**Update Flood Risk On-line database**	**435 days**	**Mon 8/11/10**	**Fri 6/07/12**
39	Update Flood Risk On-line database	60 days	Mon 8/11/10	Fri 28/01/11
40	Update Flood Risk On-line database	60 days	Mon 23/05/11	Fri 12/08/11
41	Update Flood Risk On-line database	60 days	Mon 16/04/12	Fri 6/07/12
42	**Flood Safety Program (Emergency)**	**655 days**	**Mon 4/01/10**	**Fri 6/07/12**
43	Current floodplains	60 days	Mon 4/01/10	Fri 26/03/10
44	Effected properties Current studies	60 days	Mon 8/11/10	Fri 28/01/11



PROPOSED INCORPORATION OF SEA LEVEL RISE AND INCREASED RAINFALL INTENSITIES INTO FLOOD PLANNING LEVELS

3 FEBRUARY 2010

FLOODPLAIN	EXISTING FLOOD/ESTUARY PLANNING LEVELS			INCORPORATION OF SEA LEVEL RISE AND INCREASED RAINFALL INTO FLOOD / ESTUARY PLANNING LEVELS				
	FLOOD RISK STUDY	FPL's / EPL's ADOPTED BY COUNCIL	SEA LEVEL RISE IN EXISTING FPL's / EPL's	FLOOD RISK STUDY	STATUS	LIKELY FINALISATION AND ADOPTION OF FPL's / EPL's	FLOOD / ESTUARY PLANNING LEVELS TO USE IN INTERIM*	
							NO INTENSIFICATION OF DEVELOPMENT**	WITH INTENSIFICATION OF DEVELOPMENT**
PITTWATER CATCHMENTS								
Pittwater Foreshore (Wave and Tidal)	Pittwater Estuary Processes Study (2002) and Estuarine Planning Level Mapping Pittwater Estuary Report (2004)	September 2004	0.2m	Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Impacts Report	Brief in preparation	June 2010	Current EPL	Current EPL + 0.7m
Great Mackerel Beach	Great Mackerel Beach Flood Study (2005)	July 2005	nil	Great Mackerel Beach Floodplain Risk Management Study and Plan	Draft Final Report Complete — Public Exhibition in April 2010	June 2010	Current FPL	Extract values from Draft Final Report (2010)
Avalon (Careel Creek)	Careel Creek Drainage Catchment Flood Study (1999) and Careel Creek Floodplain Management Study (2000) and Plan (2002)	November 2004	nil	Careel Creek (Avalon) Flood Study Update	Brief in preparation	December 2011	Current FPL	Current FPL + 0.3m to 0.9m (depending on location)***
Mona Vale / Bayview	Mona Vale / Bayview Flood Study (2002) and Mona Vale / Bayview Floodplain Risk Management Study and Plan (draft 2005)	July 2005	nil	Mona Vale / Bayview Floodplain Risk Management Study and Plan	Draft Final Report Complete — Public Exhibition in May 2010	July 2010	Current FPL	Extract values from Draft Final Report (2010)
OCEAN CATCHMENTS								
Newport Beach	Newport Beach Floodplain Risk Management Study and Plan (2004)	March 2004	0.2m	Newport Beach Flood Study Update	Proposed to commence in July 2010	June 2012	Current FPL	Current FPL + 0.3m to 0.7m (depending on location)***
NARRABEEN LAGOON CATCHMENTS								
Warriewood Valley	Warriewood Valley Flood Study Addendum 1 (2005)	July 2005	nil	Narrabeen Lagoon Flood Study Update	Data Compilation Stage to commence early 2010	June 2012 (see Warringah timeline)	Current FPL	Cardno to provide advice based on existing Warriewood Valley Flood Model and results from modelling completed for current draft Nareen Creek (North Narrabeen) Floodplain Risk Management Study and Plan
Nareen Creek (North Narrabeen)	Nareen Creek Flood Study (2005)	October 2005	nil	Nareen Creek (North Narrabeen) Floodplain Risk Management Study and Plan	Draft Final Report Complete — Public Exhibition in May 2010	July 2010 (will be updated as part of Narrabeen Lagoon Flood Study Update)	Current FPL	Extract values from Draft Final Report (2010)
Narrabeen Lagoon Foreshore	Narrabeen Lagoon Flood Study (1990)	July 2005	nil	Narrabeen Lagoon Flood Study Update	Proposed to commence in July 2010	June 2012 (see Warringah timeline)	Current FPL	Cardno to provide advice based on results from modelling completed for current draft Nareen Creek (North Narrabeen) Floodplain Risk Management Study and Plan

*** REQUIREMENTS FOR 'NO INTENSIFICATION OF DEVELOPMENT' TO BE REVIEWED FOLLOWING FINALISATION OF CURRENT DRAFT GUIDELINES BY DEPARTMENT OF PLANNING**

** From Pittwater 21 DCP Control B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume), 'Intensification of Development' includes but is not limited to (i) an increase in the number of dwellings (but excludes dual occupancies and secondary dwellings); or (ii) an increase in commercial or retail floor space.

*** Note that these interim requirements are based on the very conservative assumptions of the Draft Flood Risk Management Guide (October 2009) combined with results from flood modelling at Great Mackerel Beach, Mona Vale / Bayview and Nareen Creek. For more detail of assumptions and values to apply, see over.

Note: Flooding due to overland flow has not been included in this table

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PITTWATER COUNCIL

C11.4 Status Update on the North Narrabeen Village Masterplan

Meeting: Planning an Integrated Built Environment Committee **Date:** 15 February 2010

STRATEGY: **Town & Village**

ACTION: Develop and implement master plans and supplementary public domain style guides

PURPOSE OF REPORT

The purpose of the report is to provide an update on the progress and challenges to the finalisation of the North Narrabeen Village Masterplan Project.

1.0 BACKGROUND

Council resolved on 8 October 2007 to prepare the North Narrabeen Village Masterplan as part of the overall investigation and planning process for the retail centres in Pittwater.

The purpose of the North Narrabeen Village Masterplan Project (the Masterplan) was to establish a holistic and integrated vision document for North Narrabeen Village Commercial Centre with the community. The Masterplan was to encompass both the private and public domain. Council commissioned urban design consultants HBO+EMTB to prepare the Masterplan.

The Masterplan was to provide an urban design framework that aimed to enhance the amenity and design quality of the centre, and to support social, economic, environmental and cultural activities. The Masterplan was to respond to flooding, traffic and parking constraints.

Community consultation has been a key feature of the project. The community were invited to participate and inform the consultants of their views and aspirations for the future development and character of the North Narrabeen Village Masterplan via a formal survey, membership of the Project Control Group, and by invitation to attend four public meetings.

A public meeting was held on 2 June 2009 as part of the most recent community consultation for Stage 3 of the Masterplan. The meeting included:

- Presentations on the proposed changes to the road network:
    - RTA representative outlined the Bus Priority Works,
    - Michael Grosvenor Consulting outlined proposed changes to the Local Road Network
- Discussion of the challenges to the finalising of the Masterplan

The proposed changes to the road network were developed and separately exhibited from 23 May to 24 June 2009. On 21 September 2009 Council endorsed the separate RTA funded works. The RTA are constructing priority bus lanes on Pittwater Road, re-configuring the Wakehurst Parkway intersection, and the constructing of traffic lights at the Gondola Road intersection.

Council is to review the program and funding requirements for the changes to the local road network. The review identified other future options for pedestrian access (footpaths) and traffic management (car parking) subject to program priorities and funding.

2.0 ISSUES

During the course of investigations, analysis and development of urban design principles two key issues emerged as a result of community input and technical advice. The community identified planning and management of traffic and parking as a key issue.

Secondly, technical advice and consultants identified managing flood risk and lack of planning guidance for sea level rise (SLR) as a major constraint for the future development potential of North Narrabeen Village.

The first issue of managing local traffic is subject to further on-going program review and funding. It is being progressed separately to synchronise proposed local road changes with the RTA Bus Priority Lanes on Pittwater Road. Council are working to identify, prioritise and fund the various changes to the local road network within the strategy that was previously exhibited with the addition of footpaths and car parking management. The RTA has commenced work to relocate utilities in the vicinity.

The second issue of managing flood risk and planning for sea level rise poses a significantly complex constraint on the future viability and potential of North Narrabeen Village Masterplan. The location of North Narrabeen Village is directly affected by flooding from the two separate sub-catchments of Nareen Creek and Narrabeen Lagoon. In these two catchments flooding is occurring as a result of excessive rainfall runoff from the escarpment down to Nareen Creek and Narrabeen Lagoon, as well as tidal and/or seawater inundation into the lagoon and backflow of Nareen Creek. These sources of floodwaters are impacted by climate change including the impacts of sea level rise and increased rainfall.

The Nareen Creek Catchment is administered by Pittwater Council, whilst Narrabeen Lagoon Catchment is administered by Warringah Council. The complexity of climate change, flooding and sea level rise requires Council to take a very considered approach to a Masterplan for North Narrabeen Village.

2.1 Emergence of Sea Level Rise as a Consideration

Over the course of developing urban design principles and built form options for the North Narrabeen Village understanding of the significance of climate change and its impact on sea level rise emerged as a key issue.

The North Narrabeen Village Masterplan needed to account for the potential impacts of sea level rise in accordance with the State Government policies and statutes, Council's Climate Change Policy and Land and Environment Court decisions. Interestingly the impacts of potential sea level rise on North Narrabeen are considered so significant that the North Narrabeen Village area is 'featured' on the cover of *Climate Change Risks to Australia's Coast, A First Pass National Assessment* report.

Some of the important policy documents and Land and Environment Court decisions that have been published during the preparation of the North Narrabeen Masterplan, include;

- *Climate Change Risks to Australia's Coast, A First Pass National Assessment* Department of Climate Change, Australian Government released 14 November 2009.

- *NSW Sea Level Rise Policy Statement,* Department of Environment, Climate Change and Water, NSW released October 2009

- *"Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise"* Department of Planning, NSW released October 2009 – consultation draft

- *Draft Coastal Risk Management Guide: Incorporating the sea level rise benchmarks in coastal hazard assessments,* Department of Environment, Climate Change and Water, NSW released November 2009

- *Draft Flood Risk Management Guide: Incorporating the sea level rise benchmarks in flood risk assessments,* Department of Environment, Climate Change and Water, NSW released November 2009

- Pittwater Council Policy No 176 Climate Change adopted 6 April 2009

- Pittwater Council *'Climate Action Plan Framework'* report to Council 6 April 2009

- Pittwater Council *'Local Climate Change Consultation'* report to Council 6 April 2009

- Aldous v Greater Taree City Council 2009 NSWLEC 17

- Walker v Minister for Planning 2007 NSWLEC 741

As separately reported to Council on 7 December 2009, the NSW Department of Planning released *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* in October 2009 for consultation, whilst simultaneously adopting the *NSW Sea Level Rise Policy Statement.*

The *NSW Sea Level Rise Policy Statement* that Council adopted at the meeting of 7 December 2009. The sea level rise benchmarks are;

- 0.4m by 2050;
- 0.9m by 2100; and
- increased rainfall intensity by up to 30% by 2100.

Council resolved to recognise the NSW Sea Level Rise Policy Statement and adopt the planning benchmarks utilised for the purposes of strategic and land use planning, development assessment and risk and management planning for all parts of the Pittwater local government area that are likely to be affected by sea level rise.

The NSW Department of Planning *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* utilises the NSW sea level rise planning benchmarks and outlines a proposed framework to assist councils when they address sea level rise in strategic and land use planning as well as development assessment. Importantly, the *Draft NSW Coastal Planning Guideline* proposes six coastal planning principles;

1. Assess and evaluate coastal risks taking into account the NSW sea level rise planning benchmarks;
2. Advise the public of coastal risks and to ensure that informed land use planning and development decision-making can occur;
3. Avoid intensifying land use in coastal risk areas through appropriate strategic and land use planning,
4. Consider options to reduce land use intensity in coastal risk areas where feasible;
5. Minimise the exposure to coastal risks from proposed development in coastal areas; and
6. Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.

Clearly the Masterplan process envisaged an intensification of land use in a coastal risk area bringing Council in direct conflict with the third principle. Finalising the Masterplan without accounting for Climate Change and the impacts of sea level rise may compromise Council's planning objectives and its community welfare responsibilities.

2.2 Masterplan Affected by Two Flood Catchments

North Narrabeen Village study area is affected by two flood catchments, Nareen Creek and Narrabeen Lagoon. The Masterplan considers the compatibility of any development potential of the North Narrabeen Village and the context of the flooding levels. The level of risk to life and property should match the range of land uses and development potential.

Council's Catchment Management and Climate Change team has a schedule for undertaking various flood studies in accordance with the NSW Floodplain Development Manual 2005.

The North Narrabeen Village is located in the Nareen Creek Catchment. The Nareen Creek flood study was adopted in 2005. The Nareen Creek flood study expects the flood depth in a 100 year event to be in the vicinity of 1.0 to 1.5 metres above the natural ground level. These flood depth figures do not incorporate changes due to sea level rise or climate change.

The draft Nareen Creek Flood Risk Management Study and Plan that are currently being prepared and will incorporate change and impact due to sea level rise or climate change.

The North Narrabeen Village is also affected by flood water from Narrabeen Lagoon. The adopted Narrabeen Lagoon flood study was completed some time ago in 1990. Warringah Council, together with Pittwater Council, are preparing to review the Narrabeen Lagoon Flood Study. Council cannot predict the Narrabeen Lagoon flood levels or the effect on water levels at North Narrabeen Village.

2.3 Nareen Creek Catchment Flood Planning Level

For the Nareen Creek Catchment Council has commenced preliminary investigations to quantify the impact of sea level rise. This was carried out in accordance with the *NSW Sea Level Rise Policy Statement.*

Technical advice has confirmed that the study area is likely to be significantly affected by sea level rise. The State Government Policy Statement promotes a methodology of making 'planning and investment decisions that considers the sea level rise projections over timeframes that are consistent with the intended timeframes of the decision'.

A masterplan is a forward looking document with timeframe implications of up to 100 years. Therefore, a 100 year decision timeframe was considered appropriate and consistent with planning undertaken for other natural hazards in Pittwater such as Geotechnical Risk Management.

The preliminary figure has estimated the combined increased rainfall and sea level rise will result in the Flood Planning Level in North Narrabeen catchment increasing by 0.7 metres.

Within the Masterplan study area floor levels for residential, commercial and enclosed garages will need to be about 2.0 to 2.3 metres above the surrounding ground levels. These are preliminary estimates of the impacts as the Nareen Creek Floodplain Risk Management Study that is currently in draft only.

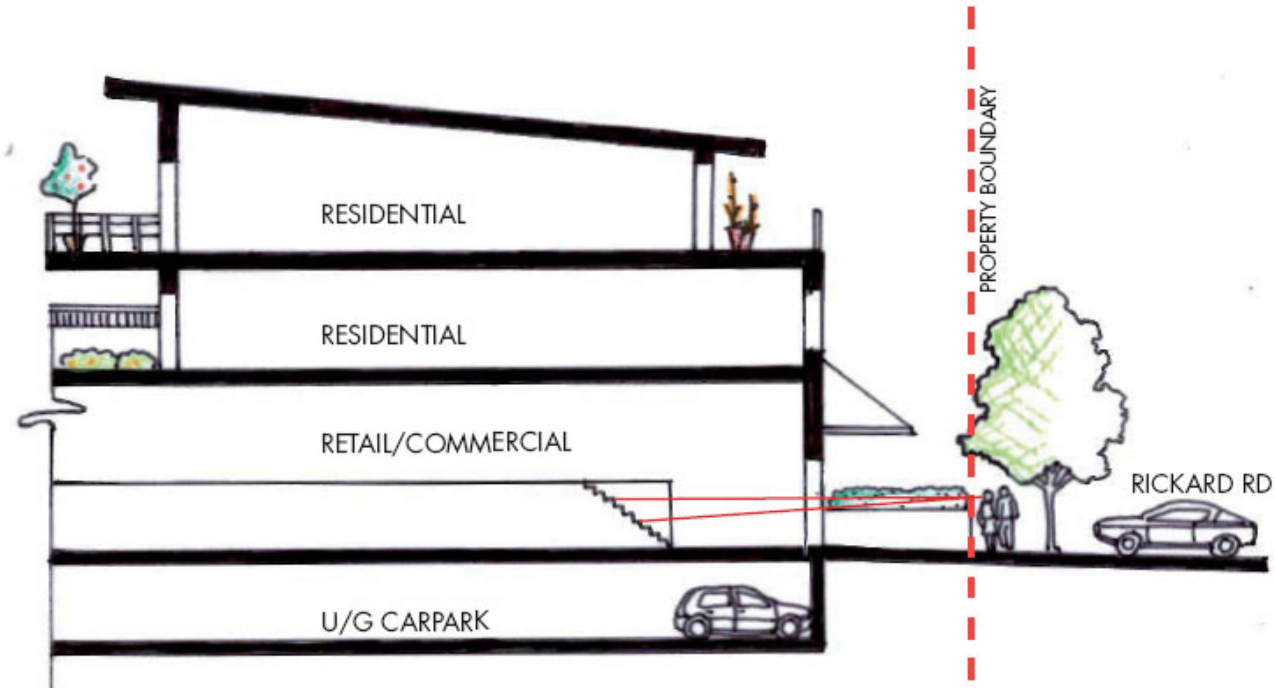
The flood levels of Nareen Creek flood study incorporate data from the old Narrabeen Lagoon Flood Study of 1990. A review of the Narrabeen Lagoon flood study has just commenced and is likely to be a number of years before being finalised. A change in flood levels at North Narrabeen Village is likely to be an outcome of Narrabeen Lagoon flood study.

2.4 How would the change in FPL affect the urban design principals?

The flood planning level directly affects ground floor level and subsequent building height, layout and connection to the street.

A detailed analysis of the urban design impact of changing the Nareen Creek catchment flood planning level to include the estimated sea level rise increase by 0.7 metre (to 2.2 metres) for was carried out by the urban design consultant. The impact to the study areas urban design and built form character is significant for these reasons:

- The previous 1.5 metre flood planning level allowed for a visual connection between the entry of the shop and the floor space above the flood level that was less than ideal. The approximate 2.2 metre height level would mean there is no visual connection and therefore would make retail activity/ display difficult as illustrated below.



- An increased height results in more stairs, longer ramps and conversely less retail space.
- Underground parking requires a ramp up to the flood level (2.2m vertical distance) before descending down therefore making it cumbersome and impractical in some places.
- The raised level means to reach a height of 2.2m and allowing for the required gradients and transitions etc, the ramp must travel 42.4 m before it can descend. From Pittwater Road more that half of the active shopfront will be lost due to ramping requirements.
- A higher flood level means the floor to ceiling height of the ground floor will be 5.2m above existing ground level.
- The overall height of the development will also increase from 10.5m to 11.2m.

As outlined above, the estimated 0.7 metre increase to 2.2 metres creates challenges and compromises to the built form and public domain that would fundamentally affect the character and community vision for North Narrabeen Village. Changes to the flood planning level results in the urban design impact being significant enough that it is recommended there be no changes to the built form potential from what is already permissible.

It is likely that Narrabeen Lagoon flood study when finished will see a further change to flood planning level. As such it is not feasible to progress the Masterplan.

2.5 Lack of Planning Certainty

The Masterplan is a key vision and strategic development instrument that sets the direction for North Narrabeen Village. Council has to be satisfied that the Masterplan can match the range of land uses and development potential with the flood context, climate change, sea level rise and the risk to life and property. The appropriate information is not currently available to assist Council to ascertain the appropriateness and compatibility of the redevelopment of North Narrabeen Village with the known and potential constraints and risks of climate change and sea level rise.

Until both the Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies have been completed and adopted, Council is not in a position to fully understand the impacts of flood behaviour, its duration, the emergency response requirements, if flood mitigation measures can be installed, and as a result what the appropriate planning responses should be in the Masterplan study area.

Without planning certainty as to the depth of flooding or the impact of climate change and sea level rise from the Nareen Creek or Narrabeen Lagoon floodplain risk management studies Council is not in a position to produce a sound or reliable Masterplan to guide the desired future character, land use and built form of North Narrabeen Village.

The release of the NSW Department of Planning *"Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise"* provides Council with a proposed framework to address sea level rise in strategic and land use planning as well as development assessment. The planning for North Narrabeen Village and the Masterplan process needs to take stock and account for the coastal planning principles once they are finalised. Council needs sound flooding information to provide sound justification for any proposed changes as a result of the Masterplan process.

The planning and Masterplan process is yet to address site compatibility and acceptable risk. There is the possibility that once the State Government finalises the coastal planning guidelines and Council completes the flood risk management studies to include climate change the impact of sea level rise that the redevelopment of North Narrabeen Village may not be sustainable or it may pose an unacceptable risk due to the extent and nature of flood inundation.

In accordance with the above, it is not appropriate to proceed with the Masterplan because of the current degree of planning uncertainty.

2.6 Await results of flood studies and RTA road works

The inception of the Masterplan process for Pittwater's towns and villages was envisaged to provide various benefits across common principles of economic, social and natural factors including; enhancement of existing assets, create place identity and a local focus, foster social interaction and safety, enhance streetscape landscaping and amenity.

It is acknowledged that North Narrabeen Village would benefit from further revitalisation and investment in streetscape landscaping and amenity, integrated with the current RTA Bus Priority Lane road works. Nonetheless, the NSW Coastal Planning Policy and outcomes from local flood studies and review of road works currently underway, needs to be included as part of any future review of the North Narrabeen Village Streetscape Preliminary Concept Plan prepared by Council in 1998.

An updated Village Streetscape Improvement Plan would incorporate recommendations to improve the useability, amenity and design quality of the public domain, thus contributing to improved use of footpaths, streets, lanes, park areas, enhancing the visibility of commercial enterprises.

Awaiting the impacts and outcomes of the road works and studies will allow Council to build on streetscape improvements already undertaken at North Narrabeen Village. The deferred timing is to ensure any improvement works won't conflict with any infrastructure works that maybe required as a result of the road works or flood studies, for example street tree planting, WSUD road drainage infrastructure and traffic flow changes.

Significant works have already been completed in North Narrabeen Village, including paving and landscaping works at the Gondola and Pittwater Road intersection in front of the pizza shop and bakery. These extensive works provide the restaurant and café the amenity and ambience for alfresco dining. Other works include extensive tree and landscape plantings along Pittwater Road, Wakehurst Parkway and the lagoon foreshore.

At the appropriate time the North Narrabeen Village Streetscape Preliminary Concept Plan should be updated and provided to the community for initial feedback. Updating the Village Streetscape Improvement Plan allows Council to continue to implement the benefits of economic, social and natural factors to North Narrabeen Village in a timely manner at a much reduced scale.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The incorporation of adopted benchmarks into Council land-use planing requires informing, consulting, engaging and preparing the Pittwater community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 Assessing the predicted impacts of climate change will allow for future planning of impacts on tidal ecosystems, threatened species and coastal erosion.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 Requiring the adopted sea level rise benchmarks to be incorporated into Councils land use planning will reduce the potential risk to future development in relation to current predictions of climate change impacts.

3.4 Leading an effective & Collaborative Council (Governance)

3.4.1 The implementation of current sea level rise benchmarks and incorporation into Councils hazard management planning will provide compliance with Councils obligations under the NSW Coastal Policy, NSW Flood Prone Land Policy and the Environmental Planning and Assessment Act 1979.

3.5 Integrating our Built environment (Infrastructure)

3.5.1 Incorporation of the adopted benchmarks for sea level rise will allow Council to make informed decisions for the management of current and provision of future development.

4.0 EXECUTIVE SUMMARY

The Masterplan was to provide an urban design framework that aimed to enhance the amenity and design quality of the centre, and to support social, economic, environmental and cultural activities. The Masterplan was to respond to flooding, traffic and parking constraints.

During the course of investigations, analysis and development of urban design principles two key issues emerged as a result of community input and technical advice. The community identified planning and management of traffic and parking as a key issue. Secondly, technical advice and consultants identified managing flood risk and lack of planning guidance for sea level rise as a major constraint for the future development potential of North Narrabeen Village.

The second issue of managing flood risk and planning for sea level rise poses a significantly complex constraint on the future viability and potential of North Narrabeen Village Masterplan. The location of North Narrabeen Village is directly affected by flooding from the two separate sub-catchments of Nareen Creek and Narrabeen Lagoon. In these catchments flooding is occurring as a result of excessive rainfall runoff from the escarpment down to Nareen Creek and Narrabeen Lagoon, as well as tidal and/or seawater inundation into the lagoon and backflow into Nareen Creek. These sources of floodwater are impacted by sea level rise and climate change, including the impacts of increased rainfall.

The Masterplan needed to account for the potential impacts of sea level rise in accordance with the State Government policies and statutes, Council's Climate Change Policy and Land and Environment Court decisions.

Council resolved to recognise the NSW Sea Level Rise Policy Statement and adopt the planning benchmarks utilised for the purposes of strategic and land use planning, development assessment and risk and management planning for all parts of the Pittwater local government area that are likely to be affected by sea level rise.

Until both the Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies have been completed and adopted Council is not in a position to fully understand the impacts of flood behaviour, its duration, the emergency response requirements, if flood mitigation measures can be installed, and as a result what the appropriate planning responses should be in the Masterplan study area.

In addition, without planning certainty as to the depth of flooding or the impact of climate change and sea level rise from the Nareen Creek or Narrabeen Lagoon floodplain risk management studies, Council is not in a position to produce a sound or reliable Masterplan to guide the desired future character, new development and built form of North Narrabeen Village.

It is not appropriate to proceed with the Masterplan because of the current degree of planning uncertainty.

It is acknowledged that North Narrabeen Village would benefit from further revitalisation and investment in streetscape landscaping and amenity as an interim measure. It is recommended that once the RTA Bus Priority Lane road works, NSW Coastal Planning Policy and local flood studies have been completed that the North Narrabeen Village Streetscape Preliminary Concept Plan prepared by Council in 1998 be updated. An updated Village Streetscape Improvement Plan would incorporate recommendations to improve the useability, amenity and design quality of the public domain, thus contributing to improved use of footpaths, streets, lanes, park areas, enhancing the visibility of commercial enterprises.

Awaiting the impacts and outcomes of the road works and studies will allow Council to build on streetscape improvements already undertaken at North Narrabeen Village. The deferred timing is to ensure any improvement works won't conflict with any infrastructure works that maybe required as a result of the road works or flood studies, for example street tree planting, WSUD road drainage infrastructure and traffic flow changes.

Recent works in North Narrabeen Village have included significant paving and landscaping works at the Gondola and Pittwater Road intersection in front of the pizza shop and bakery. These extensive works provide the restaurant and café the amenity and ambience for alfresco dining.

Other works include extensive tree and landscape plantings along Pittwater Road, Wakehurst Parkway and the lagoon foreshore.

RECOMMENDATION

1. That Council defer finalisation of the North Narrabeen Village Masterplan until the adoption of the:
   - NSW Department of Planning *"Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise*, and
   - Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies

   to allow consideration of the appropriate planning responses.

Report prepared by David Haron, Executive Strategic Planner

Liza Cordoba
ACTING MANAGER, PLANNING AND ASSESSMENT

PITTWATER COUNCIL

C11.5 Minutes of the Pittwater Traffic Committee Meeting held on 8 December 2009

Meeting: Planning an Integrated Built Environment Committee **Date:** 15 February 2010

STRATEGY: **Traffic and Transport**

ACTION: Provide planning, design, investigation and management of traffic and transport facilities.

PURPOSE OF REPORT

To present to Council for consideration, the Traffic Committee Minutes of 8 December 2009.

1.0 BACKGROUND

1.1 The Traffic Committee recommendations for the Traffic Committee of 8 December 2009 (Attachment A) are referred to Council for consideration. In accordance with the delegation of the Roads and Traffic Authority of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

2.0 ISSUES

2.1 **Item 4.1 – Pittwater Road, Mona Vale**

Seeking RTA approval of marked pedestrian crossing at Park Street

2.2 **Item TC4.2: Angophora Circuit, Warriewood – Parking Restrictions**

Approval of request by local community for 'No Stopping' restrictions to enhance safety and vehicular access.

2.3 **Item 4.3 – Bungan Lane, Mona Vale**

Provision of 'No Parking – Ambulance & Medical Service Vehicles Excepted' near new development at No 1 Bungan Lane.

2.4 **Item TC4.4: Kamilaroi Road, Bayview – Parking Restrictions**

Approval of resident request for 'No Stopping' restrictions to enhance safety.

2.5 **Elimatta Road, Mona Vale – Parking Restrictions**

Approval of request by local community for 'No Parking' restrictions to enhance safety and vehicular access.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 8 December 2009 for Council's consideration.

RECOMMENDATION

1. That the Traffic Committee recommendations contained in the Minutes of the meeting of 8 December 2009 be adopted.

Report prepared by Paul Davies – Principal Engineer – Roads and Transport

James Payne
MANAGER, URBAN INFRASTRUCTURE

PITTWATER COUNCIL

Minutes

Pittwater Traffic Committee Meeting

Held in the Conference Room, Level 3, 5 Vuko Place, Warriewood
on

8 December 2009

Commencing at 1:17pm.

James Payne
MANAGER, URBAN INFRASTRUCTURE

Attendance:

Voting Members of the Committee are invited to attend, namely:

Cr Julie Hegarty, Chairperson
Ms Jill Dubois, Representative for Member for Pittwater
Mr John Begley, Roads & Traffic Authority
Sergeant Charles Buttrose, NSW Police – Northern Beaches

And Non Voting Representatives from Bus Providers including State Transit Authority

Mr Domenic Larosa, State Transit Authority

Council Staff:

Paul Davies, Principal Engineer, Roads Traffic & UI Operations
Michelle Carter, Road Safety Officer
Suda Sutheshkumar, Technical Design Officer
Dianne Bonner, Administration Officer

Pittwater Traffic Committee Meeting

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1.0 Apologies

That apologies be received and accepted from Mr Philip Whipp, Forest Coach Lines and leave of absence from the Pittwater Traffic Committee Meeting held on 8 December 2009.

(Cr Hegarty/Jill Dubois)

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

That the Minutes of the Pittwater Traffic Committee Meeting held on 11 August 2009, be confirmed as a true and accurate record of that meeting.

(Jill Dubois/Cr Hegarty)

4.0 Committee Business

TC4.1 Pittwater Road, Mona Vale – Provision of Marked Pedestrian Crossing at Intersection with Park Street

Proceedings in Brief

Suda Sutheshkimar, Pittwater Council addressed the meeting on this item.

COMMITTEE DECISION

That the following resolution be deferred for consideration at the 16 February 2010 meeting, pending advice from the RTA on the status of the transfer of Pittwater Road to Pittwater Council.

1. That the Traffic Committee supports the parent's request to install a pedestrian crossing at the existing refuge island in Pittwater Road near the intersection with Park Street.

2. That the RTA be requested to consider the provision of a marked pedestrian crossing at the existing refuge island on Pittwater Road near the intersection with Park Street and the reduction of the speed limit at this location from 60kph to 50kph.

(John Begley/Cr Hegarty)

TC4.2 Angophora Circuit, Warriewood – Parking Restrictions

Proceedings in Brief

Suda Sutheshkumar, Pittwater Council addressed the meeting on this item.

COMMITTEE DECISION

That the Traffic Committee supports the resident's request for the provision of "No Stopping" restrictions at the following locations in Angophora Circuit. (See Plan No. 25-TC-2009)

1. From tangent point at the northern corner on the northern end of Angophora circuit to the point 5m south from the driveway between No. 6 and No. 7.

2. Between the tangent point on the east side and the point just in front of the driveway (between No. 6 and No.7), of the curve adjacent to No. 1 in Angophora Circuit.

3. Between the points 5m north and south from the driveway (between No. 16 and No.17).

(Jill Dubois/Cr Hegarty)

TC4.3 Bungan Lane, Mona Vale – Parking Restrictions

Proceedings in Brief

Suda Sutheshkumar, Pittwater Council addressed the meeting on this item.

COMMITTEE DECISION

1. That the Traffic Committee supports the request for the following parking restrictions in Bungan Lane: **"No Parking - Ambulance and Medical Service Vehicles Excepted"** restriction sign be installed from the driveway of No. 1 to 6m to the east on the southern side of Bungan Lane.

2. That staff minimise the number of parking signs in Bungan Lane when implementing the restriction.

(Cr Hegarty/Sgt Buttrose)

TC4.4 Kamilaroi Road, Bayview – Parking Restrictions

Proceedings in Brief

Suda Sutheshkumar, Pittwater Council addressed the meeting on this item.

COMMITTEE DECISION

That the Traffic Committee supports the residents' request for the provision of "No Stopping" restriction at the following locations: (see Plan No. 23-TC-2009):

1. From driveway of No. 6 to the tangent point of the curve outside No. 2 Kamilaroi Road (western side).

2. Between tangent points of the curve outside No. 1 to No. 3 Kamilaroi Road.

3. From the driveway of No. 2 Kamilaroi Road to the driveway of No. 5 Alexandra Crescent.

That the affected residents be advised of the Committee's recommendation, prior to going to Council.

(John Begley/Jill Dubois)

TC4.5 Elimatta Road, Mona Vale – Parking Restrictions

Proceedings in Brief

Suda Sutheshkumar, Pittwater Council addressed the meeting on this item.

COMMITTEE DECISION

That the Traffic Committee supports the Community's request for the provision of "No Parking" restrictions at the following locations to improve traffic safety. (see Plan No. 22-TC-2009)

1. Between driveway of No.3 to driveway of No. 7 on the east side of Elimatta Road
2. Between driveway of No. 11 to driveway of No.15 on the east side of Elimatta Road
3. Between driveway of No. 32 to driveway of No. 34 on the west side of Elimatta Road

That the affected residents be advised of the Committee's recommendation, prior to its consideration by Council.

(Cr Hegarty/John Begley)

5.0 Other Business & Potential Future Agenda Items

Members put forward issues for discussion as follows:

RTA Representative

- Trimming of bottom branches of trees on the median strip on Barrenjoey Road through Newport main street to improve sight distances of the pedestrian signals.
- Trimming of the trees on the corner on Mona Vale Road and Pittwater Road to improve sight distances for the traffic left turning into Pittwater Road.
- These matters will be dealt with by Council staff and are not future agenda items.

Member for Pittwater Representative

1. Numerous complaints received from residents of 397-399 Barrenjoey Road, Newport who have received infringement notices for illegally parking on the nature strip. Paul Davies advised that:
   - Council are in the process of ongoing work in this area and bollards are being installed along this part of the road which will resolve this parking issue by preventing illegal parking; and
   - This is not a future Agenda item.
2. The Retravision store on Bungan Street, Mona Vale have requested the loading zone, which is currently nearer Waratah Street end. Paul Davies advised that if the Store Manager provided Council with documentation showing:

- Support from the other shopkeepers along that street for the loading zone to be moved as requested, the matter would be put to the Traffic Committee for consideration; and

- This is potentially a future Agenda item.

Sydney Buses Representative

1. Advised of the new articulated buses for the area. These have a third door entry/exit to be considered when upgrading Bus Stops in future.

   - This is not a future Agenda item.

2. Elanora Road / Rickard Road, Elanora Heights. Bus drivers have raised the issue of safety with school children, caused by the extensive car parking on the side of the roads.

   - Possible future Agenda item to be considered by Council.

Council Traffic Officer

1.
   - Alleyne Avenue, North Narrabeen: Concept plan prepared includes indented parking bays and traffic calming devices. Cr Hegarty will discuss the matter with the General Manager to resolve future action.

   - Possible future Agenda item.

2. Council's Reserves has proposed a draft Master Plan for Iluka Road, Palm Beach.

   - Possible future Agenda item.

6.0 Next Meeting (Tuesday 16 February, 2010)

That the next meeting of the Pittwater Traffic Committee meeting be held on 16 February, 2010 at Vuko Place, Warriewood commencing at 1:00pm.

(Cr Hegarty/Sgt Buttrose)

Meeting closed at 2:48pm.

Council Meeting

12.0 Adoption of Governance Committee Recommendations

RECOMMENDATION

That the recommendations of the Governance Committee comprising all Council members be, and are hereby, adopted.

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

RECOMMENDATION

That the recommendations of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

14.0 Councillor Questions

15.0 Response to Councillor Questions Taken on Notice at Previous Meetings

Cr Hegarty - *Question:*

Has Council received formal notification from the EPA that the capping of the Warriewood Sewerage Treatment Plant has been successful and will allow habitation of new dwellings within the previously established STP Buffer Area?

Answer:

The Acting Manager, Environmental Planning & Assessment, responded that Sydney Water has advised that the works associated with capping the Sewerage Treatment Plant have been completed. Final monitoring is currently being undertaken and Sydney Water will provide Council with formal notification once this is complete.

The Council is not to consent to development for the purpose of residential buildings on land to which this clause applies unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to ensure that the impact of odours from the Sewerage Treatment Plant on the users or occupiers of the buildings is mitigated.

Confidential Advice

CONFIDENTIAL ADVICE

Item No:	C10.5
Matter:	Confidential Advice for Appointment of Internal Audit Committee Members
From:	Mark Ferguson **GENERAL MANAGER**
Meeting:	Governance Committee
Date:	15 February 2010

The abovementioned matter is listed as Item C10.5 in Open Session in the Agenda.

The information obtained from applicants is personal and is provided to Councillors on a confidential basis.

Mark Ferguson
GENERAL MANAGER

Appointment of Internal Audit Committee Members

Applicant Details – Internal Audit Committee Expression of Interest

Alphabetically, a brief summary of the applicants that meet the criteria for serving as members of the Audit Committee is as follows:

- **Mr Neil Adams**
  - Bachelor of Business – Accountancy
  - Bachelor of Laws
  - Fellow, CPA Australia
  - Certified Internal Auditor
  - Fellow, Institute of Internal Auditors (Aust)
  - Member, Australian Institute of Company Directors
  - Chair of Parramatta City Council Audit Committee
  - Member of Board Disciplinary Panel, CPA Australia
  - Board Member & Treasurer
    - Ausdance NSW (Dance Professional Body)
    - Version 1.0 (Theatre Company)
  - Consulted to local, state and federal government on governance, probity, financial and audit matter since 1998.
  - Formerly NSW Head of the Australian National Audit Office; and head of the Internal Audit Department of a major corporate.

- **Mr John Gordon**
  - Bachelor of Commerce (Hons)
  - Registered Tax Agent & Justice of the Peace
  - Certified Practicing Accountant – CPA Australia
  - Fellow, Institute of Chartered Accountants Australia
  - Associate, Institute of Chartered Secretaries & Administrators
  - Member, Institute of Internal Auditors (Aust)
  - Fellow, NSW Local Government Auditors Association
  - Independent Chair for
    - Ryde City Council Audit Committee
    - Manly Council Audit Committee
    - Ku-ring-gai Council Audit Committee
    - North Sydney Council Audit Committee
    - ACT Chief Minister's Office and Department of Treasury
  - Committee Member of
    - Warringah Council Internal Audit Review Committee
    - Boyce Chartered Accountants (no services to Local Government)
    - Dept of Local Government Accounting Advisory Committee
    - Health Infrastructure NSW (NSW Dept of Health)
    - World Education Australia
    - NSW Historic Houses Trust Foundation
    - Audit Advisory Panel for the Salvation Army AET
    - Code of Conduct Review Panel for Hunter Region Councils
  - Formerly a partner with PricewaterhouseCoopers, experience in the provision of external audit, risk management, governance, control assessment and advisory services to both public and private sector organisations.

- **Ms Susan Guest**
    - Financial Planning Principles & Practice, Securities Institute of Australia
    - Diploma of Financial Markets, Securities Institute of Australia
    - Member, Institute of Internal Auditors (Aust)
    - Member of Audit and Compliance Committee and Director of Uniting Church Superannuation Plan
    - Affiliate, Securities Institute of Australia
    - Member, Australian Superannuation Funds Association
    - Treasurer, Brisbania Before , After & Vacation Care
    - Currently Internal Audit Manager, House With No Steps
    - Experience in the provision of internal audit services to across a range of sectors, including financial, manufacturing & mining with a large corporate.
    - Experience in audit and risk management, Compliance and Risk Manager for the Uniting Church (NSW) Trust Association Limited (UCTAL)
    - Reporting and operations associated with Commonwealth Bank of Australia Audit Committee, in position of Audit Manager.

- **Mr Rajni Kant**
    - BA (Accounting)
    - Justice of the Peace
    - Graduate Diploma in Company Secretarial Practice – Corporate Governance & Corporations Law
    - Certified Practicing Accountant
    - Certified Internal Auditor
    - Fellow, Institute of Internal Auditors (Aust)
    - Member, Australian institute of Management
    - Council Member of Institute of Internal Auditors NSW Chapter
    - Senior Audit professional, with successful track record encompassing Big 4 experience, Government as well as major corporates in the industrial and utilities sectors. Highly effective in managing the delivery of complex audit programs across a diversity of business areas. Possesses extensive experience in the delivery of internal audit and risk management activities, due diligence, forensic accounting and regulatory compliance.
    - Currently Manager, Internal Audit Jementa Limited (Singapore Power International)

- **Mr Michael McMahon** (late application)
    - Bachelor of Business
    - Justice of the Peace
    - Fellow, Australian Institute of Company Directors
    - President, Cemeteries and Crematoria Association of NSW
    - Board Member, Australasian Cemeteries and Crematoria Association
    - Currently fills the role as CEO - Catholic Cemeteries Board
    - Chairman of Australian Health Management Group Limited, eight largest private health fund in Australia
    - General Manager of
        - Wagga Wagga City Council
        - City of Canada Bay Council
        - City of Ryde Council
        - Waverly Council

- **Dr Sandra van der Laan**
    - Bachelor of Commerce (Accounting)
    - Master of Commerce (Finance)
    - Graduate Certificate in Higher Education
    - PHD in Accounting
    - Member, CPA Australia
    - Member, Australian Institute of Company Directors
    - Member of
        - Wollongong City Council Audit Committee
        - Council of the Accounting Foundation of the University of Sydney, Staff representative
    - Since joining academia the applicant has taught in a variety of units in both accounting & finance. Prior this, experience was gained in a variety of positions primarily in a business context.

- **Mr Andrew Warden**

    - Fellow, Institute of Chartered Accountants
    - Fellow, Australian Institute of Management
    - Member, Institute of Management Consultants
    - Member, NSW Rural Fire Services Warringah Pittwater District Training Officers Committee
    - Consulting assignments for
        - Fairfield Council
        - Randwick Council
        - Coffs Harbour Council
        - Great Lakes Council
        - Shoalhaven Council
        - Blaney Shire Council
    - Professional experience covers General Management, Finance & Administration, Accounting, Project Management and Management Consulting
    - Previously a partner with KPMG (Chartered Accounting firm)
    - General Manager Finance & Administration for State Authorities Superannuation Board