



PITTWATER COUNCIL

## **Agenda**

### **Council Meeting**

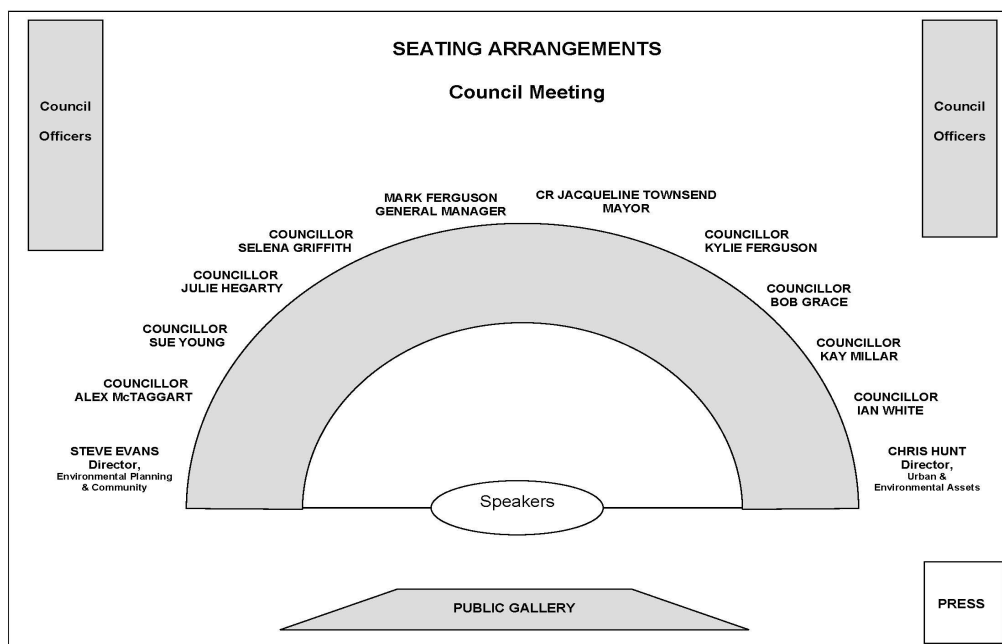
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

**5 August 2013**

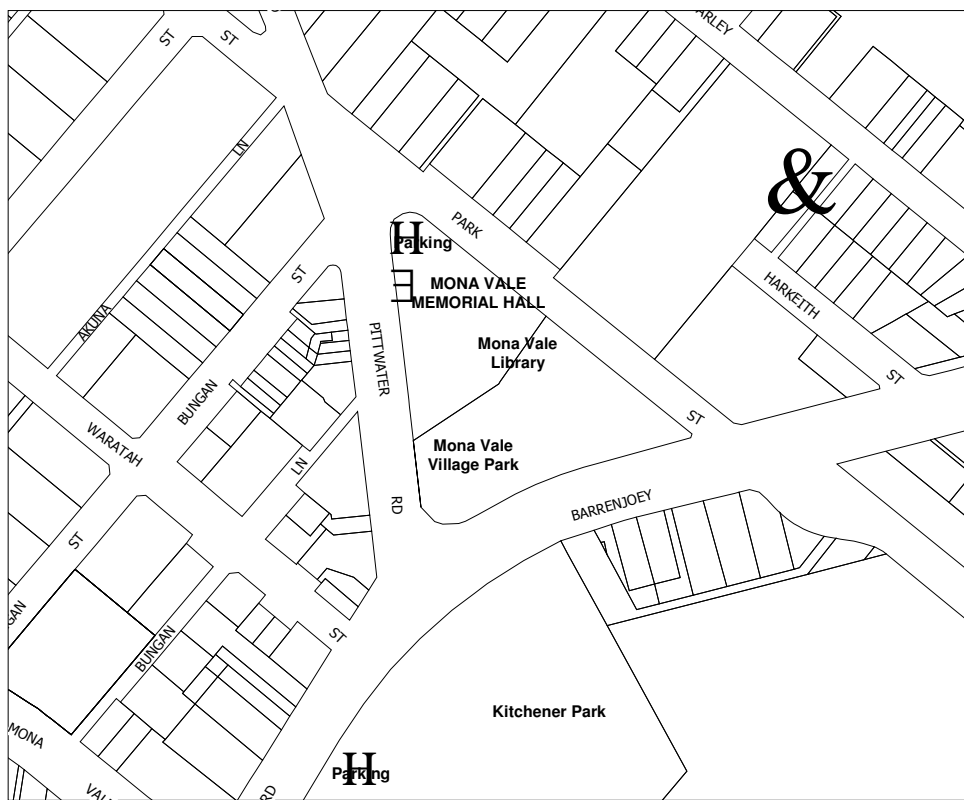
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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](http://www.pittwater.nsw.gov.au)

---

## **Acknowledgement of Country**

**Pittwater Council honours and respects the spirits of the  
Guringai people.**

**Council acknowledges their traditional custodianship of  
the Pittwater area.**

## **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.**

**We, the elected members and staff of Pittwater Council, undertake to  
act with honesty and integrity, to conduct ourselves in a way that  
engenders trust and confidence in the decisions we make on behalf  
of the Pittwater Community.**

## IMPORTANT NOTE FOR COUNCILLORS

The Council has received Confidential Advice in relation to the matters 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)(d) of the Local Government Act 1993, and debate the Confidential Advice and any related 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 Confidential 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 Reports on the items below are listed in Open Session in the Agenda:

Item No	Item	Page No
C9.1	SHOROC RFT 2013/027 – Supply and Application of Linemarking and Sign Posting	56

Mark Ferguson  
**GENERAL MANAGER**



# Council Meeting

## TABLE OF CONTENTS

Item No	Item	Page No
<b>Council Meeting</b>		
1.0	<b>Apologies</b>	8
2.0	<b>Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts</b>	8
3.0	<b>Confirmation of Minutes</b>	9
4.0	<b>Public Addresses</b>	9
5.0	<b>Councillor Questions on Notice</b>	10
6.0	<b>Mayoral Minutes</b>	10
C6.1	Mayoral Minute - Improving Pedestrian Safety on Narrabeen Bridge	11
7.0	<b>Business by Exception</b>	13
8.0	<b>Council Meeting Business</b>	13
C8.1	Draft Pittwater Local Environmental Plan 2013	14
C8.2	Local Government Referendum "YES" Campaign	51
<b>Community, Recreation and Economic Development Committee</b>		
9.0	<b>Community, Recreation and Economic Development Committee Business</b>	55
C9.1	SHOROC RFT 2013/027 - Supply and Application of Linemarking and Sign Posting	56
C9.2	Swimming Pools Inspection Program	61
C9.3	Policy Review - Community, Recreation & Economic Development Committee	67
C9.4	Minutes of the Pittwater Traffic Committee Meeting held on 11 June 2013	175

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>Natural Environment Committee</b>		
<b>10.0</b>	<b>Natural Environment Committee Business</b>	<b>186</b>
C10.1	22nd NSW Coastal Conference - 12-15 November 2013	187
C10.2	Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 4 June 2013	189
C10.3	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 15 June 2013	195
<b>Council Meeting</b>		
<b>11.0</b>	<b>Adoption of Community, Recreation and Economic Development Committee Recommendations</b>	<b>221</b>
<b>12.0</b>	<b>Adoption of Natural Environment Committee Recommendations</b>	<b>221</b>
<b>Committee of the Whole</b>		
<b>13.0</b>	<b>Confidential Items</b>	<b>222</b>
C13.1	Boondah Road Warriewood - Road Reconstruction	223
<b>Council Meeting</b>		
<b>14.0</b>	<b>Adoption of the Committee of the Whole Recommendation</b>	<b>236</b>

## Confidential Items (Appendix 1)

### **CONFIDENTIAL CLAUSE**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the Council to close the meeting to the public for business relating to the following:*

- (d) *Commercial information of a confidential nature that would, if disclosed:*
- prejudice the commercial position of the person who supplied it; or*
  - confer a commercial advantage on a competitor of the Council; or*
  - reveal a trade secret.*

---

SHOROC RFT 2013 027 - Supply and Application of Linemarking and Sign Posting

---

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

---

## Council Meeting

---

### 1.0 Apologies

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

---

### 2.0 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.

---

### 3.0 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 15 July 2013.

---

### 4.0 Public Addresses

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 six speakers may address on any one item, with a maximum of three speakers in support of the recommendation in the report, and three 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.*

---

<b>5.0</b>	<b>Councillor Questions on Notice</b>
------------	---------------------------------------

Nil.

---

<b>6.0</b>	<b>Mayoral Minutes</b>
------------	------------------------

---

---

<b>C6.1</b>	<b>Mayoral Minute - Improving Pedestrian Safety on Narrabeen Bridge</b>
-------------	---

**Meeting:** Council

**Date:** 5 August 2013

---

## **MAYORAL MINUTE**

---

### **BACKGROUND**

There has been an increased level of concern over the usage of the Narrabeen Bridge since the upgrade to the Lagoon walking track has commenced. Several residents have raised concerns with myself and through writing letters to the Manly Daily.

The pedestrian strip over the Narrabeen Bridge is under increasing traffic by pedestrians and cyclists. There are signs instructing cyclists to "dismount" and walk their bike over the bridge and not ride. Not all cyclists adhere to the sign. There is concern that there will be an unfortunate incident as a result. A request for fencing along the pedestrian bridge has been made.

In response to the community's concern I took the liberty of writing to NSW Transport, Roads & Maritime Services seeking assistance from them in addressing this concern.

Attached is a copy of the Department's response.

You will read that RMS is currently planning to replace the existing timber fencing on all four approaches to the bridge with new fencing to improve pedestrian safety.

Further, whilst there is no accident history at that and the surrounding location, RMS has requested staff to monitor the situation at Narrabeen Bridge and to liaise with the Council to identify further potential safety improvements.

Council is requested to note the position of the RMS on this issue and to direct staff to make contact with Jim Peachman, Acting Director, Journey Management, RMS to commence discussions on improving pedestrian safety at Narrabeen Bridge.

Whilst there have been no reported accidents there are allegedly a number of near misses.

---

### ***Motion***

1. That Council notes the response from NSW Transport, Roads & Maritime Services dated 3 July 2013.
2. That Council commence discussions with RMS to improve pedestrian safety at the bridge.
3. That Warringah Council also be advised.

Cr Jacqueline Townsend  
**MAYOR**



**Transport**  
Roads & Maritime  
Services

ML13/05546

**RECEIVED**

**04 JUL 2013**

**PITTWATER COUNCIL**

Councillor Jacqueline Townsend  
Mayor  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Dear Councillor Townsend

Thank you for your letter to the Minister for Roads and Ports requesting fencing on the Narrabeen Bridge footpaths. The Minister has asked me to respond on his behalf.

Roads and Maritime Services (RMS) is currently planning to replace the existing timber fencing on all four approaches to the bridge with new fencing to improve pedestrian safety.

RMS has also examined the crash history at this location and over the five year period between 1 July 2007 and 30 June 2012 there have been no reported crashes involving vehicles leaving the road and no reported crashes involving pedestrians on Pittwater Road from 120 metres south of Wakehurst Parkway to 10 metres north of Waterloo Street, including Narrabeen Bridge. However, following your representations, I have asked RMS staff to monitor the situation at Narrabeen Bridge and to liaise with the council to identify further potential safety improvements.

I note that you also wrote to the RMS Chief Executive on this matter. It would be appreciated if you would accept this as a reply to that approach.

For more information, please contact Mr Colin Langford, Executive Manager, Sydney Region, at RMS on (02) 8849 2339.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Peachman".

Jim Peachman  
Acting Director, Journey Management

3/7/13

**Roads & Maritime Services**

101 Miller Street North Sydney NSW 2060 | Locked Bag 928 North Sydney NSW 2059 DX10516

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 131 782



---

## **7.0 Business by Exception**

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

---

## **8.0 Council Meeting Business**

---

---

## C8.1 Draft Pittwater Local Environmental Plan 2013

---

**Meeting:** Council

**Date:** 5 August 2013

---

**STRATEGY:** Land Use & Development

**ACTION:** Prepare new Standard Instrument LEP

---

### PURPOSE OF REPORT

The purpose of this report is:

- To present to Council the outcome of the first public exhibition of the draft Pittwater Local Environmental Plan (LEP) 2013
- To present to Council the recommended changes to the draft Pittwater LEP 2013 following the first public exhibition
- To seek Council's endorsement of the draft Pittwater LEP 2013 for forwarding to Department of Planning & Infrastructure (DP&I) and Parliamentary Counsel for a draft opinion and, following receipt of a draft opinion, to commence the second public exhibition of the draft Pittwater LEP 2013

### 1.0 BACKGROUND

- 1.1 On 30 September 2005, a range of reforms to the *Environmental Planning and Assessment Act 1979* (EP&A Act), and to planning practice, came into effect. A major component of the planning reform was the State Government's *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument Order), which required all councils in NSW to prepare a new LEP in accordance with the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument LEP).
- 1.2 A resolution from Council is required to commence the statutory process for preparing a draft LEP. Accordingly, on 5 November 2007, Council resolved as follows:
- ‘1. That Council resolve to commence the statutory process under section 54 of the *Environmental Planning and Assessment Act 1979* to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the *Standard Instrument – Principal Local Environmental Plan*.
  2. That Council resolve to advise the Director-General of the Department of Planning of its resolution to prepare a draft LEP.
  3. That a further report be made following feedback from the Department of Planning and following preparation of a draft Standard LEP for Pittwater.
  4. That this further report provide a program for consultation with the community consistent with Council's Community Engagement Policy.’
- 1.3 On 14 November 2007, Council advised the Director-General of the Department of Planning of this resolution.
- 1.4 On 1 July 2009, amendments were made to the EP&A Act and *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations), which included new requirements and procedures for preparing a draft LEP. Savings and transitional provisions provided that where a Council had resolved under Section 54 of the EP&A Act to prepare a draft Standard Instrument LEP and where the Director-General had received notification of the resolution before 1 July 2009, the draft LEP may continue to be prepared and made under the previous plan making provisions. Subsequently, Pittwater's Standard Instrument LEP will be made under the plan making provisions in place in November 2007 when the process to prepare a new LEP was commenced.

- 1.5 Prior to the preparation of the draft Pittwater LEP 2013, the *Pittwater Local Planning Strategy*, adopted in August 2011, was prepared to establish an equitable, consistent and transparent policy framework for local level planning to guide land use planning and decision-making into the future. The *Pittwater Local Planning Strategy* was also prepared to demonstrate to the DP&I how Council can achieve housing and employment targets allocated through the Metropolitan Strategy for Sydney (*A City of Cities – A Plan for Sydney's Future*) (released in December 2005) and the draft North East Subregional Strategy.
- 1.6 The *Pittwater Local Planning Strategy* identifies that Pittwater is on track to achieve set targets, without the need to increase housing or employment capacity in the Local Government Area (LGA). The *Pittwater Local Planning Strategy* provides the basis for preparing the draft Pittwater LEP 2013.
- 1.7 As reported to Council on 17 October 2011 and 19 November 2012, the draft Pittwater LEP 2013 is intended to translate the existing LEP (the Pittwater LEP 1993) where possible and appropriate, with regard for the *Pittwater Local Planning Strategy*, as well as the work put into the draft Pittwater 21 LEP (a draft LEP that Council attempted to prepare between 2000 and 2006).
- 1.8 On 19 November 2012, the draft Pittwater LEP 2013, including written instrument and maps, was reported to Council with a recommendation that it be adopted and sent to the DP&I for certification for public exhibition under Section 65 of the EP&A Act. Council resolved:
1. *That the information in the report be noted.*
  2. *That the draft Pittwater Local Environmental Plan 2013 written instrument and maps, as tabled, be adopted.*
  3. *That the draft Pittwater Local Environmental Plan 2013 written instrument, maps and supporting documentation be submitted to the NSW Department of Planning and Infrastructure, in accordance with Section 64 of the Environmental Planning and Assessment Act 1979, with a request that the draft Local Environmental Plan be certified under Section 65 of the Environmental Planning and Assessment Act 1979 for public exhibition.*
  4. *That once a Section 65 certificate is received, the draft Pittwater Local Environmental Plan 2013 be placed on public exhibition for a minimum of 6 weeks in accordance with the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
  5. *That public notice of the exhibition be given in accordance with Section 66 of the Environmental Planning and Assessment Act 1979.*
  6. *That written notice of the exhibition be given to all relevant public authorities, bodies and councils consulted pursuant to Section 62 of the Environmental Planning and Assessment Act 1979.*
  7. *That written notice of the exhibition be given to all owners of land in the Pittwater LGA.*
  8. *That following exhibition, Council shall consider a report on the outcomes of the exhibition and any submissions received.*
  9. *That Council staff commence work on the preparation of an amended Development Control Plan consistent with the provisions and terminology of the draft Pittwater Local Environmental Plan 2013.'*
- 1.9 Accordingly, on 29 November 2012, the draft Pittwater LEP 2013 written instrument, maps and supporting documentation were submitted to the DP&I, in accordance with Section 64 of the EP&A Act, with a request that the draft Pittwater LEP 2013 be certified for public exhibition under Section 65 of the EP&A Act.

- 1.10 On 29 January 2013, the DP&I issued a Section 65 certificate certifying the draft Pittwater LEP 2013 for public exhibition (refer **Attachment 1**).
- 1.11 The amendments required as per the Section 65 certificate were made to the draft Pittwater LEP 2013 written instrument and maps, and the draft Pittwater LEP 2013 was placed on public exhibition between 16 March and 10 May 2013.

## 2.0 ISSUES

### 2.1 Public exhibition of the draft Pittwater LEP 2013

- 2.1.1 The following were made available during the public exhibition period for the draft Pittwater LEP 2013 at Council's Customer Service Centres and libraries, and at the Coastal Environment Centre (CEC):

- The draft Pittwater LEP 2013 written instrument and maps
- A copy of the draft Land Use Matrix
- A User Guide, including Frequently Asked Questions and a Plain English Explanatory Document
- A copy of the Section 65 certificate
- A copy of the Council report and resolution endorsing the draft Pittwater LEP 2013 (dated 19 November 2012)
- A copy of the Section 117 Directions
- A link to the website where all State Environmental Planning Policies (SEPPs) can be found, which could have been accessed via a computer located in each Customer Service Centre, library and the Coastal Environment Centre
- An explanation document relevant to the 1,200m<sup>2</sup> minimum subdivision lot size standard (the inconsistency with Section 117 Direction 3.1 (Residential Zones)), which included a detailed methodology on the capability analysis and mapping
- A copy of the Pittwater Local Planning Strategy
- A 'Have your say!' flyer (refer **Attachment 2**), which identified where to view the relevant documentation, the web address for the draft Pittwater LEP 2013, how to make a submission, details on Information, Drop-in and Q&A sessions, the phone number for Council, and a privacy notice

The cover of the folder that displayed the abovementioned information stated:

***'Please note: The draft LEP may be changed to satisfy legal drafting requirements. Other changes may also be made post public exhibition.'***

- 2.1.2 A dedicated web page for the draft Pittwater LEP 2013 was available for the duration of the public exhibition period. The web page included all the above mentioned information as well as a property enquiry tool, a zone comparison tool, frequently asked questions, information on the consultation process, information on how to have a say, and details on how to have questions answered/talk to a Strategic Planner.
- 2.1.3 Letters were sent to all land owners, Community Groups and Chambers of Commerce in Pittwater to advise that the draft Pittwater LEP 2013 was on exhibition. The letters also included a 'Have your say!' flyer (Attachment 2).

Land owners were advised of the current zone of their property (under the Pittwater LEP 1993) and the proposed zone of their property (under the draft Pittwater LEP 2013). In addition, those that were directly affected by the 1,200m<sup>2</sup> minimum subdivision lot size standard were notified (as required by the Section 65 Certificate).

Letters were also sent to public authorities and State agencies, including the Office of Environment and Heritage and Sydney Water, as suggested in the Section 65 certificate, and those that made a submission under Section 62 of the EP&A Act.

2.1.4 During the public exhibition period, Council staff facilitated the following:

- Three Information stalls
- Six Drop-in sessions
- Four Q&A sessions

The Information stalls were located at Centro Warriewood, Avalon Village and Mona Vale Town Centre. The Information stalls were not advertised as the intention of the stalls was to increase awareness of the draft Pittwater LEP 2013, as well as to provide information and answer the questions of those who visited the stalls. A total of 293 people visited the Information stalls.

The Drop-in sessions were held at the CEC, Avalon Recreation Centre and Mona Vale Library. Two Drop-in sessions were held at each location, one during the working week and one on a Saturday. The details for the Drop-in sessions were advertised, inviting people to attend to talk to Council's Strategic Planners. A total of 115 people attended the Drop-in sessions.

The Q&A sessions were held at the CEC, Avalon Recreation Centre and Mona Vale Customer Service Centre. One Q&A session was held at each location, with an additional session held at Mona Vale due to demand. The details for the Q&A sessions were advertised (with the exception of the second Mona Vale session), inviting people to book a 20-minute appointment with Council's Strategic Planners. A total of 75 people attended the Q&A sessions.

In addition, in excess of 300 phone calls were made to Council's Planning & Assessment staff regarding the draft Pittwater LEP 2013.

## 2.2 Submissions

2.2.1 During the public exhibition period, 217 submissions were received. 12 submissions were in support of the draft Pittwater LEP 2013 generally or supported a particular matter in the draft Pittwater LEP 2013 e.g. the proposed zone for a particular property.

2.2.2 A range of issues were raised in the submissions received. The key issues raised included:

- General objection to changing the current zone
- Objection to more development
- Proposed zone will increase traffic and parking problems
- Permissibility of dual occupancies
- Permissibility of secondary dwellings
- Range of permissible land uses in the R3 Medium Density Residential zone
- Objection to the R2 Low Density Residential zone
- Range of permissible land uses in the R2 Low Density Residential zone
- Objection to the E4 Environmental Living zone
- Range of permissible land uses in the E4 Environmental Living zone
- Objection to the E3 Environmental Management zone
- Objection to the RU2 Rural Landscape zone
- Range of permissible land uses in the RU2 Rural Landscape zone
- Reduced property values
- Ownership rights
- Objection to the area being identified as having special environmental qualities
- Proposed waterway zones
- Short term holiday rental accommodation
- Objection to the 1,200m<sup>2</sup> minimum subdivision lot size
- Minimum subdivision lot size
- Subdivision of dual occupancies
- Height control and/or clause
- Development controls for secondary dwellings
- Variations to development standards
- Biodiversity map
- Geotechnical Risk map

- Land Reservation Acquisition Map
  - Minimum lot size for dual occupancies
  - Foreshore Building Line Map
  - Ingleside Land Release
  - Warriewood Valley Strategic Review
  - Suggestions there is a link between the proposed E4 Environmental Living zone and the proposed 1,200m<sup>2</sup> minimum subdivision lot size
  - Compliance with EP&A Act for public exhibition
  - Non-compliance with Section 117 Directions
  - Development Assessment notification
  - Foreshore scenic protection area
  - Tree preservation
  - View loss
- 2.2.3 A Community Engagement Outcomes Report has been prepared (as tabled) to present the outcomes of the public exhibition of the draft Pittwater LEP 2013, including the community engagement events held and the submissions received. All submissions received have been reviewed and considered, and recommendations have been made utilising best practice planning approaches in a fair and consistent manner in the context of the scope of the draft Pittwater LEP 2013.
- 2.2.4 The Community Engagement Outcomes Report responds to key issues raised in the submissions received, addresses the submissions that made a request for a site specific amendment to the draft Pittwater LEP 2013, and addresses the submissions received from public authorities and state agencies. Additionally, every submission received from the Pittwater community and community groups has been addressed separately (see Attachment 1 to the Community Engagement Outcomes Report, as tabled).
- 2.3 **Changes to the draft Pittwater LEP 2013**
- 2.3.1 Following the first public exhibition period, it is recommended that the draft Pittwater LEP written instrument and maps be adopted, incorporating the changes listed at **Attachment 3**.
- 3.0 **PITTWATER 21 DEVELOPMENT CONTROL PLAN**
- 3.1 On 14 November 2007, Council notified the Director General of the Department of Planning of its resolution to prepare a draft LEP in accordance with the Standard Instrument (pursuant to Section 54(4) of the EP&A Act). The Executive Director responded on 10 January 2008 with a range of requirements, one of which was that a Development Control Plan (DCP) should be prepared and be ready for adoption when the draft LEP is made.
- 3.2 At its meeting of 19 November 2012, Council resolved that Council staff commence work on the preparation of an amended DCP consistent with the provisions and terminology of the draft Pittwater LEP 2013. Accordingly, Council staff are currently preparing an amendment to the Pittwater 21 DCP.
- 3.3 A report on the proposed amendments to the Pittwater 21 DCP will be presented to Council in the coming months.
- 4.0 **COMMUNITY ENGAGEMENT**
- 4.1 A Community Engagement Strategy for the draft Pittwater LEP 2013, prepared in consultation with Council's Community Engagement Officer, was presented to Council at its meeting of 19 November 2012. The Strategy outlined the way in which it was intended to inform and consult the community regarding the draft Pittwater LEP 2013. The Strategy incorporated that two public exhibition periods would be undertaken in order to enable Council to respond to relevant community concerns raised during the first public exhibition period through changes to the draft LEP, where appropriate. It also intended to ensure that the Pittwater community had the opportunity to review and comment on the draft Pittwater LEP 2013 prior to finalisation.

4.2 Accordingly, a second public exhibition period is proposed for the draft Pittwater LEP 2013. It is proposed that the second public exhibition will run for 28 days, during which it is intended to:

- Write to all Pittwater land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies
- Hold three pop-up information stalls – one in each ward
- Hold three information sessions – one in each ward
- Provide information about the draft Pittwater LEP 2013 on the dedicated web page
- Have displays of the draft Pittwater LEP 2013 written instrument, maps and supporting documentation, at Council's Customer Service Centres, libraries and the CEC
- Advertise information about the public exhibition in the Manly Daily

## **5.0 COUNCILLOR DECLARATIONS**

Prior to the Council meeting on 19 November 2012, the following Councillors declared a Schedule 3A Special Disclosure of Pecuniary Interest relevant to the report on the draft Pittwater LEP 2013, having a proprietary interest in land identified in the draft Pittwater LEP 2013:

- Cr Ferguson
- Cr Griffith
- Cr Hegarty
- Cr McTaggart
- Cr Millar
- Cr Townsend
- Cr White
- Cr Young

As permitted under Section 451 of the Local Government Act, Councillors tabled their declaration forms and remained in the meeting, participating in discussion and voting on the draft Pittwater LEP 2013. The declarations are also relevant to this report.

---

## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 Supporting & Connecting our Community (Social)**

6.1.1 The draft Pittwater LEP 2013 considers the needs and aspirations of the community and includes consideration of social and cultural issues. It recognises the important role of community facilities and our open space network in facilitating local culture and healthy sustainable communities. One of the recommendations of this report seeks to commence the second public exhibition of the draft Pittwater LEP 2013 so the Pittwater community has the opportunity to review and comment on the draft Pittwater LEP 2013 prior to finalisation.

### **6.2 Valuing & Caring for our Natural Environment (Environmental)**

6.2.1 The draft Pittwater LEP 2013 has regard for the protection of Pittwater's environmental assets. A number of local provisions are proposed to protect the local environment and heritage, and manage natural hazards. In addition, many of the proposed zones include objectives for protecting and enhancing the natural environment.

### **6.3 Enhancing our Working & Learning (Economic)**

6.3.1 The draft Pittwater LEP 2013 recognises the importance of a strong local economy to the future sustainability of Pittwater. The draft Pittwater LEP 2013 protects valuable employment land and recognises the important role of Mona Vale as our town centre. The draft Pittwater LEP 2013 provides appropriate zoning for essential infrastructure such as schools.

#### **6.4 Leading an Effective & Collaborative Council (Governance)**

- 6.4.1 A probity consultant has been engaged to oversee the process involved in the preparation of the draft Pittwater LEP 2013. The Probity Plan was prepared to provide transparency and accountability by ensuring appropriate governance measures are in place throughout the preparation of this document.

#### **6.5 Integrating our Built Environment (Infrastructure)**

- 6.5.1 The draft Pittwater LEP 2013 endeavours to retain and enhance existing and proposed infrastructure to ensure the sustainable growth of the community.

---

### **7.0 EXECUTIVE SUMMARY**

- 7.1 On 19 November 2012, Council resolved to adopt the draft Pittwater LEP 2013, including written instrument and maps, and that it be sent to the Department of Planning & Infrastructure (DP&I) for certification for public exhibition.
- 7.2 On 29 January 2013, the DP&I certified the draft Pittwater LEP 2013 for public exhibition, which was subsequently placed on exhibition between 16 March and 10 May 2013.
- 7.3 The purpose of this report is:
- To present to Council the outcome of the first public exhibition of the draft Pittwater Local Environmental Plan (LEP) 2013
  - To present to Council the recommended changes to the draft Pittwater LEP 2013 following the first public exhibition
  - To seek Council's endorsement of the draft Pittwater LEP 2013 for forwarding to Department of Planning & Infrastructure (DP&I) and Parliamentary Counsel for a draft opinion and, following receipt of a draft opinion, to commence the second public exhibition of the draft Pittwater LEP 2013
- 7.4 A Community Engagement Outcomes Report has been prepared (as tabled) to present the outcomes of the public exhibition of the draft Pittwater LEP 2013, including the community engagement events held and the submissions received. Following the first public exhibition period, it is recommended that the draft Pittwater LEP written instrument and maps be adopted, incorporating the changes listed at Attachment 3.
- 7.5 A second public exhibition period is proposed for the draft Pittwater LEP 2013. It is proposed that the second public exhibition will run for 28 days, during which it is intended to, among other things:
- Write to all Pittwater land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies
  - Hold three pop-up information stalls – one in each ward
  - Hold three information sessions – one in each ward
- 7.6 At its meeting of 19 November 2012, Council also resolved that Council staff commence work on the preparation of an amended DCP consistent with the provisions and terminology of the draft Pittwater LEP 2013. Accordingly, Council staff are currently preparing an amendment to the Pittwater 21 DCP. A report on the proposed amendments to the Pittwater 21 DCP will be presented to Council in the coming months.



---

## RECOMMENDATION

1. That the information in this report be noted.
2. That the information in the Community Engagement Outcomes Report, as tabled, be noted.
3. That the recommended changes to the draft Pittwater LEP 2013, listed in the table at Attachment 3, be endorsed.
4. That the amended draft Pittwater Local Environmental Plan 2013 written instrument and maps, as tabled, be adopted.
5. That the amended draft Pittwater LEP 2013 written instrument, maps and supporting documentation, as tabled, be forwarded to the Department of Planning & Infrastructure (DP&I) and Parliamentary Counsel for a draft opinion.
6. That once a draft opinion is received from the Department of Planning & Infrastructure (DP&I) and Parliamentary Counsel, the second public exhibition of the draft Pittwater LEP 2013 be commenced for 28 days in accordance with the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*.
7. That public notice of the second public exhibition be given in accordance with Section 66 of the *Environmental Planning and Assessment Act 1979*.
8. That written notice of the second public exhibition be given to all Pittwater land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies.
9. That following the second public exhibition, Council shall consider a report on the outcomes of the exhibition and any submissions received.

Report prepared by

Kelly Wilkinson (Senior Strategic Planner) and Monique Tite (Senior Strategic Planner)

Andrew Pigott

**ACTING MANAGER, PLANNING & ASSESSMENT**

## Section 65 Certificate:



Mr Mark Ferguson  
General Manager  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

Our ref: 12/19430

Attention: Andrew Piggot

Dear Mr Ferguson

**Pittwater Local Environmental Plan 2013 – Certificate to exhibit draft LEP**

I am writing in response to your letter dated 29 November 2012 requesting certification of the draft *Pittwater Local Environmental Plan 2013*. I am pleased to advise that I have endorsed the draft LEP for exhibition and have attached the section 65 certificate and a copy of the certified draft Plan.

As an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made, the Department has issued this certificate on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft LEP may be changed to satisfy legal drafting requirements. Council must also provide a plain English explanation of what the plan seeks to do.

Please note that references to the particular sections of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft LEP.

It has been identified that the draft LEP, as certified, is inconsistent with section 117 Directions 3.1 Residential Zones, 4.3 Flood Prone Land and 5.3 Site Specific Provisions. As the delegate of the Director General, I have determined that inconsistencies with Direction 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. Council should place this letter on exhibition to demonstrate that these inconsistencies have been addressed.

It is also noted that the draft LEP is inconsistent with section 117 Direction 3.1 Residential Zones. Council should provide additional analysis and justification to address this inconsistency in the exhibition package and forward a copy to the Department with the submission of the draft LEP under s68 of the Act. The information package should at least include:

- A detailed methodology on the capability analysis and mapping; and
- *Additional criteria to land capability mapping, 'Adjoining properties subdivided to 700sqm existing minimum'.*

Council should also notify all individual landowners directly affected by this inconsistency.

Schedule 2 of the section 65 certificate includes conditions requiring amendment(s) to be made to the draft LEP and maps before exhibition takes place. You will note that condition 2 in the certificate requires Council to replace the floodplain risk management with version that has previously been endorsed by Parliamentary Counsel. It is considered that the differences between the two clauses are immaterial.

It is important that community consultation on the draft LEP engages key stakeholders, in particular the Office of Environment and Heritage and Sydney Water.

Further minor changes to the format of the LEP maps may be required to be undertaken by Council after exhibition to ensure consistency with the *Standard Technical Requirements for LEP Maps Version 1.2 – March 2008*. The Department's Regional office can assist with this as necessary.

Council should ensure that any final draft LEP and maps submitted to the Department following community consultation are consistent with the EP&A Act and Regulations. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and the LEP may need to be amended accordingly. The Department's Regional office can assist Council to review the final plan before submission to the Minister.

I would like to thank Council for progressing the draft LEP in a highly professional manner and look forward to your ongoing commitment to finalise this new planning instrument.

If you have any questions regarding this matter, I have arranged for Lee McCourt, of the Department's Sydney Region East Team to assist you. Ms McCourt may be contacted on telephone number (02) 9228 2094.

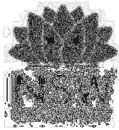
Yours sincerely

  
Neil McGaffin  
Executive Director  
Planning Operations

29.1.13

Enclosed:

s65 certificate for draft Pittwater LEP 2013 and Attachment 1;  
Draft Pittwater Local Environmental Plan 2013 dated 14 November 2012 and maps;



**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**SECTION 65(2) CERTIFICATE**

As delegate of the Director General of the Department of Planning and Infrastructure, I, Neil McGaffin, Executive Director, Planning Operations, under section 65(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') certify that the draft LEP set out in Schedule 1 may be publicly exhibited under section 68 of the EP&A Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed

Neil McGaffin  
Executive Director  
Planning Operations

Dated 29 January 2013

**Schedule 1**

Draft Pittwater Local Environmental Plan 2013 attached to this certificate and dated 14 November 2012.

**Schedule 2 conditions**

Prior to exhibition Pittwater Council is required to:

- (i) amend the draft *Pittwater Local Environmental Plan 2013* as submitted by Council in accordance with the following:
  1. Under Clause 7.11 Location of Sex Services Premises and Restricted Premises, delete subclause (3) and (4) and reference to 'restricted premises' in the title of the clause.
  2. Delete and replace Clause 7.7 Floodplain risk management with the following clause:

**7.7 Floodplain risk management**

- (1) The objectives of this clause are as follows:

- (a) in relation to developments with particular evacuation or emergency response issues—to enable the evacuation of land subject to flooding above the flood planning level,
- (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

(2) This clause applies to:

- (a) land between the flood planning area and the probable maximum flood level, and
- (b) land surrounded by the flood planning area, but does not apply to land below the flood planning level.

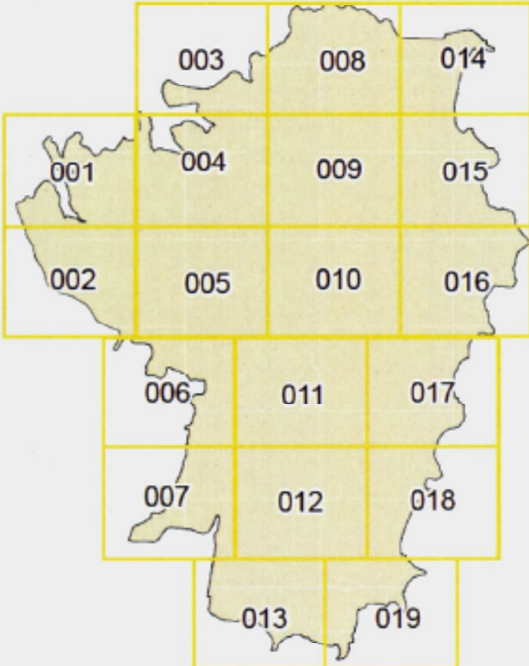
(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development incorporates appropriate measures to manage risk to life from flood:

- (a) caravan parks,
- (b) correctional facilities,
- (c) emergency services facilities,
- (d) group homes,
- (e) hospitals,
- (f) residential care facilities,
- (g) tourist and visitor accommodation.

(4) In this clause, *probable maximum flood* has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7 347 54760) published in 2005 by the NSW Government

- (ii) amend the maps accompanying the draft *Pittwater Local Environmental Plan 2013* in the accordance the table marked **Attachment 1**.

# PITTWATER LEP 2012 – PCO COMMENTS 20121214

Comments	Action
<p><b>General – all maps</b></p> <ul style="list-style-type: none"> <li>The components in the PDF file name should be joined by the underscore ( _ ) character rather than the dash ( - ) character. This comment also applies to the map ID numbers at the bottom left corner of the map. Also the date component is an 8 digit number which means that the 'day' component is missing from both the file name and the map ID.</li> <li>The watermark 'DRAFT' should be deleted from the maps and also from the map name.</li> <li>The 'Dept of Lands' is now known as 'Land and Property Information (LPI)'. Please amend. Also in the copyright note, the text 'Cadastre' is missing and a proper date showing day and month plus year should be included.</li> <li>In the locality diagram, the whole LGA including the lake and river should be in the same colour (green) as the surrounding area. Also the map tile numbering is incorrect. See diagram below for correct tile numbering.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> </ul>
 <p>Also the faint white grid lines on the locator map should be deleted.</p>	
<p><b>BDP</b></p> <ul style="list-style-type: none"> <li>Under the latest model clause, this map should be called as 'Terrestrial Biodiversity' using the acronym 'BIO'. The legend heading and patch description should read 'Biodiversity'. As there's only one category of biodiversity on this map, there is no need for the label.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> </ul>
<p><b>FBL</b></p> <ul style="list-style-type: none"> <li>The correct map name should read 'Foreshore Building Line Map'</li> <li>The legend heading should read 'Foreshore Building Line'</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> </ul>

**PITTWATER LEP 2012 – PCO COMMENTS 20121214**

<p><b>HER</b></p> <ul style="list-style-type: none"> <li>The line direction of the red hatch should be bottom left to top right.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> </ul>
<p><b>HQB</b></p> <ul style="list-style-type: none"> <li>Sheet 011 – Some light green areas near bottom right corner of LGA should be labelled.</li> <li>Sheet 014 – Some light green areas near top right corner of LGA should be labelled.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> </ul>
<p><b>LAP</b></p> <ul style="list-style-type: none"> <li>The text 'WEB' in the map ID should be deleted.</li> <li>The faint grid lines on the map should be deleted.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> </ul>
<p><b>LSZ</b></p> <ul style="list-style-type: none"> <li>In the legend heading, there should be a space between the 'sq' and the 'm'.</li> <li>The patches should be labelled with the lot size code letter. Also the line thickness for the patch should be 8 pts – same thickness as the LSZ polygon boundaries on the map. Only 3 patches have the correct line thickness.</li> <li>In the legend, the hectare values for Y1 upwards should be shown in brackets, e.g. (1.0 ha), (1.1 ha), etc.</li> <li>Sheet 002 – The LSZ code letters are missing from the patches.</li> <li>On most map sheets – many polygons that form an island are missing their labels. Also polygons located along the inside of the grid line have missing labels.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> </ul>
<p><b>LZN</b></p> <ul style="list-style-type: none"> <li>Sheet 001 – small brown area at bottom left corner has no label.</li> <li>Sheet 003 – small brown area in top left corner of LGA has no label.</li> <li>Sheet 007 – RE1 areas west of Barragway Road should be labelled.</li> <li>Sheet 010 – small brown area at bottom left corner should be labelled.</li> <li>Sheet 011 – small light brown area at top right corner should be labelled. RE1, R2 and R4 areas along bottom edge should be labelled. Also E2 area on left edge has no label.</li> <li>Sheet 013 – dark brown and light brown areas on top edge should be labelled. Also RE2 and SP2 area in bottom right corner are not labelled.</li> <li>Sheet 014 – W1 area in top left corner has no label. E2 and R4 areas in top right corner should be labelled.</li> <li>Sheet 016 – pink area on top edge near right corner has no label. Two pink areas on bottom edge should be labelled. RE2 area in bottom left corner has no label.</li> <li>Sheet 017 – Two pink areas, a small green area and a brown area at top edge should be labelled. Two RE1 areas and an E2 area on bottom edge are not labelled. Large R3 area on left edge near bottom corner has no label.</li> <li>Sheet 018 – two small E2 areas at top edge should be labelled. R2 area on right edge has no label.</li> <li>Sheet 019 – RE1 area on top edge near right corner should be labelled. RE1 and two R3 areas in top left corner should be labelled.</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> <li>Revise</li> </ul>
<p><b>URPA</b></p> <ul style="list-style-type: none"> <li>The correct map title should read 'Urban Reserve Area Map'</li> </ul>	<ul style="list-style-type: none"> <li>Revise</li> </ul>

**PITTWATER LEP 2012 – PCO COMMENTS 20121214**

• Are the three different areas referenced by the LEP correctly?	• Revise
--	----------



'Have your say!' flyer:


**PITTWATER COUNCIL**

---

Have your say!


**PITTWATER LEP**  
planning pittwater's future

---

Public exhibition

You are invited to comment on the draft Pittwater LEP 2013.

Your comments should be in writing and received by 5pm on 10 May 2013.

► **Online**      [www.pittwater.nsw.gov.au/lep](http://www.pittwater.nsw.gov.au/lep)

► **By email**      [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

► **By mail**      To the General Manager, Pittwater Council, PO Box 882, Mona Vale NSW, 1660

► **By fax**      (02) 9970 1200

► **View the plan**

<ul style="list-style-type: none"> <li>- Mona Vale Customer Service and Library</li> <li>- Avalon Customer Service and Library</li> <li>- Coastal Environment Centre</li> </ul>	<ul style="list-style-type: none"> <li>Village Park, 1 Park Street, Mona Vale</li> <li>59A Old Barrenjoey Road, Avalon</li> <li>Lake Park Road, North Narrabeen</li> </ul>
---	--

---

Drop-in sessions

Come along to one of our drop-in sessions to ask our Strategic Planners your questions about the draft Pittwater LEP 2013 (no appointment required).

<p><b>Where:</b> Coastal Environment Centre</p> <p><b>Date:</b> Wednesday 27 March 2013</p> <p><b>Time:</b> 1-6pm</p> <p style="text-align: center;">or</p> <p><b>Date:</b> Saturday 27 April 2013</p> <p><b>Time:</b> 9am-noon</p>	<p><b>Where:</b> Avalon Recreation Centre</p> <p><b>Date:</b> Friday 5 April 2013</p> <p><b>Time:</b> 1-6pm</p> <p style="text-align: center;">or</p> <p><b>Date:</b> Saturday 6 April 2013</p> <p><b>Time:</b> 9am-noon</p>	<p><b>Where:</b> Mona Vale Library</p> <p><b>Date:</b> Thursday 11 April 2013</p> <p><b>Time:</b> 1-6pm</p> <p style="text-align: center;">or</p> <p><b>Date:</b> Saturday 20 April 2013</p> <p><b>Time:</b> 10am-1pm</p>
---	--	---

---


Q&A sessions

Book a 20 minute appointment with our Strategic Planners to ask your questions about the draft Pittwater LEP 2013. Please call (02) 9970 1111 during business hours to book.

<p><b>Where:</b> Coastal Environment Centre</p> <p><b>Date:</b> Monday 8 April 2013</p> <p><b>Time:</b> 1-7pm</p>	<p><b>Where:</b> Avalon Recreation Centre</p> <p><b>Date:</b> Tuesday 23 April 2013</p> <p><b>Time:</b> 1-7pm</p>	<p><b>Where:</b> Mona Vale Customer Service</p> <p><b>Date:</b> Wednesday 1 May 2013</p> <p><b>Time:</b> 1-7pm</p>
---	---	--

---

Contact us



If you prefer to phone us, please call Customer Service during business hours on:

► (02) 9970 1111

Privacy notice

Please note that your submission is provided voluntarily and is collected for the purpose of community consultation. Failure to provide your contact information will prevent Council considering your submission and ensuring we can provide you with feedback and updates on the new LEP. In the interests of public transparency your submission will be made available in full on our website or in hardcopy at Council offices but your personal details will be removed. It may also be accessed by public requests under the Government Information (Public Access) Act 2009 (NSW). It will be stored in accordance with Pittwater Council's compliant Records Management System (ECM) and the State Records Act 1998 (NSW). You have a right to access your personal information under the Privacy and Personal Information Protection Act 1998 (NSW) by application to Council and to have that information updated or corrected.

For more information please visit our website

[www.pittwater.nsw.gov.au/lep](http://www.pittwater.nsw.gov.au/lep)

Changes proposed to the draft Pittwater LEP 2013:

Recommendation	Reason
<p>Amend the objective that made reference to the desired character of a locality in the following zones:</p> <ul style="list-style-type: none"> <li>▪ RU2 Rural Landscape</li> <li>▪ R2 Low Density Residential</li> <li>▪ R3 Medium Density Residential</li> <li>▪ R5 Large Lot Residential</li> <li>▪ B1 Neighbourhood Centre</li> <li>▪ B2 Local Centre</li> <li>▪ B4 Mixed Use</li> <li>▪ B6 Enterprise Corridor</li> <li>▪ B7 Business Park</li> <li>▪ IN2 Light Industrial</li> <li>▪ E3 Environmental Management</li> <li>▪ E4 Environmental Living</li> <li>▪ W1 Natural Waterways</li> <li>▪ W2 Recreational Waterways</li> </ul>	<p>Consistent with the recommendations made in relation to Submission No. 156. See Attachment 1 of the Community Engagement Outcomes Report for comments on the submission.</p>
<p>Amend Clause 4.6 (Exceptions to development standards) by removing reference to Clause 4.1A (Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones) in Clause 4.6(8):</p> <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following:</p> <ul style="list-style-type: none"> <li>(a) a development standard for complying development,</li> <li>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,</li> <li>(c) clause 5.4.</li> <li>(d) <del>clause 4.1A.</del></li> </ul>	<p>It is considered appropriate to permit the application of Clause 4.6 to Clause 4.1A. This will allow variations, in accordance with Clause 4.6, to the minimum subdivision lot size as per the Lot Size Map for strata subdivision of residential or tourist and visitor accommodation in the following zones:</p> <ul style="list-style-type: none"> <li>▪ Zone RU2 Rural Landscape</li> <li>▪ Zone R2 Low Density Residential</li> <li>▪ Zone R5 Large Lot Residential</li> <li>▪ Zone E4 Environmental Living</li> </ul>

Recommendation	Reason
<p>Amend Clause 4.1A (Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones) by changing the date specified in Clause 4.1A(4) for the subdivision of dual occupancy. Amend as follows:</p> <p>(4) This clause does not apply to a dual occupancy for which development consent was granted on or before <del>9 February 1996</del> 2 June 2003.</p>	<p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> <li>1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited</li> <li>2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003</li> </ol> <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
<p>Amend the draft Urban Release Map by adding:</p> <ul style="list-style-type: none"> <li>▪ New Sectors as a result the Warriewood Valley Strategic Review</li> <li>▪ Amending the boundaries and labels of some existing sectors as a result the Warriewood Valley Strategic Review</li> <li>▪ Sector 12A, which has a dwelling yield of 19 in the Pittwater LEP 1993</li> <li>▪ 1 and 3 Fazzolari Avenue, Mona Vale into Sector 20</li> </ul>	<p>At its meeting of 12 June 2013, Council resolved to adopt the Warriewood Valley Strategic Review. In its resolution, Council endorsed to incorporate increased dwelling yields for certain land in Warriewood Valley, into the draft Pittwater LEP 2013 prior to the second exhibition period. This required the mapping of new Sectors, as well as amendments to the boundaries and labels of some existing Sectors.</p> <p>As part of this process, Sector mapping errors were discovered, which will be resolved with the recommended amendments to Sectors 20 and 12A.</p>
<p>Amend Clause 6.1 (Warriewood Valley Release Area) as follows:</p> <ul style="list-style-type: none"> <li>▪ Amend 6.1(4) by incorporating the dwelling yields adopted as part of the Warriewood Valley Strategic Review</li> <li>▪ Amend 6.1(1) by replacing reference to 'riparian' with 'creek line'</li> </ul>	<p>At its meeting of 12 June 2013, Council resolved to adopt the Warriewood Valley Strategic Review. In its resolution, Council endorsed to incorporate increased dwelling yields for certain land in Warriewood Valley, into the draft Pittwater LEP 2013 prior to the second exhibition period.</p> <p>As the draft Urban Land Release Map incorporates 'creek line corridors', it is considered appropriate to reference 'creek line corridors' in the relevant clauses, rather than 'riparian corridors'.</p>

Recommendation	Reason
Amend the draft Land Zoning Map by changing Sectors 901A (including 9 Fern Creek Road) and Orchard Street Road Reserve (north-east portion), 901B, 901C, 901F, and 9 Fern Creek Road to R3 Medium Density Residential	At its meeting of 12 June 2013, Council resolved to adopt the Warriewood Valley Strategic Review. In its resolution, Council endorsed to rezone the subject sectors in the draft Pittwater LEP 2013 prior to the second exhibition period.
<p>Amend Schedule 1 (Additional permitted uses) by deleting the following:</p> <p><b>1 Use of certain land at 681 Barrenjoey Road, Avalon</b></p> <p>(1) This clause applies to land at 681 Barrenjoey Road, Avalon being Lot 1, DP 15295, identified as "Area 1" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of office premises is permitted with consent.</p>	The site is proposed to be zoned B2 Local Centre in the draft Pittwater LEP 2013. Accordingly, 'office premises' is not required to be an additional permitted use.
<p>Amend Schedule 1 (Additional permitted uses) as follows:</p> <p><b>12 Use of certain land at Kitchener Park, Pittwater Road, Mona Vale</b></p> <p>(1) This clause applies to land at Kitchener Park, Pittwater Road, Mona Vale identified as 'Area 12' on the Additional Permitted Uses Map.</p> <p>(2) Development for purposes of shops is permitted with consent, where they are associated with a skate park facility and where the gross floor area does not exceed <del>250</del> 200 square metres.</p>	<p>The Kitchener Park Plan of Management, adopted on 7 September 2009 following a public exhibition period in accordance with the <i>Local Government Act 1993</i>, incorporates a new skate park facility and ancillary development, including 'a retail outlet that will cater for skaters.'</p> <p>In converting Pittwater's current LEP into the Standard Instrument format, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the Land Use Table (at Part 2 (Permitted or prohibited development) of the draft Pittwater LEP 2013).</p> <p>As land that is currently zoned 6(a) (Existing Recreation "A") is proposed to be zoned RE1 Public Recreation for areas of public recreation, a range of land uses permitted without consent, permitted with consent and prohibited have been identified for the RE1 zone in the Land Use Table. These are considered generally consistent with what may be found as permitted with or without consent under many of the current plans of management for reserves.</p> <p>The Schedule 1 (Additional permitted uses) permitting shops on certain land at Kitchener Park is to provide for the adopted Kitchener Park Plan of Management, which incorporates the provision for a retail outlet as ancillary to the new skate park facility. This is to ensure that 'shops' are only permitted on certain RE1 land, rather than it being a permissible use in the RE1 zone generally.</p> <p>It is noted that the Schedule 1 sets a maximum limit for the size of the shop. The plan of management does not specify the planned size of the shop; therefore a number was selected that was considered large enough to accommodate a retail shop. Following the public exhibition period, the size of the shop permitted with consent on certain land in Kitchener Park was revisited and revised to 200m<sup>2</sup>.</p>

Recommendation	Reason
<p>In relation to certain land proposed to be zoned B2 Local Centre in Newport:</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as 'Area 14'</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul> <p><b>14 Use of certain land zoned B2 Local Centre in Newport</b></p> <p>(1) This clause applies to land in Newport, identified as "Area 14" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of attached dwellings, multi dwelling housing, residential flat buildings, semi-detached dwellings and seniors housing, are permitted with consent.</p>	<p>Consistent with the recommendations made in relation to Submission No. 142. See Attachment 1 of the Community Engagement Outcomes Report for comments on the submission.</p>
<p>Amend Schedule 1 (Additional permitted uses) in relation to 1191 Barrenjoey Road, Palm Beach as follows:</p> <p><b>19 Use of certain land at 1191 Barrenjoey Road, Palm Beach</b></p> <p>(1) This clause applies to land at 1191 Barrenjoey Road, Palm Beach being Lot 298, DP 721572, identified as "Area 14" on the Additional Permitted Uses Map, and any other area subject to Special Lease 1963/86.</p> <p><del>(2) Development for the purpose of restaurants or cafes is permitted with consent.</del></p> <p>(2) Development for the purpose of business premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks, and restaurants or cafes, are permitted with consent.</p>	<p>The Schedule 1 (Additional permitted uses) drafted for this property (as exhibited) was revised to better account for the uses that are currently permitted under Clause 50 of the Pittwater LEP 2013, with consideration of the description of the site outlined in the Plan of Management for Governor Phillip Park.</p>
<p>In relation to 4 and 6 Crystal Street, Newport (Lot 331 DP 532276, Lot 1 and Lot 2 DP 1004425, and Lot B DP 401973) and 7 Mitala Street, Newport (Lot 332 DP 532276):</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as 'Area 16'</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul>	<p>Consistent with the recommendations made in relation to Submission No. 205. See Chapter 10 of the Community Engagement Outcomes Report for comments on the submission.</p>

Recommendation	Reason
<p><b>16 Use of certain land at 4 and 6 Crystal Street, and 7 Mitala Street, Newport</b></p> <p>(1) This clause applies to land at 4 and 6 Crystal Street, Newport, being Lot 331 DP 532276, Lot 1 and Lot 2 DP 1004425, and Lot B DP 401973 and 7 Mitala Street, Newport, being Lot 332 DP 532276, identified as “Area 16” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a marina is permitted with consent.</p>	
<p>In relation to 122 and 124 Crescent Road, Newport:</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Land Zoning Map by changing the zone to E4 Environmental Living</li> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as ‘Area 15’</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul> <p><b>15 Use of certain land at 122 &amp; 124 Crescent Road, Newport</b></p> <p>(1) This clause applies to land at 122 &amp; 124 Crescent Road, Newport, being Lot 111 &amp; 112, DP 556902 identified as “Area 15” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a charter and tourism boating facility is permitted with consent.</p>	<p>It is considered appropriate to maintain a ‘like for like’ zone and provide for the current use of the site via Schedule 1 (Additional permitted uses). The IN4 Working Waterfront zone is not considered appropriate for a site that shares boundaries with land zoned primarily for residential purposes.</p>
<p>In relation to 30 Ingleside Road, Ingleside:</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as ‘Area 6’</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul> <p><b>6 Use of certain land at 30 Ingleside Road, Ingleside</b></p> <p>(1) This clause applies to land at 30 Ingleside Road, Ingleside, being Lot B, DP 366659, identified as “Area 6” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of eco-tourist facilities is permitted with consent.</p>	<p>Consistent with the recommendations made in relation to Submission No. 146. See Chapter 10 of the Community Engagement Outcomes Report for comments on the submission.</p>

Recommendation	Reason
<p>In relation to the Pittwater Aquatic Club at 9 Esplanade, Mona Vale:</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Land Zoning Map by changing the zone to R2 Low Density Residential</li> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as 'Area 8'</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul> <p><b>8 Use of certain land at 9 Esplanade, Mona Vale</b></p> <p>(1) This clause applies to land 9 Esplanade, Mona Vale, being Lot 10 DP 730056, identified as "Area 8" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a marina is permitted with consent.</p>	<p>It is considered appropriate to maintain a 'like for like' zone and provide the current permissibility via Schedule 1 (Additional permitted uses).</p>
<p>In relation to the Pittwater RSL Club at 80-82 and 84 Mona Vale Road, Mona Vale, and 22 Jubilee Avenue, Warriewood:</p> <ul style="list-style-type: none"> <li>▪ Amend the draft Additional Permitted Uses map by adding the site labelled as 'Area 9'</li> <li>▪ Amend Schedule 1 (Additional permitted uses) of the draft Pittwater LEP 2013 written instrument by adding:</li> </ul> <p><b>9 Use of certain land at 80-82 &amp; 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood</b></p> <p>(1) This clause applies to land at 80-82 &amp; 84 Mona Vale Road, Mona Vale, being Lot 26 DP 654262 and Lot 120 DP 135512, and 22 Jubilee Avenue, Warriewood being Lot 27, DP 5055, identified as 'Area 9' on the Additional Permitted Uses Map.</p> <p>(2) Development for the purpose of a registered club is permitted with consent.</p> <ul style="list-style-type: none"> <li>▪ Amend the B7 Business Park zone in the draft Pittwater LEP 2013 written instrument by removing reference to 'registered clubs'.</li> <li>▪ Amend the draft Lot Size Map such that 80-82 Mona Vale Road, Mona Vale is shown as 550m<sup>2</sup> (K)</li> <li>▪ Amend the Floor Space Ratio Map such that 80-82 Mona Vale Road, Mona Vale is removed from the map</li> </ul>	<p>Consistent with the recommendations made in relation to Submission No. 158, it is considered appropriate to maintain a 'like for like' zone and development standards and provide the current permissibility via Schedule 1 (Additional permitted uses). See Chapter 10 of the Community Engagement Outcomes Report for comments on the submission.</p>

Recommendation	Reason
Amend the Additional Permitted Uses map to update 'Area' labelling	Amendments to the order of Schedule 1 (Additional permitted uses).
<p>Amend Schedule 2 (Exempt development) as follows:</p> <p><b>Moorings</b></p> <p>Maintenance, <del>replacement or relocation</del> of legally approved moorings.</p>	<p>A submission from the NSW Department of Primary Industries (Fisheries) advised that the replacement or relocation of legally approved moorings should only be done in consultation with the Roads and Maritime Services (RMS) and Fisheries.</p>
<p>Amend Schedule 2 (Exempt development) by adding:</p> <p><b>Short term holiday rental accommodation</b></p> <p>(a) Used for a period of less than three months by any individual or group.</p> <p>(b) In this Schedule</p> <p><b>short term holiday rental accommodation</b> means an existing dwelling that is used for temporary or short term accommodation on a commercial basis, excluding, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) backpacker's accommodation,</li> <li>(b) bed and breakfast accommodation,</li> <li>(c) farm stay accommodation,</li> <li>(d) hotel or motel accommodation,</li> <li>(e) serviced apartments,</li> <li>(f) function centres,</li> <li>(g) entertainment facilities, and</li> <li>(h) commercial premises.</li> </ul>	<p>There is currently no planning control relating to short term holiday rental accommodation in the Pittwater LEP 1993, with the position being that the duration of the rental period did not alter the definition of the use as a 'dwelling house'.</p> <p>However, in March this year, the judgement of Justice Pepper in <i>Dobrohotoff v Bennic [2013] NSWLEC 61</i> altered this long standing position, as the decision indicates that the use of a dwelling for short term holiday rental accommodation is not consistent with the purpose of a 'dwelling'. The decision defines 'short term holiday rental accommodation' as accommodation for a period of less than three months.</p> <p>Formal 'tourist and visitor accommodation' in Pittwater, such as hotels and motels, are scarce and, as such, short term holiday rental accommodation fills an important gap and contributes to the local economy.</p> <p>Accordingly, it is recommended that the draft Pittwater LEP 2013 be amended to ensure that the ongoing use of dwellings for 'short term holiday rental accommodation' is permitted without the consent of Council.</p>
<p>Amend Schedule 2 (Exempt development) by removing:</p> <p><b>Wharves, jetties, pontoons and boat launching ramps or slipways</b></p> <p>Repairs and maintenance.</p>	<p>A submission from the NSW Department of Primary Industries (Fisheries) outlined the need for some conditions in relation to these forms of development.</p> <p>In addition, draft amendments to the Codes SEPP were exhibited in 2012 that included a number of conditions for these forms of development. Although DCP 22 (Exempt &amp; Complying Development) does not currently contain these conditions, they are considered necessary to ensure appropriate protections for the waterway.</p>



Recommendation	Reason
<p>And replacing it with:</p> <p><b>Existing lawful jetties, water recreation structures and wharf or boating facilities – Minor alterations</b></p> <p>The following works to existing lawful jetties, water recreation structures and wharf or boating facilities, if the works are not carried out on or in a heritage item or a draft heritage item, and where the works comply with the standards specified in this clause:</p> <ul style="list-style-type: none"> <li>(1) the repair or replacement of the following: <ul style="list-style-type: none"> <li>(i) decking on a boardwalk, gangway, ramp, jetty, landing or landing steps, pontoon, stairs, steps, skids or wharf,</li> <li>(ii) a handrail or ladder,</li> <li>(iii) the rails of a slipway,</li> <li>(iv) a winch,</li> <li>(v) non-load bearing members,</li> </ul> </li> <li>(2) the installation of emergency items such as lifebuoys and any associated signage,</li> <li>(3) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering,</li> <li>(4) demolition of a structure.</li> </ul> <p>The standards specified for the above development are that the development:</p> <ul style="list-style-type: none"> <li>(a) in the case of development for the repair or replacement of non-load bearing members: <ul style="list-style-type: none"> <li>(i) must use members of like dimension to the members being repaired or replaced, and</li> <li>(ii) must not modify the footprint for the structure concerned, and</li> <li>(iii) must use materials that are equivalent to or better than the quality of the materials being repaired or replaced.</li> </ul> </li> </ul>	

Recommendation	Reason
<ul style="list-style-type: none"> <li>(b) in the case of demolition, must be carried out in accordance with AS 2601—2001, The demolition of structures</li> <li>(c) must not reduce the amount of light penetration to any water below</li> <li>(d) must not increase the footprint of any building or structure or change its classification under the Building Code of Australia</li> <li>(e) must not involve disturbance of or injury to any waterway or any seagrass</li> <li>(f) must not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building</li> <li>(g) must be consistent with the terms of any applicable development consent</li> <li>(h) if an approval is required under the Fisheries Management Act 1994, must be approved under that Act, and</li> <li>(i) if an approval is required under the Protection of the Environment Operations Act 1997, be approved under that Act.</li> </ul>	
Review and update Schedule 5 (Environmental heritage) and the draft Heritage Map	Update and correct item details.
<p>Amend Clause 7.9 (Foreshore area and access) by renaming the clause 'Foreshore building line and access' and removing reference to 'in the foreshore area' within the clause and replacing it with 'below the foreshore building line' as follows:</p> <p><b>7.9 Foreshore area building line and access [local]</b></p> <ul style="list-style-type: none"> <li>(1) The objectives of this clause are as follows: <ul style="list-style-type: none"> <li>(a) to ensure that development in the foreshore area below the foreshore building line will not impact on natural foreshore processes or affect the environmental significance or amenity of the area,</li> <li>(b) to ensure continuous public access along the foreshore area and to the waterway.</li> </ul> </li> </ul>	<p>There are instances where the mean high water mark as mapped significantly differs to the mean high water mark as defined. Such discrepancies could either result in an overlap and the requirements of this clause could not be met, or an area where this clause would not apply and the consideration of this clause would not be required.</p>

Recommendation	Reason
<p>(2) Development consent must not be granted for development on land in <del>the foreshore area</del> below the foreshore building line except for the following purposes:</p> <ul style="list-style-type: none"> <li>(a) the alteration or rebuilding of an existing building wholly or partly on land in the foreshore area below the foreshore building line, if the topography, site characteristics or other exceptional features of the site make it appropriate to do so,</li> <li>(b) the erection of a building on land in the foreshore area below the foreshore building line, if the topography, site characteristics or other exceptional features of the site make it appropriate to do so,</li> <li>(c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, inground swimming pools at natural ground level, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</li> </ul> <p>(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the development will contribute to achieving the objectives for the zone in which the land is located</li> <li>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area</li> <li>(c) the development will not cause environmental harm such as: <ul style="list-style-type: none"> <li>(i) pollution or siltation of the waterway,</li> <li>(ii) an adverse effect on surrounding uses, marine habitat, riparian land, wetland areas, or flora or fauna habitats,</li> <li>(iii) the removal or disturbance of remnant riparian vegetation, or</li> <li>(iv) an adverse effect on drainage patterns.</li> </ul> </li> <li>(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway.</li> </ul>	

Recommendation	Reason
<ul style="list-style-type: none"> <li>(e) opportunities to provide continuous public access along the foreshore (above the mean high water mark) and to the waterway will not be compromised</li> <li>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained</li> <li>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly on land in the foreshore area below the foreshore building line, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</li> <li>(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.</li> </ul>	
Amend the Foreshore Building Line map by removing all areas shaded pink.	Amendment to Clause 7.9 (Foreshore building line and access) (as above).
Amend the Foreshore Building Line map relevant to 189-141 Whale Beach Road and 2 Rayner Road, Whale Beach	As part of a review of the DCP in 2009, Council resolved to amend the foreshore building line relevant to these properties. The draft Foreshore Building Line Map exhibited did not incorporate this amendment. It is therefore recommended that this error be rectified.
<p>Amend Clause 7.6 (Flood Planning) as follows:</p> <p><b>7.6 Flood planning [local]</b></p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development on land that is compatible with the land's flood hazard, taking into account changes as a result of climate change,</li> <li>(c) to avoid material adverse impacts on flood behaviour and the environment,</li> <li>(d) to ensure emergency response needs are adequately addressed on land to which this clause applies.</li> </ul>	A submission was received from the NSW Office of Environment and Heritage (OEH) which recommended minor amendments to the local provision for flood planning.

Recommendation	Reason
<p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>(a) incorporates appropriate measures to manage risk to life from flood, and</li> <li>(b) will not materially adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) is compatible with the flood hazard of the land, and</li> <li>(d) will not materially adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways, and</li> <li>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</li> <li>(f) will not materially adversely affect the flow conveyance function of, or increase a flood hazard in, a floodway area.</li> </ul> <p>(4) Subclause (5) applies to land at or below the projected 2100 flood planning level as a consequence of climate change.</p> <p>(5) When determining development to which this subclause applies, Council must take into consideration any relevant matters outlined in subclause 3(a) – (f), depending on the context of the following:</p> <ul style="list-style-type: none"> <li>(a) the proximity of the development to the current flood planning area land currently below the flood planning level; and</li> <li>(b) the intended design life of the development; and</li> <li>(c) the scale of the development; and</li> <li>(d) the sensitivity of the development in relation to managing the risk to life from any flood, and</li> <li>(e) the potential to relocate, modify or remove the development.</li> </ul>	

Recommendation	Reason
<p>(6) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7 347 54760) published in 2005 by the NSW Government, unless it is otherwise defined in this clause.</p> <p>(7) In this clause:</p> <p><del><b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.</del></p> <p><b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard as determined in relevant studies and plans, that have been adopted by Council.</p>	
<p>Amend Clause 7.7 (Floodplain risk management) by removing:</p> <p><b>7.7 Floodplain risk management [local]</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) in relation to developments with particular evacuation or emergency response issues - to enable the evacuation of land subject to flooding above the flood planning level,</p> <p>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.</p> <p>(2) This clause applies to:</p> <p>(a) land between the flood planning area and the probable maximum flood level, and</p> <p>(b) land surrounded by the flood planning area, but does not apply to land below the flood planning level.</p>	<p>The Section 65 Certificate required the replacement of Council's local provision for Floodplain risk management with a clause specified by the Department of Planning &amp; Infrastructure (DP&amp;I), for the purpose of public exhibition.</p> <p>Council staff have revised the original Floodplain risk management clause to better align with the format required by the DP&amp;I, while also meeting the needs of Pittwater.</p>

Recommendation	Reason
<p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development incorporates appropriate measures to manage risk to life from flood:</p> <ul style="list-style-type: none"> <li>(a) caravan parks,</li> <li>(b) correctional facilities,</li> <li>(c) emergency services facilities,</li> <li>(d) group homes,</li> <li>(e) hospitals,</li> <li>(f) residential care facilities,</li> <li>(g) tourist and visitor accommodation.</li> </ul> <p>(4) In this clause, probable maximum flood has the same meaning as it has in the Floodplain Development Manual (ISBN O 7 347 54760) published in 2005 by the NSW Government.</p> <p>And replacing it with:</p> <p><b>7.7 Floodplain risk management [local]</b></p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) in relation to developments with particular evacuation or emergency response issues - to enable the evacuation of land subject to flooding above the flood planning level,</li> <li>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events,</li> <li>(c) to ensure development to which this clause applies is designed to minimise the risk to life from flood.</li> </ul> <p>(2) This clause applies to land between the flood planning level and the level of the probable maximum flood.</p>	

Recommendation	Reason
<p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development incorporates appropriate measures to manage risk to life from flood:</p> <ul style="list-style-type: none"> <li>(a) seniors housing,</li> <li>(b) emergency services facilities,</li> <li>(c) group homes,</li> <li>(d) hospitals,</li> <li>(e) tourist and visitor accommodation,</li> <li>(f) child care centres,</li> <li>(g) respite day care centres, and</li> <li>(h) educational establishments,</li> </ul> <p>(4) In this clause, probable maximum flood has the same meaning as it has in the Floodplain Development Manual (ISBN O 7 347 54760) published in 2005 by the NSW Government.</p> <p>(5) In this clause, flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard as determined in relevant studies and plans, that have been adopted by Council.</p>	
<p>Amend Clause 5.4 as follows:</p> <p>(7) Neighbourhood shops</p> <p>If development for the purposes of a neighbourhood shop is permitted under this Plan, the <del>retail</del> gross floor area must not exceed 100 square metres.</p>	<p>The Standard Instrument LEP Dictionary does not incorporate a definition of 'retail floor area', and Council does not have the ability to alter or add to the Dictionary. The Standard Instrument LEP Dictionary does incorporate a definition of 'gross floor area', which is considered sufficient for the purpose of defining the intended size of a neighbourhood shop.</p>



Recommendation	Reason
Amend the minimum subdivision lot size for properties proposed to be 1,200m <sup>2</sup> on the draft Lot Size Map under the draft Pittwater LEP 2013 as exhibited, and change it to the minimum subdivision lot size as under the Pittwater LEP 1993.	Having regard for the concerns raised in submissions received, it is recommended that the proposal to apply the 1,200m <sup>2</sup> minimum lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m <sup>2</sup> minimum subdivision lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.
<p>In relation to 1017 Barrenjoey Road, Palm Beach, amend the draft Land Zoning Map to remove the part of the lot that is RE1 Public Recreation and replace it with E4 Environmental Living, in line with the remainder of the property.</p> <p>Additionally, in relation to 1017 Barrenjoey Road, Palm Beach, amend the draft Lot Size Map by extending the application of the 700m<sup>2</sup> minimum subdivision lot size to the whole property.</p>	<p>Clause 5.1 (Relevant acquisition authority) provides that privately owned land zoned RE1 Public Recreation is intended to be acquired by Council for the purpose of 'Local open space'. As Council does not intend to acquire the portion of the property was exhibited as RE1 Public Recreation, it cannot remain this zone.</p> <p>The draft Lot Size Map does not currently apply to the part of the lot zoned RE1.</p>
<p>In relation to 227 Whale Beach Road, Whale Beach (Lot A DP 379876), amend the draft Land Zoning Map by changing the RE1 Public Recreation zone to E4 Environmental Living, in line with the remainder of the property.</p> <p>Additionally, in relation to 227 Whale Beach Road, Whale Beach (Lot A DP 379876), amend the draft Lot Size Map by applying the 700m<sup>2</sup> minimum subdivision lot size.</p>	<p>Clause 5.1 (Relevant acquisition authority) provides that privately owned land zoned RE1 Public Recreation is intended to be acquired by Council for the purpose of 'Local open space'. As Council does not intend to acquire the lot, it cannot remain RE1 Public Recreation.</p> <p>The draft Lot Size Map does not currently apply to the lot.</p>
<p>Amend the title of the 'draft Terrestrial Biodiversity Map' by removing reference to 'Terrestrial'.</p> <p>Additionally, amend any reference to the 'Terrestrial Biodiversity Map' in Clause 7.5 (Biodiversity Protection).</p>	<p>The Section 65 Certificate required the title of the draft Biodiversity Protection Map be changed to 'Terrestrial Biodiversity Map' for the purpose of public exhibition.</p> <p>Council staff consider that it is more appropriate that the map be titled 'draft Biodiversity Map' as the map also covers aquatic and riparian biodiversity. The DP&amp;I have advised that this is acceptable.</p>

Recommendation	Reason
<p>Add the following uses as permitted with consent in the RU2 Rural Landscape zone:</p> <ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Rural industries</li> <li>▪ Recreation areas</li> <li>▪ Forestry</li> <li>▪ Industrial retail outlets</li> <li>▪ Industrial training facilities</li> <li>▪ Farm stay accommodation</li> <li>▪ Rural workers' dwellings</li> </ul>	<p>Consistent with the recommendations made in relation to Submission No. 156. See Attachment 1 of the Community Engagement Outcomes Report for comments on the submission.</p>
<p>Amend the draft Land Zoning Map by changing the zone of 4 Walana Crescent, as well as the road between 4 and 1-5 Walana Crescent, to SP2 Infrastructure (Cemetery).</p>	<p>To be consistent with the adopted Plan of Management for the Mona Vale General Cemetery.</p>
<p>Amend the draft Land Zoning Map by changing the zone of 14 Walana Crescent and 3 Harrier Place to part R3 Medium Density Residential and part RU2 Rural Landscape.</p>	<p>The properties are currently partly within Sector 20 of Warriewood Valley. Accordingly, part of each property is zoned part 2(f) (Urban Purposes – Mixed Residential), with the remaining part being 1(a) (Non-urban “A”). The properties were incorrectly mapped entirely as RU2 Rural Landscape.</p>
<p>Amend the Land Reservation Acquisition Map for:</p> <ul style="list-style-type: none"> <li>• 166, 170, 174 and 176 Prince Alfred Parade, Newport</li> <li>• 164, 166, 168A, 176, 178, 180, 182, 184, 186, 188 and 190 Barrenjoey Road, Newport</li> <li>• 15, 17, 19, 21, 23, 25, 27, 31, 55, 59, 63, 65, 67, 69, 73, 75 and 77 Marine Parade, Avalon Beach</li> <li>• 65, 67, 69 and 73 Whale Beach Road, Avalon Beach</li> </ul> <p>by changing the label to 'Local Open Space (E2)'</p>	<p>Error. The proposed zone on the Land Zoning Map is E2 Environmental Conservation, but the exhibited draft Land Reservation Acquisition Map incorrectly specified that the land was zoned RE1 Public Recreation.</p>
<p>Amend the draft Lot Size Map for 1 Barkala Road, Bayview to part 2 hectares and part 4000m<sup>2</sup></p>	<p>Error. Minimum subdivision lot size is currently part 2 hectares and part 4000m<sup>2</sup>.</p>
<p>Amend the draft Lot Size Map for 10 Barkala Road, Bayview to 4000m<sup>2</sup></p>	<p>Error on the draft Lot Size Map. Minimum subdivision lot size is currently 4000m<sup>2</sup>.</p>
<p>Amend the draft Heritage Map for Frederick Oliver's Grave (47 Sturdee Lane, Elvina Bay) to show the SHI number as 2270131</p>	<p>Error in the current LEP.</p>
<p>Amend the draft Heritage Map for 93 Palmgrove Road, Avalon Beach (Angophora Reserve) to map the whole property</p>	<p>The current mapping is inconsistent with the listing information.</p>
<p>Amend the draft Heritage Map for 2 Binnowie Place, Bayview to include all lots at this address (four lots).</p>	<p>Error on the draft Heritage Map. Only one lot has been mapped.</p>

Recommendation	Reason
Amend the draft Heritage Map for the Bible Garden (6A Mitchell Road, Palm Beach (Lot 2 in DP 1086858)). Only 6A Mitchell Road should be mapped (including the small irregular shaped portion).	Error on the draft Heritage Map.
Amend the draft Land Zoning Map by changing the zone for the small irregular shaped portion of the Bible Garden (6A Mitchell Road, Palm Beach (Lot 2 in DP 1086858)) to RE1 Public Recreation.	Error on the draft Land Zoning Map has incorrectly zoned the portion E4 Environmental Living. The current zone is 6(a) (Existing Recreation "A").
Amend the draft Heritage Map by removing 39 Maxwell Street, Mona Vale.	Pittwater's Heritage Consultant has advised the listing is an error.
Amend the draft Heritage Map by removing the Picnic Shelter Shed (2270352) in Newport.	The item has been demolished.
Amend the draft Heritage Map relevant to add the State listing for the Barrenjoey Lightstation.	Consistent with the State Heritage Inventory and the Conservation Management Plan adopted by the NSW Heritage Branch. The State listing covers additional areas not covered by the local listing in the current Pittwater LEP 1993.
Amend the draft Heritage Map relevant to the location of the Grave (2270095), the Memorial Cairn (near the lighthouse) (2270093) and the other Memorial Cairn (2270450) on Barrenjoey Headland.	Item locations are incorrect and have been checked via a site inspection.
Amend the draft Land Zoning Map by changing the zone for 134-136 Queens Parade East, Newport (Lot 49 DP 6638 and Lot 50 DP 6638), to E4 Environmental Living.	<p>These sites are privately owned, but currently have a split zoning for residential and recreational use.</p> <p>The zoning of these sites is considered a historical anomaly. Public zoning for the purposes of recreation should generally only apply to public land or land intended to be acquired by the Council for recreation purposes. As this land is not intended to be acquired by Council it is considered appropriate to apply the E4 Environmental Living zone to the whole of the sites.</p> <p>This was justified and accepted in the original report to Council, however the relevant maps were not amended.</p>
Amend the draft Land Zoning Map by changing the zone for 18, 20, 22, and 24 Hillcrest Avenue, Mona Vale, to E4 Environmental Living.	<p>These sites are privately owned, but currently have a split zoning for residential and recreational use.</p> <p>The zoning of these sites is considered a historical anomaly. Public zoning for the purposes of recreation should generally only apply to public land or land intended to be acquired by the Council for recreation purposes. As this land is not intended to be acquired by Council it is considered appropriate to apply the E4 Environmental Living zone to the whole of the sites.</p> <p>This was justified and accepted in the original report to Council, however the relevant maps were not amended.</p>

Recommendation	Reason
Amend the draft Land Zoning Map by changing the B1 Neighbourhood Centre zone boundary for 1102 and 1108 Barrenjoey Road, Palm Beach.	A section 96 modification to DA N0482/98 was approved on 2 April 2013. The subdivision amends the boundaries of the commercial and residential properties and therefore the zoning of these sites is required to be updated
Amend some labels on the draft Land Zoning Map relevant to properties zoned SP2 Infrastructure.	Errors.
Administrative amendments to all maps.	In accordance with the Section 65 Certificate.
<p>Amend the draft Land Zoning Map by changing the zone of the following properties from E2 Environmental Conservation to RE1 Public Recreation:</p> <ul style="list-style-type: none"> <li>▪ 33-34 Ocean Road, Palm Beach (all four lots)</li> <li>▪ 400 and 420 Barrenjoey Road, Bilgola Beach</li> <li>▪ 25A Kanimbla Crescent, Bilgola Plateau</li> <li>▪ 240A Lower Plateau Road, Bilgola Plateau</li> <li>▪ 132A Plateau Road and 16A Loblay Crescent, Bilgola Plateau</li> <li>▪ 4A The Pinnacle, Bilgola Plateau</li> <li>▪ 28, 28C and 30A Hudson Parade, Clareville</li> <li>▪ 73 Narrabeen Park Parade (two lots), Warriewood</li> <li>▪ 72B Waratah Street, Mona Vale</li> <li>▪ 10A McCarrs Creek Road, Church Point</li> <li>▪ 19A Kennedy Place, Bayview</li> <li>▪ 1A Boondah Road and 4 Jacksons Road (Lot 6 DP 737137), Warriewood</li> </ul>	In accordance with advice from Council's Natural Environment & Education Business Unit, these properties do not contain environmental qualities to warrant a conservation zone. These properties are currently zoned 6(a) (Existing Recreation "A") and the RE1 Public Recreation zone is the most equivalent zone.
<p>Amend the draft Lot Size Map by adding the following properties:</p> <ul style="list-style-type: none"> <li>▪ 513, 515, 519, 523 to 535 Barrenjoey Road, Bilgola Beach</li> <li>▪ 43 Binburra Avenue, Avalon</li> <li>▪ 51, 52A and 52B Attunga Road, Newport</li> <li>▪ 92, 100 and 108 Wakehurst Parkway, Elanora Heights</li> <li>▪ 221 Whale Beach Road (Lot B DP368505), Whale Beach</li> <li>▪ 231, 233, 235, 237, 239 and 243-245 McCarrs Creek Road (Lots 28-35 DP 20097), Church Point</li> </ul>	Missing from the draft Lot Size Map exhibited or required as a result of zone amendments.
Amend the draft Lot Size Map for 78 Cabbage Tree Road (Lot 3 DP 19161) to 6000m².	Error.
Amend the draft Height of Buildings Map to apply a maximum building height of 8.5m for all areas with a land-based zone (e.g. IN4 Working Waterfront or RE2 Private Recreation) below the mapped mean high water mark.	Consistent with the recommendations made in relation to Submission No. 193. See Chapter 10 of the Community Engagement Outcomes Report for comments on the submission.

Recommendation	Reason
<p>Amend the draft Land Reservation Acquisition Map by removing the following:</p> <ul style="list-style-type: none"> <li>▪ Lots 1A, 2A, 5A, 9A, 11A, 12A and 13A in DP 11186</li> <li>▪ Lot 3A in DP 9606</li> <li>▪ Lot 1 DP 1161926</li> </ul>	<p>Submission from the NSW Office of Strategic Lands advised the subject lots have already been acquired.</p>
<p>Amend the draft Land Reservation Acquisition Map by removing the following:</p> <ul style="list-style-type: none"> <li>▪ Lot 2 DP 1176446, 81A Whale beach Road, Avalon Beach</li> </ul>	<p>The subject lot has already been acquired by the State.</p>
<p>Amend the draft Land Zoning Map from SP2 Infrastructure to the adjoining zones for McCarrs Creek Road and Pittwater Road from the Ku-Ring-Gai National Park boundary to its intersection with Barrenjoey Road.</p>	<p>Submission from the Roads and Maritime Services (RMS) advised the road should not be zoned SP2 Infrastructure as they are not classified State roads.</p>
<p>Amend the draft Land Zoning Map for the following properties:</p> <ul style="list-style-type: none"> <li>▪ 108 Wakehurst Parkway, Elanora Heights – E4 Environmental Living</li> <li>▪ 7a Wakehurst Parkway (Lot 2 DP 618388) – R2 Low Density Residential</li> <li>▪ 231, 233, 235, 237, 239 and 243-245 McCarrs Creek Road (Lots 28-35 DP 20097), Church Point – E4 Environmental Living</li> </ul>	<p>Submission from the Roads and Maritime Services (RMS) indicated that these sites are no longer to be used for road widening.</p>
<p>Amend the draft Land Reservation Acquisition Map in line with GIS files received from the Roads and Maritime Services (RMS), where the requested changes to the mapping are clear.</p>	<p>Submission received from the Roads and Maritime Services (RMS).</p>
<p>Amend the draft Land Zoning Map for the waterway adjoining 9 Mitala Street, Newport (Lot 92 DP 752046) to W2 Recreational Waterways.</p>	<p>The subject area of waterway is currently zoned W3 (Recreational Boating Facilities) and the W2 Recreational Waterways zone is the most equivalent zone. Error.</p>
<p>Amend the draft Land Zoning Map by changing the zone for 8, 8A and 10 Kalinya Street, Newport, to R3 Medium Density Residential.</p>	<p>Consistent with the recommendations made in relation to Submission No. 186. See Chapter 10 of the Community Engagement Outcomes Report for comments on the submission.</p>
<p>Amend the draft Land Zoning Map as follows:</p> <ul style="list-style-type: none"> <li>▪ 62- 64 Bardo Road, Newport (Lots 11 and 12 DP 12837) to SP2 Infrastructure (Electricity Supply)</li> <li>▪ 785- 787 Barrenjoey Road, Avalon (Lot 1 DP 53 1679 and Lot 52 DP 131812) to SP2 Infrastructure (Electricity Supply)</li> <li>▪ No. 25 Samuel Street, Mona Vale (Lot 2 DP 586250) to SP2 Infrastructure (Electricity Supply)</li> <li>▪ No. 29 Samuel Street, Mona Vale (Lot 1 DP 1124862) be SP2 Infrastructure (Electricity Supply)</li> <li>▪ No. 61 Nareen Parade, North Narrabeen to SP2 Infrastructure (Electricity Supply)</li> </ul>	<p>Consistent with the recommendations made in relation to the submission received from Ausgrid. See Chapter 11 of the Community Engagement Outcomes Report for comments on each site.</p>

Recommendation	Reason
<p>Amend the draft Land Zoning Map in relation to the following properties:</p> <ul style="list-style-type: none"> <li>▪ 4 Bellara Avenue, North Narrabeen (Lot 26 DP 236548) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 13a Narla Road, Bayview (Lot 1 DP 581802) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 146 Plateau Road, Bilgola Plateau (Lot 2 DP 221634) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 146 Plateau Road, Bilgola Plateau (Lot 1 DP 527630) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 146 Plateau Road, Bilgola Plateau (Lot 1 DP 834607) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 146 Plateau Road, Bilgola Plateau (Lot 2 DP 834607) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 62a Sydney Road, Warriewood (Lot 1 DP 809601) - SP2 Infrastructure (Sewerage System System)</li> <li>▪ 86b Thompson Street, Scotland Island (Lot 1 DP 533183) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 158a Elanora Road, Elanora Heights (Lot 1 DP 538508) - SP2 Infrastructure (Water Supply System)</li> <li>▪ 15-17 Wattle Road, Ingleside (Lot 1 DP 12129) – SP2 Infrastructure (Water Supply System)</li> <li>▪ 22 Central Road, Avalon Beach (Lot 1 DP 607010) – RE1 Public Recreation</li> <li>▪ 88a Crescent Road, Newport (Lot 3 DP 598319) – E4 Environmental Living</li> <li>▪ 1 Wakehurst Parkway, North Narrabeen (Lot 1 DP 593243) – RE1 Public Recreation</li> <li>▪ 38a Lake Park Road, North Narrabeen (Lot 2 DP 566522) – SP1 Special Activities (Caravan Park, Camping Ground and Information and Education Facility)</li> <li>▪ 8a Loquat Valley Road, Bayview (Lot 1 DP 614372) – SP2 Infrastructure (Educational Establishment)</li> <li>▪ 113b Garden Street, North Narrabeen (Lot 1 DP 705948) – RE1 Public Recreation</li> <li>▪ 49a Mona Street, Mona Vale (Lot 1 DP 586378) – E4 Environmental Living</li> </ul>	<p>Consistent with the recommendations made in relation to the submission received from Sydney Water. See Chapter 11 of the Community Engagement Outcomes Report for comments on each site.</p>

---

## **C8.2 Local Government Referendum "YES" Campaign**

**Meeting:** Council

**Date:** 5 August 2013

---

**STRATEGY:** Corporate Management

**Strategic Objective:** To ensure Council's future financial sustainability

**Action:** Coordinate grant opportunities across Council

---

### **PURPOSE OF REPORT**

To report on Council's involvement in the National "Yes" Campaign for the upcoming referendum.

#### **1.0 BACKGROUND**

1.1 Council at its meeting held on the 15 July 2013 resolved that *"the General Manager report to the next meeting on how Pittwater Council proposes to support the Local Government Referendum "YES" campaign."*

1.2 The ALGA has three primary channels to support the success of the referendum:

- Through the Council's network and community channels
- Through a national media campaign that will commence when the election is called and which is funded on a dollar for dollar basis up to \$10m each from federal government and local government
- Polling booth support on the day of the elections

1.3 For some years Local Government has been pushing for recognition in the Federal Constitution. Following a Court decision the Federal Governments right to directly fund Local Government has been found to be unconstitutional which will affect many of the Federal Grants which Council previously received.

1.4 A National Campaign which has been partially funded by local government nationally has begun to push for a "YES" vote at the referendum run in conjunction with the next Federal elections which is anticipated to be held September/October, 2013.

1.5 The YES campaign PR team has provided councils with campaign collateral that can be used at a local level including:

- Weekly media releases and talking points for localisation and distribution to local media
- Emails for distribution to constituents
- Artwork for posters and signage
- The Facts Say Yes video for council reception areas
- Polling day artwork and collateral.

1.6 LGNSW have indicated that having a campaign presence on Election Day at polling booths is essential to the success of the 'Yes' campaign. It is anticipated that the National Campaign will request Councils to resource polling booths within their area by having their staff present to hand out campaign material.

## **What is Pittwater Council currently doing?**

- 1.6 A notice has been created for the Manly Daily community noticeboard which will run each fortnight until the referendum date. The message encourages residents to vote 'yes' in the forthcoming election.

*(Wording: Vote YES in the forthcoming federal election to recognise local government in the Australian constitution and gain direct funding for local infrastructure such as roads!).*

- The Mayor has included a reference to the referendum in her column, stating that she was in favour of constitutional recognition of local government (Saturday 29 June).
- Use of social media to re-tweet messages relating to the referendum. The referendum national campaign has set up a Twitter account @thefactssayyes
- Information and images provided to the national campaign team re Pittwater projects funded/partially funded by federal grants.
- Information relating to the YES Campaign has been placed on Council's webpage.

## **What else is Pittwater Council proposing?**

- 1.7 The following promotional activities can be undertaken, at no cost (with the exception of staff time). This is based on the assumption that promotional material will be provided by the national YES campaign team at no additional cost to council.

- Issuing of media releases to local media (based on templates provided)
- Photo opportunities with the Mayor
- Emails to community databases
- Articles in Pittwater Report Online monthly e-newsletter
- Messages via social media (facebook and twitter)
- Ongoing message in community noticeboards (Manly Daily, Pittwater Life and Peninsula Living)
- Showing of the Fact Say YES video at Mona Vale Library
- Distribution of fliers, posters and signage to community centres and libraries.
- Providing "YES" vote stickers on outgoing mail and footers on outgoing correspondence and emails
- Providing a presence at the polling booths on polling day

## **Election Day**

Assuming the National Campaign Coordinators request Councils to resource the polling booths within their LGA on the day, a number of options can be considered.

There are 16 polling booths across the Pittwater LGA and these will be open from 8am to 6pm on the nominated Election Day. Should Council decide to rely on staff to man the "YES Vote" tables at each booth in 5 hour shifts a total of 64 staff (2 per booth) will be required at 1600 man hours.

Given the number of staff required I believe that it might be difficult to solely rely on staff to man the booths. In addition it would be unreasonable to expect staff to volunteer their time free of charge which given penalty rates applicable on Saturdays the cost to Council could be in excess of \$11,000.



Another option yet to be explored is seeking expressions of interest from local Service or Sporting Clubs or similar organisations to provide the presence on the day at an agreed donation negotiated prior to the day.

It is also proposed that T-Shirts promoting the Yes vote should also be provided to volunteers manning the booths which we believe can be provided at a relatively cheap price of approx. \$1000 (i.e. 64 @ \$15).

In addition "YES" vote badges can also be provided relatively cheaply.

## **2.0 ISSUES**

- 2.1
  - Timing of the Campaign
  - Resourcing and financing the Campaign
  - Manning the Booths on polling day

---

## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The success of a yes vote will promote a sense of belonging within the community

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 Access to federal funding may allow further expenditure on projects with an environmental focus.

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 Federally funded projects provide job opportunities and enhanced apprenticeship and trainees opportunities as well as better roads and assets for the people of Pittwater.

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

- 3.4.1 The anticipated cost of the local YES program can be met from Council's general revenue with the cost of a successful campaign more than paying for itself in the short term. An unsuccessful campaign will see millions of dollars worth of projects deleted from Council's works programs.

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

- 3.5.1 Council currently relies on federal funding to help it deliver on important transport, community and recreational projects. A successful yes campaign will allow Council's to continue to provide essential works program for the betterment of the Pittwater Community.

---

## **4.0 EXECUTIVE SUMMARY**

- 4.1 Council at its meeting held on the 15 July 2013 resolved that *"the General Manager report to the next meeting on how Pittwater Council proposes to support the Local Government Referendum "YES" campaign."*
- 4.2 For some years Local Government has been pushing for recognition in the Federal Constitution. Following a Court decision the Federal Governments right to directly fund Local Government has been found to be unconstitutional which will affect many of the Federal Grants which Council previously received.

- 4.3 A National Campaign which has been partially funded by local government nationally has begun to push for a “YES” vote at the referendum run in conjunction with the next Federal elections which is anticipated to be held early October, 2013.
  - 4.4 Council has commenced an advertising campaign based on material supplied by the Local Government NSW campaign coordinator.
  - 4.5 The success of the campaign will rely on each Council throughout Australia convincing its constituents that a “Yes” vote will have the best outcome for local government at a grass roots level
- 

## **RECOMMENDATION**

- 1. That Council note the information and proposed expenditure provided in the report
- 2. That the General Manager be authorised in consultation with the Mayor, to determine how the booths will be supported on polling day

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

---

**Community, Recreation and Economic Development Committee**

---

**9.0            Community, Recreation and Economic Development  
                 Committee Business**

---

---

<b>C9.1</b>	<b>SHOROC RFT 2013/027 - Supply and Application of Linemarking and Sign Posting</b>
-------------	---

**Meeting:** Community, Recreation & Economic Development Committee

**Date:** 5 August 2013

---

**STRATEGY:** Business Management

**ACTION:** Ongoing management of Council's commercial contracts

---

**PURPOSE OF REPORT**

To consider, in accordance with Clause 177 of the Local Government (General) Regulation, the Tender Evaluation Panel's (TEP) recommendations following its assessment of the tenders received for Tender RFT 2013/027 SHOROC Supply and Application of Line Marking and Sign Posting and to formally resolve on tenderers to engage to provide this service.

**1.0 BACKGROUND**

- 1.1 The supply of line marking and sign posting forms an essential component of our road safety and traffic management systems and provides important regulatory advice to pedestrians and road users alike.
- 1.2 A tender for the Supply and Application of Line Marking and Sign Posting was previously run via SHOROC tender T11101SHOROC in May of 2010. Through this tender, the four Councils were seeking qualified organisations to form a panel for Supply and Application of Line Marking and Sign Posting, with the proposed contract to cater to the needs of staff. The contract for supply of related goods and services contract expired 30 July 2013.

**2.0 ISSUES**

**2.1 Call for Tenders**

The tenders were called in accordance with Section 55 of the *Local Government Act* and have been assessed in accordance with Clause 177 of the Local Government (General) Regulation. The Tender was coordinated and facilitated on behalf of the SHOROC group of Councils by Gary Bigg, SHOROC.

The tender issued to market was for the following categories:

Sub-Panel 1 – Provision of Pavement Line Marking

Sub-Panel 2 – Supply and Installation of Signs and Posts

The tender process was via an open tender invitation to the market with a contract term for this service of an initial two (2) year period with a one (1) year option for extension available upon successful performance.

Pricing tendered was on a Schedule of Rates basis, with an annual escalation offered in accordance with CPI for Sydney (All Groups).

Tender documentation included the Conditions of Tender, Schedules, the Services Specification, and the General Conditions of Contract.

## 2.2 Receipt of Tenders

As per the call for tenders, the tenders could be received via the Tender Box located at Warringah Council or via Warringah Council's Tenderlink portal prior to the specified tender closing date of 18 July 2013.

## 2.3 Tender Opening & List of Tenders Received

At the specified tender opening time, eleven (11) tenders were collected from the tender box, or received via Tenderlink. Tenderers are listed as follows:

Tenderer	Sub-Panel 1: Line marking	Sub-Panel 2: Signposting
Atlantis Group of Companies Pty Ltd	X	
Combined Traffic Management Pty Ltd	X	
Complete Line Marking Pty Ltd	X	
Guidance Road Management Pty Ltd	X	
Workforce Road Services Pty Ltd	X	
Sydney Traffic Services Pty Ltd	X	X
Inline National Signage and Property Services	X	X
Artcraft Pty Ltd		X
Hunt Civil Pty Ltd		X
Road Management Services Pty Ltd		X
Traffic Facilities Maintenance Pty Ltd		X

## 2.4 Outline of Tender evaluation process

Tenders contain commercial in confidence information. As such under Section 10A(2) of the Local Government Act the detailed assessment of tenders is included in the confidential section of this Agenda.

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

- Probity checks including a declaration as to any conflict of interest or pecuniary interest associated with the tender
- Initial assessment & cull – this assesses compliance with the call for tender requirements and any company not conforming is culled (not considered further) from the next stages of the tender assessment process
- Detailed assessment of remaining tenders then takes place, including performance against the tender evaluation criteria. The tender was assessed using the following criteria:

CRITERIA	RESPONSE/CLAUSE TO BE EVALUATED	MINIMUM ACCEPTABLE SCORE (OR MANDATORY)	WEIGHTING
<b>TECHNICAL CRITERIA</b>			
Submission of all documentation required by the Request for Tender.	All Schedules.	M	PASS/FAIL
Compliance with industrial relations and environmental legislation and requirements.	Schedules F4 and F7	M	PASS/FAIL
Compliance with work health and safety legislation and requirements.	Schedule F6	M	PASS/FAIL
Demonstrated past experience of the Tenderer in providing services similar to the Services and history of disputes relating to those services.	Schedule F3.3	60	35%
Qualifications and demonstrated past experience of the Tenderer's Key Personnel including Key Personnel of subcontractors.	Schedules F8 and F9		
Tenderer's resources and staffing levels.	Schedule F8		
Tenderer's quality assurance system and procedures.	Schedule F5	60	15%
Tenderer's understanding of the Services and proposed method for performing the Services.	Schedule F12	60	15%
Ability to meet all elements of the Deed and potential Contracts formed under the Deed.	All Schedules	M	PASS/FAIL
Compliance with Specifications.	Schedule F2	M	PASS/FAIL
<b>COMMERCIAL CRITERIA</b>			
Departures and Qualifications.	Schedule F2	M	PASS/FAIL
Tenderer's organisation and financial capacity.	Schedules F3.1 and F3.2	M	PASS/FAIL
Insurances.	Schedule F11	M	PASS/FAIL
The rates and prices.	Schedule of rates	35%	

### 3.0 SUSTAINABILITY ASSESSMENT

#### 3.1 Supporting & Connecting our Community (Social)

- 3.1.1 This tender and the service it provides will assist the Pittwater community to establish and maintain the infrastructure required to properly and safely service residents and rate payers.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 The tender documentation also included a questionnaire covering aspects of environmental sustainability. Tenderers provided information relating to products used, waste management, energy and water efficiency as well as recycling and were scored accordingly.

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 This tender supports the Council and the communities' economic outcomes by providing a competitive opportunity, including local businesses, to provide services to Pittwater.

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

- 3.4.1 Council provides a range of services for the community and resources these through a combination of internal and external providers
- 3.4.2 The tender process enables Council to seek competitive prices from the market to resource its external providers of the supply of goods and services, projects and consultancies.
- 3.4.3 The calling for and assessment of Tenders is in accordance with Section 55 of the Local Government Act and the Local Government (General) Regulation.
- 3.4.4 Members of the Tender Evaluation Panel (TEP) are required to make a declaration in regard to any conflict or pecuniary interest
- 3.4.5 The tenders received are assessed by a specifically convened Tender Evaluation Panel against the pre-determined mandatory criteria
- 3.4.6 The Tender assessment and recommendations are reported to Council for formal consideration and are assessed against organisational and product information, systems, policy, capacity to deliver and experience.

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

- 3.5.1 The establishment of a Specialist Contractor Panel will add to the effectiveness of the maintenance of Council's infrastructure.

---

## **4.0 EXECUTIVE SUMMARY**

- 4.1 SHOROC in conjunction with Warringah, Manly and Mosman Councils (the SHOROC Group of Councils) prepared a Request for Tender RFT 2013/027 - SHOROC Supply and Application of Line Marking and Sign Posting.

- 4.2 Eleven (11) Tender submissions were received from:

- Atlantis Group of Companies Pty Ltd
- Combined Traffic Management Pty Ltd
- Complete Line Marking Pty Ltd
- Guidance Road Management Pty Ltd
- Workforce Road Services Pty Ltd
- Sydney Traffic Services Pty Ltd
- Inline National Signage and Property Services
- Artcraft Pty Ltd
- Hunt Civil Pty Ltd
- Road Management Services Pty Ltd
- Traffic Facilities Maintenance Pty Ltd

- 4.3 The Tender Evaluation is presented to Council for consideration in the confidential section of this Agenda.

---

## **RECOMMENDATION**

That Council consider the Confidential Tender Assessment and adopt the Recommendations for tender RFT 2013/027 SHOROC Supply and Application of Line Marking and Sign Posting as contained within the Confidential Section of this Agenda.

Report prepared by  
Peter Baartz – Senior Officer Procurement & Fleet

Mark Shaw  
**MANAGER, URBAN INFRASTRUCTURE**



---

## **C9.2 Swimming Pools Inspection Program**

**Meeting:** Community, Recreation & Economic  
Development Committee

**Date:** 5 August 2013

---

**STRATEGY:** Community, Education & Learning

**ACTION:** Provide community education programs on a range of topics

---

### **PURPOSE OF REPORT**

The purpose of this report is to seek the endorsement of Council to place the draft Swimming Pools Inspection Program on exhibition for public comment.

#### **1.0 BACKGROUND**

The New South Wales Government has recently made changes to the Swimming Pools Act 1992 (the Act). The amendments have been designed to enhance the Act, and to actively contribute to a reduction of drowning or near drowning immersions in New South Wales private backyard swimming pools, including spa pools.

The proposals announced include:

- A new online state-wide register of swimming pools
- Mandatory registration of swimming pools by owners (by 29 October 2013)
- A certification system of compliance for all New South Wales swimming pools with the ability of authorised Council officers and private Accredited Certifiers to undertake inspections
- Mandatory inspection of pools associated with multi-occupancy dwellings and tourist accommodation
- Mandatory compliance certification to be obtained for properties with swimming pools before they can be sold or leased (commencing 29 April 2014)
- Requirement for Councils to develop a locally appropriate and affordable inspection program in consultation with their communities
- Requirement for Councils to report annually on the number of swimming pool inspections undertaken and the level of compliance with the requirements

Pittwater is one of four Councils who were invited earlier this year to participate in the external reference group meetings held by the Division of Local Government in conjunction with other stakeholders, to assist with the development of the implementation process.

#### **2.0 ISSUES**

##### **2.1 Promoting the Message**

Council's webpage has been updated to provide current information on the changes to the swimming pool laws and direct links to relevant websites, including the State Government Swimming Pool Register ([www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au))

Information stalls have been held at the Pittwater Food and Wine Fair on 5 May 2013 and at the Northern Beaches Expo held at NBISC on 25 and 26 May 2013. Both events were well attended by members of the public. Further information stalls will be held at other community events during the remainder of 2013, including the Beaches Market, Palm Beach Market Day, Mona Vale Market, Avalon Beach Market Day, Newport Beach Festival and Warriewood Square shopping centre.

Further information has been forwarded to the community through the Pittwater Report, Community News page in the local media and with the inclusion of a printed flyer sent out with the rates notices in July 2013.

## **2.2 Resourcing**

Through a review of approval records and aerial photographs, a database has been developed by Council, which currently contains over 5,500 properties with swimming pools, including spa pools. Once all swimming pool and spa pool owners have registered on the state-wide register, it is likely that this number will increase, particularly with respect to spa pools that are not readily evident from a review of aerial photographs.

Currently four authorised Officers are actively engaged in swimming pool safety amongst the broader roles and responsibilities of Development Compliance.

Given the raised focus of swimming pool safety, a dedicated role will be required to facilitate the swimming pool inspection program. That position will be supplemented with current staff as a secondary resource, as part of their current roles. One of the changes to the Act enables private Accredited Certifiers to issue Certificates of Compliance Certificates in direct competition with Council. Whilst private Accredited Certifiers are able to set their inspection fees in the market, inspection fees charged by Councils are regulated at \$150 for an initial inspection and a one only reinspection of \$100. It is highly likely, based on other similar inspection services offered by the private sector, that they will charge higher fees than Council and it is expected that the majority of Compliance Certificate applications will be handled by Council. There is a statutory obligation on Council to provide inspection services as outlined in the swimming pools inspection program, once it has been adopted by Council.

There is a regime of Penalty Infringement Notices (on-the-spot fines) that are currently available within the Act. It has not been Council's practise to pursue the issue of infringements for such breaches in the past, which range up to \$220. However, it is considered appropriate to now issue infringements for non-compliance, to assist in offsetting costs for the implementation of the swimming pools inspection program.

## **2.3 Responsibilities**

Council has a statutory obligation under the Swimming Pools Act 1992 to inspect swimming pools in its area, in accordance with the adopted swimming pools inspection program. All inspections carried out on behalf of Council will be undertaken by authorised officers under the Act.

It is the responsibility of all swimming pool owners to register their swimming pool on the swimming pool register operated by the NSW Department of Local Government. Council will use the information contained in this register as reference material to assist in the operation of the swimming pools inspection program.

## 2.3 **Draft Swimming Pools Inspection Program**

This inspection program is relevant to all swimming pools regulated under the Swimming Pools Act 1992. A reference to a swimming pool in this document also includes a spa pool.

The inspection program is designed to provide measures to identify non-compliant swimming pools, ensure upgrade works are carried out and in the process raise swimming pool safety awareness.

An inspection of a swimming pool is to be carried out by Council, where any of the following circumstances exist:

### 1. **Complaints**

On receipt of a complaint by Council concerning an alleged defective swimming pool barrier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection. Where a complaint is substantiated after an inspection, a Notice of Proposed Direction will be issued to the owner of the swimming pool.

### 2. **Certificate of Compliance Applications**

Section 22D of the Act provides for a swimming pool owner to make application to Council or an Accredited Certifier for a Certificate of Compliance. On receipt of an application and payment of the inspection fee, Council will undertake an inspection of the swimming pool. Where the application form indicates that it relates to the sale or lease of the premises, the inspection will be undertaken within ten (10) business days after receiving the application and inspection fee. Where a defective barrier has been identified, a Notice of Proposed Direction will be issued to the swimming pool owner. After a period of fifteen (15) calendar days, a final Direction will be issued to the swimming pool owner.

A re-inspection will be undertaken by Council and the appropriate re-inspection fee will be paid by the swimming pool owner. A certificate of compliance will be issued in respect of a swimming pool that is registered on the Department of Local Government Swimming Pools Register and that complies with the requirements of Part 2 of the Act.

### 3. **Exemption Applications**

Section 22 of the Act provides for a swimming pool owner to make application to Council for an Exemption from all or any of the requirements of Part 2 of the Act, in certain circumstances. On receipt of an application and the appropriate fee, Council will undertake an inspection of the swimming pool. After determination of the Exemption Application, where further works are necessary to make the swimming pool barrier compliant, Council will issue a Notice of Proposed Direction to the swimming pool owner.

### 4. **Other inspections at request of owner**

Section 22C of the Act provides for a swimming pool owner to make application to Council for an inspection, which includes advice about swimming pool compliance. On receipt of an application and payment of the inspection fee, an inspection of the swimming pool will be undertaken. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

### 5. **Notices issued by an Accredited Certifier**

Section 22E of the Act requires that an Accredited Certifier must provide a Notice to the owner of a swimming pool after inspection, if not satisfied that the swimming pool is compliant. A copy of the Notice is required to be provided to Council. On receipt of a notification from an Accredited Certifier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

**6. The development certification role and Building Certificate applications**

Where Council is engaged as a Certifier and/or on receipt of an application for a Building Certificate for a property which has a swimming pool, arrangements will be made with the swimming pool owner for an inspection to be undertaken of the swimming pool. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

**7. Tourist and visitor accommodation or premises with more than two dwellings**

'Tourist and visitor accommodation' means a building or place that provides temporary or short term accommodation on a commercial basis and includes any of the following:- backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, service departments, but does not include camping grounds, caravan parks or eco tourist facilities.

'Dwelling' means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. Premises containing more than two dwellings would include a residential flat building, town houses, villas or the like.

These categories of premises are to be inspected at least once every three years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

**8. Random audit**

Where inspection resources permit, the swimming pool register will be reviewed to identify swimming pools where there is not a valid Certificate of Compliance or a relevant Occupation Certificate in existence and Council has not carried out an inspection of the swimming pool in the past 5 years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the owner of the swimming pool.

➤ **Notice of Proposed Direction**

Where a defective swimming pool barrier has been identified, the non-compliant aspects will be notified to the swimming pool owner, initially as a Notice (covering letter) with a copy of a draft Direction. The purpose of the Notice is to encourage the swimming pool owner to bring the swimming pool into compliance with the Act, before a formal Direction is subsequently issued. After a period of fifteen (15) days from the issue of the Notice, Council will forward the final Direction to the swimming pool owner. The Direction is a legally enforceable document and provides the swimming pool owner with a right of appeal to the Land and Environment Court.

After the time period for compliance with the Direction has expired, a reinspection of the swimming pool would be carried out by Council to determine if compliance has been achieved. Given the safety issues, any failures to comply would result in Council seeking legal enforcement of the Direction through an application to the Land and Environment Court.

➤ **Inspection and re-inspection fees**

Section 22F of the Act allows Council to charge an inspection fee for all inspections carried out under Division 5 of the Act.

An initial inspection fee will be payable by the swimming pool owner at the time of making an application or request to Council for an inspection of a swimming pool. An application will not be taken as being lodged until payment of the application fee has been received by Council.

Where Council has initiated the need for an inspection in accordance with this program, other than for a complaint, an invoice will be forwarded to the owner of the swimming pool.

Where a re-inspection is necessary, a once only re-inspection fee will be payable by the swimming pool owner. In such cases, Council will issue an invoice to the swimming pool owner.

All inspection fees will be charged in accordance with the Council's schedule of fees and charges.

➤ **Penalty Infringement Notices**

There are a range of Penalty Infringement Notices (on the spot fines) that will be issued by Council for non-compliance with the requirements of the Act. Such penalties are not used as an initial response by Council but rather as a deterrent for continued failure to comply. Any fines collected through this process will be directed towards the funding of this swimming pools inspection program.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The swimming pools inspection program will have a significant effect on not only raising the level of awareness of swimming pool safety issues within the community, but also to provide a practical continuing improvement in the level of safety for young children with increased number of compliant swimming pools in the Pittwater community.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 This proposal will not have any impact on our natural environment.

#### **3.3 Enhancing our Working & Learning (Economic)**

3.3.1 The implementation of the swimming pools inspection program will be underpinned by various educational opportunities with the development of educational information and direct contact through information stalls. There would be economic benefits for those local businesses and tradespeople who are engaged in the manufacture of swimming pool fencing and the installation and ongoing maintenance of fencing and associated gates.

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

3.4.1 The swimming pools inspection program meets the Council's statutory obligations under the Swimming Pools Act. It provides the opportunity for Council to raise the community's awareness and compliance with backyard swimming pool safety as an essential part of living in the Pittwater community. Council's Community Engagement Policy has been used as a guide to informing the community of the development of the swimming pools inspection program.

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

3.5.1 This proposal will not have any impact on the built environment or infrastructure.

---

## **4.0 EXECUTIVE SUMMARY**

4.1 In response to recent changes in the Swimming Pools Act 1992, a draft swimming pools inspection program has been developed and is proposed to be placed on public exhibition.

---

## **RECOMMENDATION**

1. That the information provided in the report be noted.
2. That the enclosed draft swimming pools inspection program is placed on public exhibition for 28 days and submissions be invited from the public.
3. That following the period of public exhibition and consideration of any submissions received, the draft swimming pools inspection program be reported back to Council for further consideration.

Report prepared by  
Darren Greenow, Principal Development Compliance Officer

Jeff Lofts  
**MANAGER, ENVIRONMENTAL COMPLIANCE**

---

<b>C9.3</b>	<b>Policy Review - Community, Recreation &amp; Economic Development Committee</b>
-------------	---

**Meeting:** Community, Recreation & Economic Development Committee

**Date:** 5 August 2013

---

**STRATEGY:** Business Management

**ACTION** To effectively manage Council's Corporate Governance Responsibilities

---

**PURPOSE OF REPORT**

To review current Council policies falling within the Committee responsibility.

**1.0 BACKGROUND**

1.1 Council at its meeting held on 15 October 2012 resolved the following:

1. *That Council undertakes a review of its policy register, through the committee mechanism outlined above.*
2. *That a series of Policy Review Committees be established, as outlined above, with relevant staff approved by the General Manager.*
3. *That each set of policies be returned to Council within the first half of 2013 for adoption.*

1.2 In October 2012 Councillors were provided with a spreadsheet of all policies adopted at Council's previous policy review in 2011. The spreadsheet split all the policies into the committees responsible for the strategy to which the policy relates. A working group was formed comprising the chair of the committee, Cr Millar, the chair of the relevant Reference Group, Cr Ferguson, and Planning and Community staff.

1.3 The working group met on a number of occasions to review and discuss each policy.

1.4 The discussions related to whether the policies should be retained without alteration, revoked or amended and the nature of any proposed amendments.

1.5 The proposed changes to Council policies are outlined below.

**2.0 ISSUES**

**2.1 Policies Examined**

Those policies reviewed by the Working Party (refer **Attachment 1**) are as follows:

<b>Policy Number</b>	<b>Policy Name</b>	<b>Proposed Action</b>
2	Recognition of Community Service – Awards	Retain
18	Parking Permits – Issue of Annual Permits – Waiving of Annual Fees	Amend
21	Tourism in Pittwater	Retain
26	Storage of Water Craft	Amend
30	Dog Control	Amend
37	Amusement Devices	Retain
43	Clothing Recycling Bins on Council Controlled Land	Amend
45	Direct Financial Assistance Community Service Organisations	Retain
46	Community Centres	Retain
48	Freedom of Collection and Access for Local Government Libraries	Retain
84	Temporary Storage on Council Land	Retain
97	Public Collections / Appeals	Amend
98	Helicopter Landings on Council Owned and Controlled Property	Amend
100	Circuses	Amend
101	Tennis Liaison Committee	Retain
102	Speed Restriction – Signs on Public Reserves and Carparks	Amend
120	Open Air Concerts	Amend
129	Signs – Council Facilities	Revoke
154	Smoke Free Zones around Pittwater	Amend
157	Plaques in Parks and Reserves	Retain
162	Home Based Business	Retain
163	Banners on Public Land	Retain
167	Youth	Amend
168	Children's Services	Retain
169	Open Air Cinema Events on Council Controlled Land	Amend
175	Liquor Licensing Applications	Retain
188	Graffiti and Vandalism	Retain
190	Direct Financial Assistance Mayoral Donation Program	Amend

2.2 It should be noted that the Working Party determined that (1) current policy be revoked and that (13) policies be amended. These are listed below and the reasons for revocation and amendments discussed.

### 2.3 Policies to be Amended

It is proposed to retain the following current policies with amendments. The 13 amended Policies are contained in **Attachment 2**. The amendments are discussed below.



No.	Policy Name	Amendment Proposed
18	Parking Permits – Issue of Annual Permits – Waiving of Annual Fees	Amend 6(d) to include Peninsula Living.
26	Storage of Water Craft	Reformat – make fonts consistent.
30	Dog Control	<ul style="list-style-type: none"> <li>- Prohibited Areas to include Turimetta Reserve, Ingleside Chase Reserve and Bangalley Headland Reserve to be consistent with Bicentennial Coastal Walkway. Add Ingleside Close on environmental grounds.</li> <li>- 21 rather than 20 bushland reserves to be consistent with list.</li> <li>- 6 'sketches' rather than 7 to be consistent with the 'sketches'.</li> </ul>
43	Clothing Recycling Bins on Council Controlled Land	- Inclusion of (f) requiring bins to be kept clean.
97	Public Collections / Appeals	Delete reference to Policy 53 in headline and at point (5) as it was previously repealed.
98	Helicopter Landings on Council Owned and Controlled Property	<ul style="list-style-type: none"> <li>- Minor re-format on page 1.</li> <li>- Delete on page (2) and (3) the paragraph titled 'Amendments' and 'Council Decision' as these are past decisions of Council.</li> </ul>
100	Circuses	Delete point (3) as this procedure is part of another Policy.
102	Speed Restriction – Signs on Public Reserves and Carparks	'20kph' replaced by '10kph' and Bayview Park, Rowland Reserve, Avalon Golf Course car park and Clareville Beach car park added.
120	Open Air Concerts	Clarification as to what is a 'concert' relative to 'market days', 'festivals' etc.
154	Smoke Free Zones around Pittwater	Section headed "Smoke Free Areas" updated to reflect early 2013 amendments to the Smoke-Free Environment Act 2000.(see section 2.5 of this report)
167	Youth	Objectives simplified, reformatted and made clearer.
169	Open Air Cinema Events on Council Controlled Land	<p>Delete words after '<i>best practice standards</i>' in 3<sup>rd</sup> paragraph of 'Objectives'.</p> <p>Delete 3<sup>rd</sup> paragraph in 'Policy Statement'.</p> <p>3<sup>rd</sup> dot point amended to allow operation in school holidays, unlimited in length but still be limited to 3 events per year in 'Conditions of Operation ' and replace with '<i>No films with ratings of 'MA' or 'R' be permitted</i>'.</p> <p>'M' rated to only be shown after 7.30pm</p> <p>Delete in dot point 5 all words after 'relevant' and replace with '<i>legislation and plans</i>'.</p> <p>Delete 6<sup>th</sup> dot point relating to 'first release'.</p>
190	Direct Financial Assistance Mayoral Donation Program	Delete in 2 <sup>nd</sup> paragraph in 'Policy Statement' words ' <i>which in 2010/2011 is \$6000</i> '.

## 2.4 Policy to be Revoked

It is proposed to revoke one policy for reasons explained below. Not needed as signing is an operational issue and Council's 'Brand' is always applied.

No.	Policy Name	Reason for Revocation
129	Signs – Council Facilities	Not needed as signing is an operational issue and Council's 'Brand' is always applied

## 2.5 Policy – Smoke Free Zones around Pittwater

During the policy review meetings it was agreed that Policy 154 should be updated to reflect the 2013 amendments by the State Government to the Smoke-Free Environment Act 2000. These amendments to the Act ban smoking in a number of public outdoor areas.

It was agreed that Council's policy 154 should be amended by inserting the banned areas into Council's policy in lieu of the current statement under the heading 'Smoke Free Areas'.

The Smoke-Free Environment Act 2000 (as amended 2013) does not ban smoking at public beaches. Currently at point 2 under 'Smoke Free Areas' in Council's Policy 154 it states that Council "*encourages the community not to smoke ..... (ii) on all beaches*".

During the review there was a difference of opinion in that Cr Ferguson was of the view that Council should ban smoking on all beaches whilst the majority of the working group felt that the current Council policy in relation to beaches, was adequate given the State Government did not provide legislative power to ban beach smoking.

## 2.6 Public Exhibition of Council's Finalised Policy Register

This Report is one of four reports to Council from each Committee reviewing relevant policies.

All reports address Policies on a Committee/Strategy related basis.

Following the final Report, all new and amended policies proposed to be included in Council's Policy Register, will be placed on public exhibition for a period of 28 days.

At the end of the exhibition period a further report will be presented to Council.

---

## 3.0 SUSTAINABILITY ASSESSMENT

### 3.1 Supporting & Connecting our Community (Social)

Provides clear information to the community.

### 3.2 Valuing & Caring for our Natural Environment (Environmental)

Provides clear information on Council's policy direction including policies relating to the natural environment.

### 3.3 Enhancing our Working & Learning (Economic)

Provides clear information on Council's policy direction including policies relating to commercial enterprise and education.

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

Facilitates accountability to the community for policy direction.

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

Provides clear information on Council's policy direction including policies relating to the built environment and infrastructure.

---

## 4.0 **EXECUTIVE SUMMARY**

- 4.1 Council policies falling into the Community, Recreation and Economic Development Committee have been reviewed and where appropriate recommended to be retained, amended or revoked.

Reasons for amendment and revocation of policies have been outlined and analysed by the working group.

Council should formally resolve to revoke the redundant policy, and publicly exhibit the amended policies prior to considering their adoption for inclusion into Council's Policy Register.

---

## RECOMMENDATION

1. That the following draft amended policies be endorsed for the purpose of public exhibition (as shown in **Attachment 2**):

No.	Policy Name	Amendment Proposed
18	Parking Permits – Issue of Annual Permits – Waiving of Annual Fees	Amend 6(d) to include Peninsula Living
26	Storage of Water Craft	Reformat – Consistent fonts
30	Dog Control	- Prohibited Areas to include Turimetta Reserve, Ingleside Chase Reserve and Bangalley Headland Reserve to be consistent with Bicentennial Coastal Walkway plus Ingleside Close on environmental grounds - 21 rather than 20 bushland reserves to be consistent with list - 6 'sketches' rather than 7 to be consistent with the 'sketches'
43	Clothing Recycling Bins on Council Controlled Land	- Inclusion of (f) requiring bins to be kept clean
97	Public Collections / Appeals	Delete reference to Policy 53 in headline and point (5) as it was previously repealed.
98	Helicopter Landings on Council Owned and Controlled Property	- Minor re-format on page 1 - Delete on page (2) and (3) the paragraph titled 'Amendments' and 'Council Decision' as these are past decisions of Council
100	Circuses	Delete point (3) as this procedure is part of another Policy

No.	Policy Name	Amendment Proposed
102	Speed Restriction – Signs on Public Reserves and Carparks	'20kph' replaced by '10kph' and Bayview Park, Rowland Reserve, Avalon Golf Course carpark and Clareville Beach carpark added
120	Open Air Concerts	Clarification as to what is a concert relative to market days, festivals etc.
154	Smoke Free Zones around Pittwater	Section headed "Smoke Free Areas" updated to reflect early 2013 amendments to the Smoke Free Environment Act 2000.
167	Youth	Objectives simplified, reformatted and made clearer
169	Open Air Cinema Events on Council Controlled Land	<p>Delete words after '<i>best practice standards</i>' in 3<sup>rd</sup> paragraph of 'Objectives'</p> <p>Delete 3<sup>rd</sup> paragraph in 'Policy Statement'</p> <p>Delete 3<sup>rd</sup> dot point amended to allow operation in school holidays, unlimited in length but still be limited to 3 events per year in 'Conditions of Operation ' and replace with '<i>No films with ratings of 'MA' or 'R' be permitted</i>'</p> <p>Delete in dot point 5 all words after 'relevant' and replace with '<i>legislation and plans</i>'</p> <p>Delete 6<sup>th</sup> dot point relating to 'first release'</p>
190	Direct Financial Assistance Mayoral Donation Program	Delete in 2 <sup>nd</sup> paragraph in 'Policy Statement' words ' <i>which in 2010/2011 is \$6000</i> '

2. That Policy 129 "Signs – Council Facilities" be revoked.
3. That on completion of the public exhibition period, a further report be provided to Council addressing any public submissions received.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

## **Policies Examined**

<b>Council Policy – No 2</b>	<b>Adopted:</b>	<b>OM 3.3.97</b>
	<b>Amended:</b>	<b>CS 27.9.99 OM (CRED) 3.8.2009 OM: 17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** **RECOGNITION OF COMMUNITY SERVICE - AWARDS**

**STRATEGY:** **BUILDING COMMUNITIES**

**BUSINESS UNIT:** **COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT**

**RELEVANT LEGISLATION:** **NONE**

**RELATED POLICIES:** **NONE**

## **Objective**

To provide support and recognition to individuals who provide outstanding services to the Pittwater community.

## **Policy Statement**

- 1) That Council recognise the outstanding contribution of Pittwater's volunteers through a regular recognition and awards program
- 2) That this program include:
  - An annual civic reception to mark International Volunteer Day, which occurs on December 5 each year.
  - The Pittwater Volunteer Awards (a biennial awards program), as part of National Volunteer Week in May. This awards program includes the Mayor's Courage in Lifesaving awards.
- 3) Both volunteer programs will focus on the contribution of individual volunteers but also highlight the contribution of the organisations for which they work.
- 4) The Volunteer Awards focus on recognising Pittwater residents and also those non-residents who have made a significant contribution to Pittwater and its community.
- 5) A Panel comprising one Councillor from each Ward be formed biennially to judge the nominations received for the Volunteer Awards.
- 6) That the judging Panel be provided with all necessary information to assist them with their deliberations including information relating to any other awards that nominees may have received.

Council Policy – No 18	Adopted:	OM 25.11.1996
	Amended:	OM: 03.03.97, OM: 07.12.98, OM: 01.11.99, OM: 13.11.00, OM: 15.10.01, OM: 08.11.04, OM: 17.10.2011
	Revoked	

**TITLE:** Parking – Issue of Annual Permits - Waiving Of Parking Fees

**STRATEGY:** Business Management  
Recreational Management

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

## **Objective**

To effectively manage paid parking arrangements in Pittwater such that the costs of managing and maintaining regional resources such as public beaches and reserves are equitably met by rate payers, residents and visitors to the Pittwater area.

## **POLICY STATEMENT:**

### **1. Parking Permits**

Annual parking permits shall be made available to rate payers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- (a) Permits shall be in the form of stickers for attachment to the motor vehicle's bottom left of the windscreen, or on a fixed glass panel on the left hand side of the vehicle.
- (b) Permits shall provide the vehicles, to which they are affixed, with exemption for the year from the daily parking fees (as fixed by the Council from time to time) that would otherwise apply in paid public parking areas.

### **2. Issue of Annual Permits**

Permits shall be issued each year to:

- (a) The owner of each rateable property in the Area (limit two per property). Permits to be issued with each initial rate notice.

- (b) Resident owners of units within retirement villages (other than freehold ratepayers who separately receive carparking stickers) and resident owners of Company Title Home Units who pay rates on the basis of one sticker per unit, following a request for or on behalf of such unit holders where required.
- (c) The owner of a rateable property in the Area who purchases that property after the general issue of permits to property owners for the ensuing year, provided that the Council rates for the current year have been paid in full (limit two per property).
- (d) Any joint owner of two or more rateable properties in the Area, on condition that no more than two permits are issued for each rateable property.
- (e) Property owners and non-owner residents may purchase up to three (3) additional permits per property at a discounted cost for vehicles usually garaged at the property. Proof of ownership or residency and a signed Statutory Declaration applying for the permits and stating vehicles registration number/s. Any additional permits can be purchased at full price.
- (f) Surf Club personnel, as follows, on the basis of one sticker per person (subject to stickers being issued only to those personnel not currently receiving stickers as ratepayers and no additional stickers where multiple roles are involved).
  - The Club President
  - The Club Senior Vice President
  - The Club Honorary Secretary
  - The Club Honorary Treasurer
  - The Club Captain
  - The Club Patrol Captain
  - Active Club Members who do voluntary beach patrols and who own and drive their own motor vehicles.
  - Water Safety Officers and Nipper Age Managers who drive their own vehicles and do not received a sticker as a ratepayer.
- (g) Active members of Surf Clubs who do not receive parking stickers as a ratepayer can make application to Surf Life Saving Sydney Northern Beaches for a Pittwater parking permit. They must supply their name, address, vehicle registration, club for which they are an active patrolling member and reason(s) on a signed application. The full list of recipients is to be verified by each Surf Club President, endorsed by Surf Life Saving Sydney Northern Beaches and forwarded, prior to the start of each swimming season, to Council for the allocation of parking permits, along with the Clubs' patrol rosters. Council may provide additional stickers for new members of the club involved in the club's patrol roster as formally advised by the club president from time to time during the season.
- (h) One sticker will be issued to Surf Life Saving Northern Beaches Board of Examiners, if they are not Pittwater Ratepayers or Surf Club Members.
- (i) Active volunteer members of Pittwater based Rural Fire Service who do not receive parking stickers as a ratepayer can make application for a Pittwater parking permit. They must supply their name, address, vehicle registration, Brigade of which they are an active member and reason(s) on a signed application. The full list of recipients is to be authorised by the respective Brigade Captains and forwarded to Council for the allocation of parking permits.



- (j) The Sydney Academy of Sport shall receive seven (7) annual parking permits for affixing to nominated Academy vehicles for official use in Pittwater and the fees shall be waived annually. (Ref. OM: 1/3/99).
- (k) Annual parking permits are not valid at:-
  - designated 1 hour meter/ticket parking areas;
  - Council controlled free carpark which have time limits;
  - Rowland Reserve boat ramp parking area at Bayview;
  - Church Point Precinct parking;
  - Woorak Reserve Boat Trailer Parking area.
- (l) Contract Lifeguards be restricted to 50 stickers only.

### **3. Parking Permit Replacement**

- (a) Parking permits shall be replaced if windscreen is broken, sticker is damaged or new vehicle purchased.
- (b) Lost or discarded permit stickers will incur a replacement cost as set by the Council from time to time.
- (c) Owners of a new property can receive two (2) permits. A Statutory Declaration needs to be completed and proof of purchase is required.

### **4. Business Parking Permits**

- (a) Business Parking permits are available to appropriate businesses upon application for a fee fixed by Council from time to time. Business may purchase up to five (5) business parking permits per business. Proof of business operation is required at time of applying for these permits and stating vehicles registration number/s.
- (b) The concept is aimed at those businesses that rely solely or heavily on pay parking locations for their employees.
- (c) Business parking permits are not valid at any other Council carpark or meter/ticket parking areas. Permits are valid for the area stated on the permit only.

### **5. Waiving of Parking Fees - Surf Life Saving Carnivals/Special Events**

- (a) Parking fees shall be waived at beach parking areas when a particular beach is to be used for State or National Surf Life Saving Carnivals.
- (b) Parking fees shall be waived at beach parking areas when a particular beach is to be used for a carnival or special event (including an ocean swim) that is sanctioned by Surf Life Saving Sydney Northern Beaches Inc. and which also appears on their annual carnival and special event calendar.
- (c) The General Manager has delegated authority to waive parking fees for future annual swims conducted by the Local Surf Clubs in Pittwater as part of the Council's ongoing support for the Surf Life Saving movement in Pittwater. (ref. OM: 1/3/99)
- (d) The waiving of parking fees for an eligible event does not confer approval for exclusive use of the affected parking areas by the host Club or SLS Branch, nor are such organisations authorised to collect parking fees or to unreasonably restrict public access to the parking area or the beach.

## **6. Waiving of Parking Fees - Special Exemptions**

(a) Official and Emergency Vehicles

Vehicles parked in any parking area in the course of official police, governmental, ambulance, fire control, local government or public utility business or duty shall be exempted from payment of parking fees.

(b) Disabled Persons Parking Authority

Vehicles displaying valid disabled persons parking authority shall be exempted from payment of fees.

(c) Volunteer and Charity Organisations

Volunteer/Charity Organisations requesting Council to waive fees for an event or to issue free parking permits must make an application to Council for consideration on an individual merits basis.

(d) Special Press Passes

Up to three (3) special press passes be provided upon application for each of the following local papers:-

- Manly Daily
- Pittwater Life

## **7. Rowland Reserve Boat Ramp Parking Area**

Rowland Reserve Boat Ramp Carpark annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Rowland Reserve Boat Ramp.
- (d) Rowland Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year
- (g) One hour free parking is available at a designated area of the Rowland Reserve carpark for users of the unleashed dog exercise area in Rowland Reserve.

## **8. Church Point Precinct Parking Area**

Church Point Precinct annual parking stickers can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- a) Stickers must be displayed as stipulated on the sticker.
- b) Stickers are only valid at the Pay and Display areas within the Church Point Precinct.
- c) Replacement stickers will only be issued where vehicle is sold, disposed of or due to windscreen damage – original permit number and proof of purchase is required.
- d) Church Point parking stickers are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- e) Availability of parking spaces is not guaranteed.

## **9. Woorak Reserve Boat Trailer Parking Area**

Woorak Reserve Boat Trailer parking area annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Woorak Reserve Boat Trailer parking area.
- (d) Woorak Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year

## **10. Reciprocal Parking Arrangements Pittwater and Warringah Council**

That reciprocal parking arrangements be recognised for North Narrabeen Beach/ Pool in the Warringah Council LGA and Pittwater Council LGA.

<b>Policy – No 21</b>	<b>Adopted:</b>	<b>OM: 23.09.1996</b>
	<b>Amended:</b>	<b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>TOURISM IN PITTWATER</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES &amp; ECONOMIC DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

## **Objectives**

1. Ensure that the natural environment of Pittwater is protected and appreciated by visitors and community alike and managed for sustainability.
2. Improve community knowledge of and attitudes towards tourism in Pittwater.
3. Ensure that tourism/ visitation issues are considered in the strategic planning of the area.
4. Work with the recognised tourism groups within Pittwater to encourage planned, sustainable and appropriate tourism development within the area to agreed standards.
5. Ensure any investment in infrastructure provision or up-grade has the two-fold benefit of improving facilities for the community while addressing the needs of tourism operators and users.
6. Encourage the provision and accessibility of community and visitor information.

## **Policy Statement**

Pittwater Council is committed to the orderly and strategic development of tourism initiatives that benefit the ratepayers of Pittwater but which are environmentally and structurally sensitive to our unique environment.

In looking at tourism initiatives Council will be favouring those initiatives that create employment, that provide facilities for the residents of the area, which in turn can be used by tourists, that promote and protect our unique environment and lifestyle and that do not unduly interfere with the fabric of the society in which we live.

## **Implementation**

In co-operation with the relevant organisations, Council will develop long-term management strategies which ensure tourism development which is acceptable to the Council's vision.

Pittwater Council will continue to formulate planning controls and policies which maintain the quality of the environment and conserve the resources which are the basis of tourism in the area.

In doing so Council will ensure that any investment in infrastructure provision or up-grade related to tourism has the two-fold benefit of also improving facilities for the community while addressing the needs of tourism.

Council will also ensure that any proposed tourism development meets with provisions of this policy.

<b>Policy – No 26</b>	<b>Adopted:</b>	<b>OM: 03.03.1997</b>
	<b>Amended:</b>	<b>OM: 13.11.2000, OM: 08.11.2004 OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>Storage of Water Craft</b>
<b>STRATEGY:</b>	<b>Recreational Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Impounding Act 1993 – Section 24</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

## Objective

Council will at suitable locations provide facilities:

- for the orderly storage of watercraft such as dinghies, large boats, canoes, kayaks, outrigger canoes and dragon boats in Council's designated storage areas.
- remove abandoned, derelict or illegally stored watercraft from the foreshore areas where they constitute a hazard, cause damage to the environment or restrict access to foreshore areas and that do not comply with the conditions of use for Council's watercraft storage facilities.
- remove vessels without current permit stickers, taking up space on a facility, under the Impounding Act 1993 – Section 24.
- provide watercraft storage and berthing arrangement upon Crown Land (which Council is trust manager of) and administer temporary licence agreements.

## Policy Statement

### 1. Derelict, Abandoned, Oversized or Illegally Stored Watercraft

That watercraft stored on the foreshore in an unauthorised manner, be removed, from reserves where there is significant adverse recreational or environmental impacts or where suitable storage facilities have been provided. Vessels that have been abandoned are derelict or have been placed on a Council reserve without Council approval are to be removed and impounded by Council's authorised officers.

These vessels will be held at Council's impound and maybe disposed of in accordance with the Impounding Act 1993 – Section 24. Proof of ownership is required for release of any impounded boat. Payment of a release fee may be required depending on circumstances. Such release/administration fees will be set each year in Council's Delivery Plan.

## 2. Watercraft Storage Facilities

At appropriate locations, Council will make available facilities suitable for the storage of watercraft which, members of the public may rent for a fee as set by the Council from time to time. In the case of areas where the land is owned by the Crown and Council appointed as Trust Managers, a temporary licence agreement will be administered and a fee charged as set by the Council from time to time.

## 3. Conditions of Use of Watercraft Storage Facilities

- 3.1 Council accepts no liability or responsibility for loss, damage or theft of the vessel stored at the storage facility.
- 3.2 The maximum permissible length for watercraft stored at a facility be adhered to.
- 3.3 Council to be notified within 7 days of disposal of watercraft, or no longer required usage of the storage bay in order to allow for timely reallocation of the facility.
- 3.4 The rental agreement permits one vessel only being stored per allocated bay.
- 3.5 The lessee must notify Council promptly of change of address, change of vessel details or contact phone numbers.
- 3.6 Council reserves the right to terminate the rental agreement if any of the relevant conditions are breached or if the lessee misuses the facility in any way.
- 3.7 The watercraft permit sticker must be displayed in a prominent position on the vessel.

## 4. Issue of Annual Permit Stickers

- 4.1 An invoice will be forwarded to current permit holders and shall be issued each year to the owner of the watercraft to be stored at a facility. If an invoice is not paid within the allocated time, the storage bay may be allocated to the next person on the waiting list.

## 5. Watercraft permit stickers

- 5.1 Annual permit stickers for watercraft storage shall be made available to both residents and non-residents for storage of vessels, which they personally own on the following basis:-
  - Permits shall be in the form of stickers for attachment to the vessel in a clearly visible location.
  - Permits once attached to a vessel will allow the owner to store the vessel for that current year displayed on the sticker.
  - Watercraft which do not display a current permit sticker in a clearly visible position or watercraft that are over the height restriction for the facility may be impounded under the impounding Act 1993 – Section 24. Following advice from Council, owners should place the current permit sticker on their watercraft or remove oversized watercraft from the facility.

## 6. Waiting Lists for Storage of Watercraft

6.1 The procedure for obtaining a position on Council's watercraft storage facilities is as follows:

- An application form is to be completed and returned to Council for placement on the waiting list for watercraft storage in the nominated location/s.
- An applicant may be placed on as many waiting lists as they require
- When a position becomes available Council will notify the applicant and raise an invoice for the facility.
- On receipt of payment the applicant will receive confirmation of allocation together with a sticker to affix to the vessel.

## 7. Location of Watercraft Storage Facilities

7.1 The locations where watercraft can be stored on Council's reserves with the applicable length restrictions are as per Council's Dinghy Facility Schedule.

## 8. Fees & Charges –Watercraft

8.1 The yearly rental of watercraft storage bays commences 1 September to 31 August. Fees are charged on a pro rata basis as follows:

- If allocation takes place from 1 September full year payment
- If allocation takes place from 1 December  $\frac{3}{4}$  year payment
- If allocation takes place from 1 March  $\frac{1}{2}$  year payment
- If allocation takes place from 1 June  $\frac{1}{4}$  year payment

8.2 The surrender of a watercraft storage bay attracts the following rebate for the portion not used:

- If surrender takes place before 30 November  $\frac{3}{4}$  payment refunded
- If surrender takes place before 30 March  $\frac{1}{2}$  payment refunded
- If surrender takes place before 30 June  $\frac{1}{4}$  payment refunded
- After 30 June no refund is allocated.



<b>Council Policy – No 30</b>  <b>Version:</b>	<b>Adopted:</b>	OM:03.03.1997
	<b>Amended</b>	OM:17.10.2011
	<b>Revoked</b>	

<b>TITLE:</b>	<b>Dog Control</b>
<b>STRATEGY:</b>	<b>Community Engagement, Education &amp; Awareness Biodiversity Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Companion Animals Act 1998</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

## **Objective**

To provide effective dog control in leashed and unleashed areas in the Pittwater LGA in accordance with the Companion Animals Act 1998.

## **Policy Statement**

### **Dog Control**

That Council has provided (in compliance with the Companion Animals Act 1998) the following areas:

- **Bicentennial Coastal Walkway**

Leashed dogs are allowed on all headland sections of the Walkway, with the EXCEPTION of Bangalley Head and Turimetta Head.

- **Prohibited Areas**

All Beaches and Warriewood Wetlands

- **Wildlife Protection Areas**

Council has designated 20 bushland reserves as Wildlife Protection Areas (*Companion Animals Act 1998 s 14 H*) with public place set apart by the local authority for the protection of wildlife. Except where dogs are expressly prohibited from the whole reserve, dogs are allowed in wildlife protection areas on defined paths and on a lead at all times.

Wildlife Protection Areas are listed below:

Careel Bay Intertidal area  
Irrawong Reserve to the waterfall  
Angophora Reserve, Bilgola Plateau  
McKay Reserve, Palm Beach  
Elizabeth Park, Scotland Island  
Stapleton Park, Bilgola Plateau  
Bangalley Headland, Avalon  
Palmgrove Reserve, Avalon  
Sunrise Reserve, Palm Beach  
Betty Morrison Reserve, Bungana Beach  
Kanimbla Reserve, Bilgola Plateau

Bushrangers Hill, Newport  
Minkara Reserve, Ingleside  
Attunga Reserve, Newport  
Pindari Park, Bayview  
Hewitt Park, Bilgola  
Epworth Park, Elanora  
Algona Reserve, Bilgola Plateau  
Bilarong Sanctuary, North Narrabeen  
Fern Creek, Creekline Corridor Warriewood  
Narrabeen Creek, Creekline Corridor Warriewood

- **Unleashed Exercise Areas**

That the following reserves or picnic places be declared and approved by Council as areas in which dogs, under the control of a person (but not necessarily on a leash) may be exercised, namely (See Location Sketches (7) attached):

- Mackerel Beach only permitted from the public wharf north of the boundary with the National Park from sunrise to 9.30am and 5pm to sunset. At other times the shortest direct route with dog on-lead is to be taken across the beach between a vessel and the grassed strip.
- Hitchcock Park, Careel Bay (restricted to the Reserve Area north of the soccer field).
- Dearin Reserve, Newport.
- Rowland Reserve, Bayview (north of the boat launching area car park and including the adjacent tidal sand flats).
- South Mona Vale Headland Reserve (area east of Narrabeen Park Parade/ Coronation Street junction).
- Progress Park, Narrabeen (water access to Mullet Creek).

- **Unleashed Training Area**

That the following reserve or public place be declared and approved by Council as an area in which dogs, under the control of a person (but not necessarily on a leash), may be trained, namely:

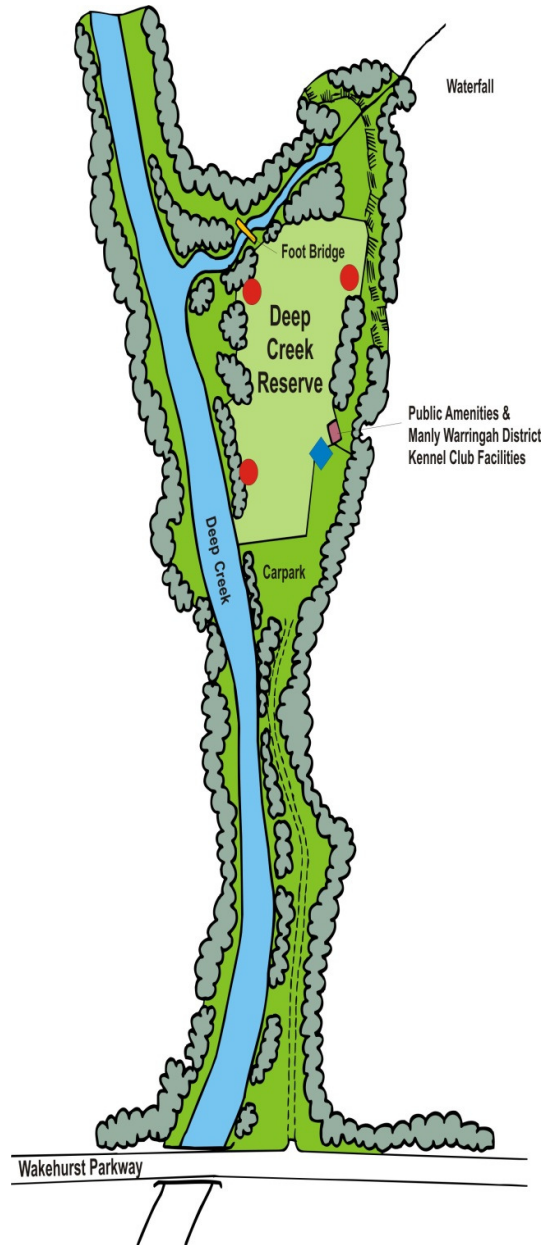
Deep Creek Reserve, Narrabeen – within the fenced area (see location sketch attached).

- **Reserve Advisory Signs**

That the reserve advisory signs for each declared area display a diagrammatic plan showing the boundary of the declared area; a notice to accompany the diagram advising dog owners that they are required to control their dogs within the specified area and remove any litter caused by their animals.

That publicity be given from time to time to the prohibitions, the penalties and to the provision of approved areas and appropriate signage be erected.

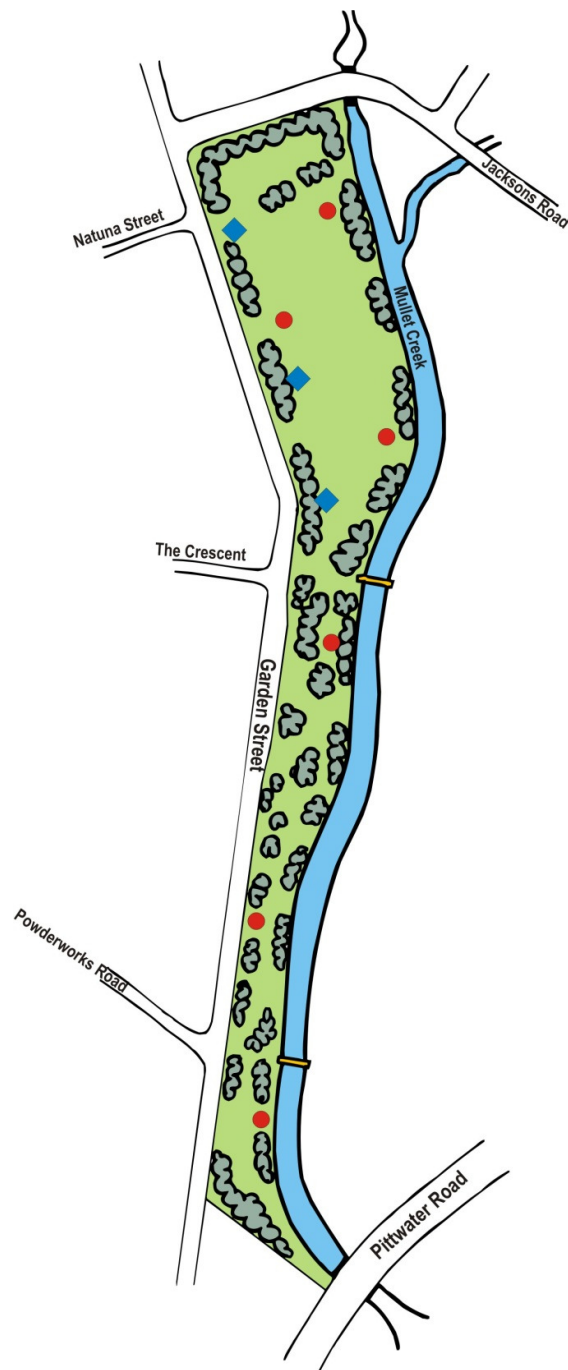
**Unleashed Dog Training Area**  
**Deep Creek Reserve, Narrabeen (within fenced area only)**



**Unleashed Dog Exercise Area  
Hitchcock Park, Careel Bay  
(restricted to the reserve area north of the soccer field)**

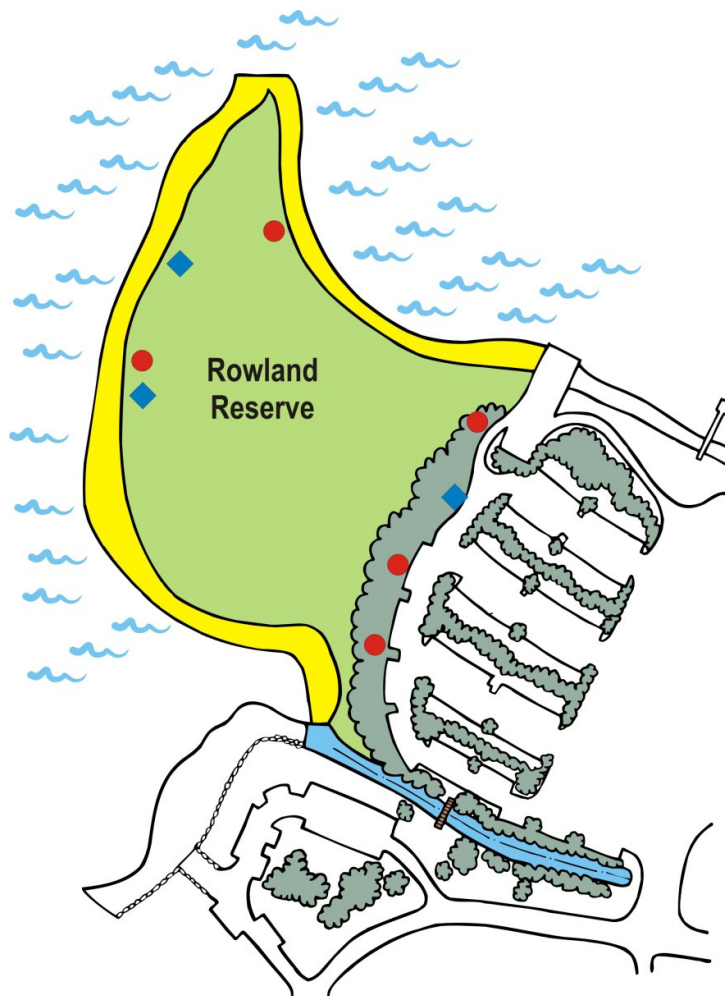


**Unleashed Dog Exercise Area**  
**Progress Park, Narrabeen (water access to Mullet Creek)**



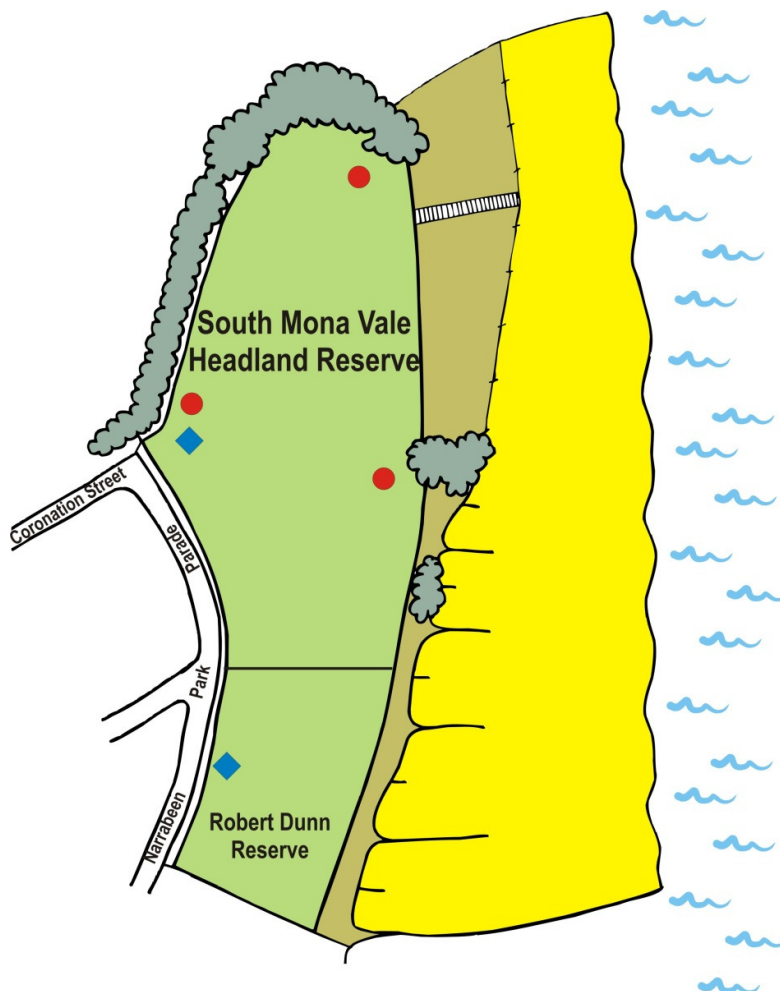
## Unleashed Dog Exercise Area

**Rowland Reserve, Bayview**  
(north of boat launching area carpark  
and including the adjacent tidal sand flats).



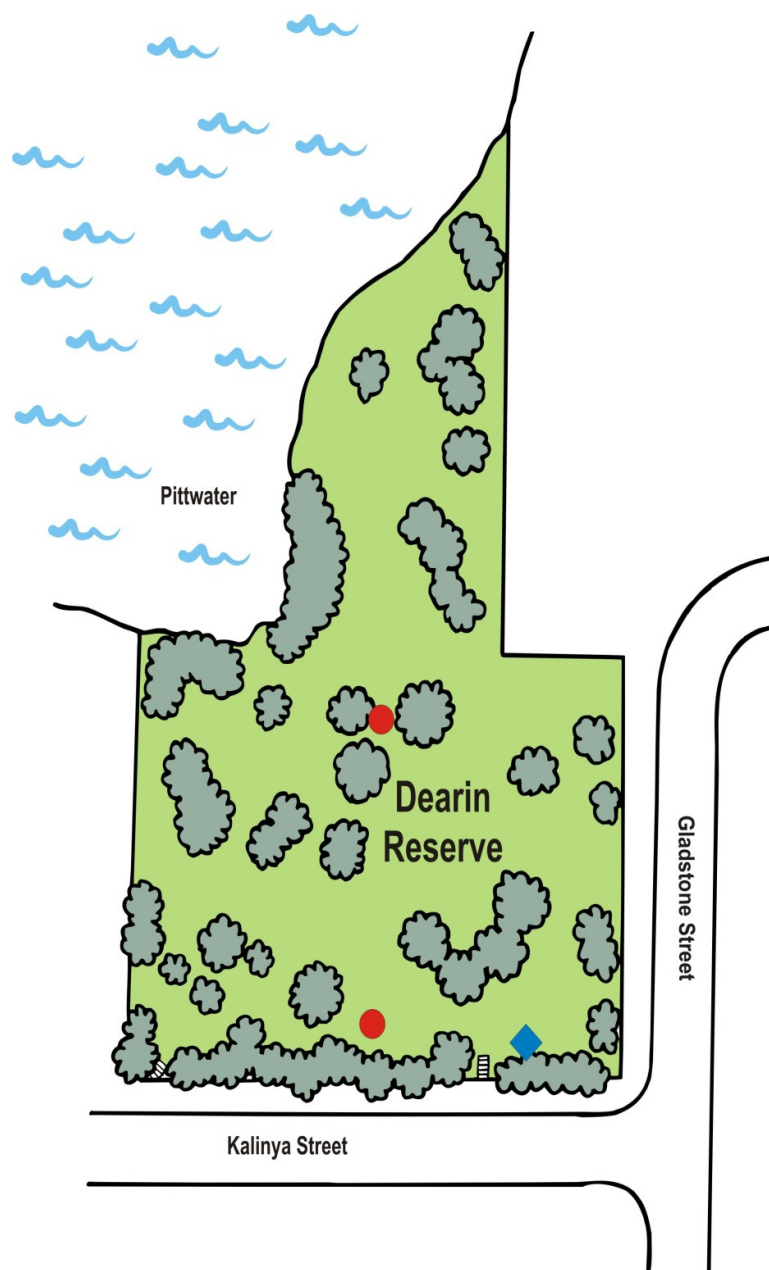
## Unleashed Dog Exercise Area

**South Mona Vale Headland Reserve**  
(area east of Narrabeen Park Parade/  
Coronation Street junction)



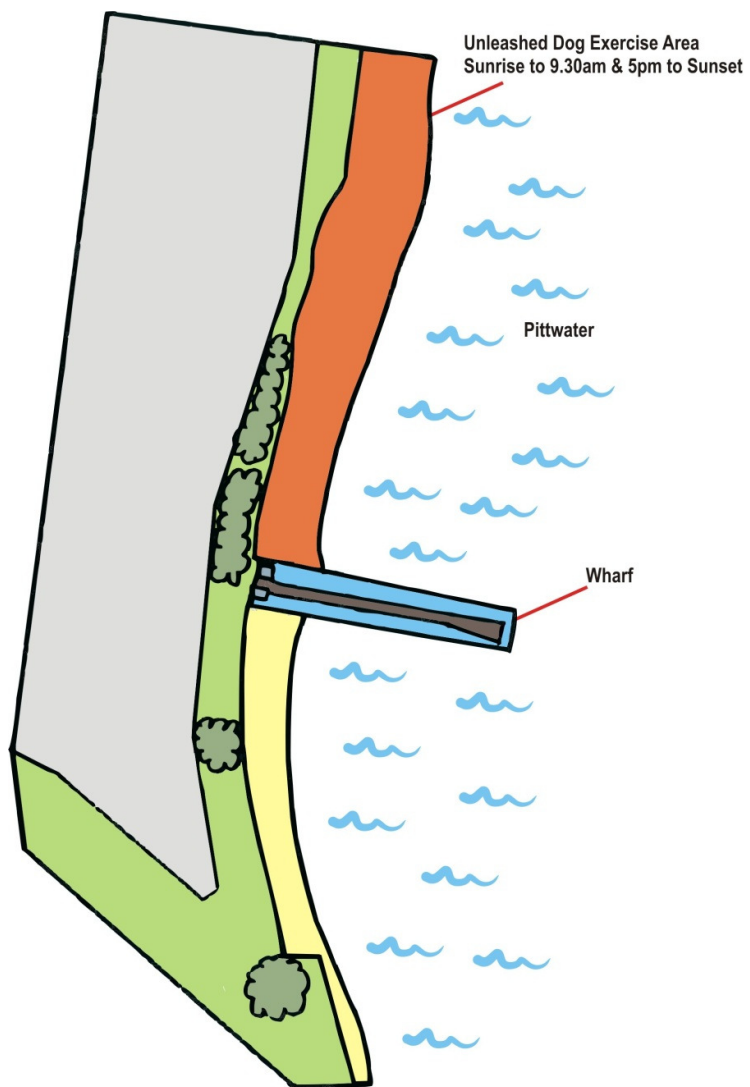
## Unleashed Dog Exercise Area

### Dearin Reserve, Newport





## MACKEREL BEACH UNLEASHED DOG AREA MAP





<b>Council Policy – No 37</b>  <b>Version:</b>	<b>Adopted:</b>	08.08.2005
	<b>Amended</b>	17.10.2011
	<b>Revoked</b>	

<b>TITLE:</b>	<b>Amusement Devices</b>
<b>STRATEGY:</b>	<b>Risk Management Coordination Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Occupational Health &amp; Safety Regulation (2001) Workcover Authority of NSW</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

## **Objective**

To ensure that any amusement devices that are erected on Council owned land complies with Occupational Health & Safety Regulation (2001) and Work Cover requirements.

## **Policy Statement**

### **AMUSEMENT DEVICES**

- 1) (a) All amusement devices proposed to be used must be registered and approved under the Occupational Health & Safety Regulation (2001) and registered by the Work Cover Authority of NSW.

Where it is determined by Council that the surface where the device is to be erected may be unstable the ground shall be inspected and approved for stability by a qualified Structural Engineer prior to and following erection of the device.

A copy of the inspection report must be forwarded to Council prior to operating the device. All costs relating to the inspection are the responsibility of the applicant.

- b) The relevant certificates issued by the Work Cover Authority of NSW under the Occupational Health & Safety Regulation (2001), are to be forwarded to Council's Reserves & Recreation Business Unit at the time of application for use of an area.
- c) Provide evidence of current up to date service log books upon request.

- 2) a) The owner of an amusement device will be required to produce written evidence of a current Public Liability Policy with a minimum cover of \$20,000,000 or an amount as determined by Council to be held with an acceptable insurance company. Pittwater Council is to be noted as an interested party. The Policy is to cover against damages for death or personal injury arising out of:
  - i) the operation or use of the device and/or stand; and
  - ii) any total or partial failure or collapse of the device and/or stand against that liability.
- b) A copy of the aforementioned insurance policy must be produced at the time of application for use of an area. Failure to comply will result in the amusement device and/or public stand not being permitted to operate.
- 3) No amusement devices are to be erected without prior application to Council and written approval being sought and obtained.





# PITTWATER COUNCIL

<b>Council Policy – No 43</b>	<b>Adopted:</b>	<b>OM: 03.03.1997</b>
	<b>Amended:</b>	<b>OM: 10.04.2000, OM 14.02.2005, 17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** **Clothing Recycling Bins on Council Controlled Land - Control and Regulation**

**STRATEGY:** **Building Communities  
Recreational Management**

**BUSINESS UNIT:** **Reserves, Recreation & Building services**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

---

## **Objective**

To control and regulate the placement and management of clothing recycling bins on Council controlled land so as to obviate nuisance, minimise the environmental impact and effectively manage safety and public risk.

## **Policy Statement**

That Council support the clothing appeals of registered charities who agree to comply with a Code of Conduct equivalent to that of the National Association of Charitable Recycling Organisations (NACRO) by permitting the placement of appropriate numbers of their clothing recycling bins on suitable Council controlled sites.

- (a) Prior to the installation of each clothing bin within the Pittwater local government area on Council controlled land, the organisation concerned apply for and if approved be granted permission by Council for the location(s) of each bin on an annual basis and be required to enter a license agreement on conditions set by Council, for a nominal fee as set by Council from time to time. Any application should include an acceptable plan indicating the proposed location of the bin.
- (b) Only registered charitable organisations that agree to comply with a Code of Conduct equivalent to the NACRO Code and who also agree to comply with the Best Practice Guidelines for Charitable Organisations (prepared by the NSW Department of Gaming and Racing) and who directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Council owned or controlled lands.
- (c) Clothing bins be permitted on Council controlled land at the discretion of Council and be subject to amenity and environmental considerations. Bins will be prohibited where there is an unreasonable impact on the aesthetics and amenity of a site or where undue obstruction is caused.

- (d) Council shall determine the number of bins which may be located within any given area. (As a general rule, 1 bin only per 1000m<sup>2</sup> site area.)
- (e) Bins should be readily accessible and are not to be located in carspaces and maneuvering areas, nor in such a way that contravenes any condition of development consent applicable to the site.
- (f) The charity must clear the bin regularly and ensure that the bin and its immediate surroundings are kept in a neat and tidy condition.
- (g) A register of all clothing bins on Council controlled land and their locations be kept by Council.
- (h) The applicant must nominate a contact person (including mobile phone number) who has the control of locating and servicing their bins.
- (i) Bins must be signwritten with the name, address, and telephone number of the charity controlling the bin as well as any information required to be displayed under Section 19 of the Charitable Fundraising Act 1991 or recommended by the Best Practice Guidelines for Charitable Organisations prepared by the Department of Gaming and Racing.
- (j) Where bins are placed on Council controlled land, the charity responsible is to provide proof of their public liability insurance with a minimum indemnity of \$10 million noting Pittwater Council for respective rights and interests on the same.
- (k) Council's staff regularly monitor compliance with the conditions and undertake a performance review at least 40 days prior to the end of each license term with a view to recommending renewal or termination.

<b>Council Policy – No 45</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	<b>OM17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** **DIRECT FINANCIAL ASSISTANCE - COMMUNITY SERVICE ORGANISATIONS**

**STRATEGY:** **BUILDING COMMUNITIES**

**BUSINESS UNIT:** **COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT**

**RELEVANT LEGISLATION:** **LOCAL GOVERNMENT ACT**

**RELATED POLICIES:** **DIRECT FINANCIAL ASSISTANCE - MAYORAL DONATIONS PROGRAM**

---

## **Objectives**

To support community service organisations in providing community and cultural services within the Pittwater area.

To stimulate the development of effective community and cultural services to meet the needs of residents of Pittwater.

To encourage high quality community and cultural programs in the Pittwater area.

To assist in building the capacity of local not for profit community groups through the provision of financial assistance.

## **Policy Statement**

Council may provide financial assistance to community service organisations through any of the following categories:

- a) Annual Community Services Grants Program
- b) One-off requests
- c) Identified Partnerships
- d) Mayoral Donations

### ***Availability and Targeting of funding***

Each year Council will call for applications subject to funding being available in the Delivery Plan.

Prior to calling for applications, Council will identify priority areas for which financial assistance is to be targeted each year.

### ***Eligibility***

To be eligible for financial assistance under the Community Services Grants Program, organisations must provide a community or cultural service to residents of Pittwater. To be considered under the Community Services Grants Program, applications for financial assistance must:

- Address the objectives of the Community Services Grants Program.
- Be supported by evidence of local need.
- Indicate how financial accountability will be ensured.

### ***Requests for Financial Assistance outside the Grants Program***

Council may also consider requests for financial assistance which are received after the Community Services Grants Program has closed each year, or which are not eligible under this program, but which are considered by Council as meriting support.

More significant requests (over \$500) may need to be the subject of a separate report to Council.

Council may also consider requests, when a community service organisation is identified as a clear partner for Council to deliver projects or programs identified within the Social and Cultural Plans.

Requests for \$500 and under can be considered under the Mayoral Donation Program. This program allows the Mayor discretion to support local initiatives and community organisations, not just community **service** organisations.



<b>Council Policy – No 46</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	<b>OM17.10.2011</b>
	<b>Revoked</b>	

<b>TITLE:</b>	<b>COMMUNITY CENTRES</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES AND RECREATION MANAGEMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

## **Objectives**

To provide all residents with opportunities for social and cultural interaction (through the availability of local community space).

To ensure equitable access for all residents to community centres.

To offer diverse programs which are culturally rich and foster local identity.

To ensure that community centres are accountable to the community in the most cost effective and efficient manner.

## **Policy Statement**

Pittwater Council, through its community centres network, is committed to offering diverse and accessible venues for meetings, cultural activities and events for the whole community.

Community centres enhance the quality of community life by encouraging participation and networking within the local community and by facilitating the development of a diverse range of activities and services, which recognise the distinct lifestyles and interests of residents.

Council will promote and market the community centres to attract maximum interest.

Council will ensure the ongoing development and implementation of fair and equitable pricing policies that facilitate access to facilities for all residents.

Council will ensure that existing facilities are attractive and appropriate for community use through ongoing maintenance and upgrading of facilities.

<b>Council Policy – No 48</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	<b>OM: 17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** FREEDOM OF COLLECTION AND ACCESS FOR LOCAL GOVERNMENT LIBRARIES

**STRATEGY:** COMMUNITY LEARNING

**BUSINESS UNIT:** COMMUNITY LIBRARY AND ECONOMIC DEVELOPMENT

**RELEVANT LEGISLATION:** LIBRARY ACT 1939

**RELATED POLICIES:** NONE

## **Objectives**

To provide all residents with equitable access to a comprehensive and balanced collection of materials and information in a variety of formats.

To provide all residents of Pittwater with access to Council's information and library collection.

To provide popular and contemporary material including fiction and non-fiction.

To provide broad based information and reference resources for lifelong learning

## **Policy Statement**

Pittwater Council is committed to offering a Library and Information Service for residents of Pittwater and for people who work or attend educational institutions in the area.

Council will provide access to materials and information presenting, as far as possible, all points of view on current and historical issues including controversial issues.

Everyone has the right to use the public library, whatever their age, sex, race, religion, national origin, disability, economic condition, individual lifestyle or social views, unless prohibited by any order under the Library Regulations (1976) of the Library Act, 1939.

Book and non-book materials are made available to enable members to pursue their own interests. Any material not prohibited by State or Federal law may be provided, subject to budget, space, availability of material and the information needs of the community.

Collection development is conducted according to the Mona Vale Library Collection Development Strategy which has been developed to assist the library staff in providing a collection which meets the needs of the library community. All collections are available to all members and all materials are kept in open access except for restricted materials or for the express purpose of protecting them from injury and theft.

Monitoring the reading of children is the responsibility of parents/ guardians and not the library staff.

Council cooperates with other information providers in the Pittwater area including school libraries and the Avalon Community Library. Council participates in the wider network of public, state and national libraries throughout Australia.

<b>Council Policy – No 84</b>	<b>Adopted:</b>	<b>OM:03.03.97</b>
	<b>Amended:</b>	<b>OM:14.02.05, 17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** Temporary Storage on Council Land

**STRATEGY:** Recreational Management  
Land Use & Development

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

## **Objective**

To regulate the temporary storage of building materials, plant or equipment or soil on Council reserves.

## **Policy Statement**

The occupation of a portion of a Council reserve for temporary storage of building materials, plant or equipment or soil, may be permitted subject to the following conditions being met:

1. All applications to be made in writing in advance of the intended use and accompanied by a plan indicating the location and dimensions of the proposed temporary storage.
2. Lodgement of a bond as determined by Council from time to time, to ensure satisfactory restoration of the area following completion of the temporary storage. The bond may be waived in the case of a public utility authority.
3. No structures or fencing to be erected on the site without prior approval from Council.
4. The proposed duration of temporary occupation to be a maximum time of one (1) month.
5. Applicant to restore the area on completion of the occupation of the site. Grass surfaces to be restored using a species of turf as determined by Council's Reserves Manager (or his delegate), watered and maintained until established to the satisfaction of the Reserves Manager.
6. All trees on the site to be protected where necessary by the erection of suitable tree guards.
7. Payment in advance of a fee per square metre of reserve per week as determined by Council from time to time and contained within the fees and charges schedule within Council's adopted Delivery Plan.
8. Applicant to make satisfactory arrangement for sanitary and garbage services, where applicable.
9. Applicant to arrange for an approved public risk policy endorsed to indemnify the Council for a minimum of \$20 million.

<b>Council Policy – No 97</b>	<b>Adopted:</b>	<b>OM:03.03.1997</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked</b>	

<b>TITLE:</b>	<b>Public Collections/Appeals</b>
<b>STRATEGY:</b>	<b>Building Communities Town &amp; Village</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993, Roads Act 1993</b>
<b>RELATED POLICIES:</b>	<b>Policy 53 - Private Use of Road Reserves Part 4 Footpath Use in Commercial Centres</b>

## **Objective**

That pursuant to the Local Government Act, 1993, Council determines that the following restrictions and conditions shall apply to public collections: collections to include "soliciting or collecting in any public road or from house to house adjacent to any public road, gifts of money, or of subscriptions for any purpose". A permit must be obtained from the Council by any person or association which proposes to undertake collection within the Pittwater Area.

## **Policy Statement**

1. Only one "Door Knock Appeal" per year shall be permitted for each registered charity.
2. No action be taken by Council to limit or restrict payment to collectors by registered charities.
3. All applicants are to provide a letter of authority to fundraise from the organisation or charity on behalf of whom they are collecting.
4. Council will not approve "Traffic Light Appeals" due to safety issues.
5. That in the case of "Stalls in Commercial Centres", an applicant needs to lodge the appropriate application form which will be assessed under Council's Policy No. 53. Registered charities shall be restricted to a maximum of two stalls, each with a maximum of 4 days, in each commercial centre per month, providing that there must be two weeks between each booking. Bookings for charities and not for profit organisations can only be made in advance for each quarter.
6. That the General Manager or his nominee be given delegated authority to receive and determine applications lodged under this policy.

7. That where any person or association is found to be in breach of this policy, the following procedure shall apply:
- (i) The person or association will be advised of the procedure for street stalls in which they need a permit prior to undertaking of the activity.
  - (ii) Failure to comply with any or all conditions of approval set by the Reserves and Recreation Officer may result in an infringement notice being issued.

<b>Policy – No 98</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended:</b>	<b>OM.16.09.2002, OM.11.11.2002, OM: 17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** **HELICOPTER LANDINGS ON COUNCIL OWNED AND CONTROLLED PROPERTY**

**STRATEGY:** **Recreation Management**

**BUSINESS UNIT:** **Reserves, Recreation & Building Services**

**RELEVANT LEGISLATION:** **Civil Aviation Act & Regulations  
Civil Aviation & Safety Authority (CASA)**

**RELATED POLICIES:** **None**

## **Objective**

1. To reduce the environmental impacts including but not limited to excessive noise, and interference with public and private rights of peaceful enjoyment, the excessive dust created by the down draft and the impact on native flora and fauna in the area, and minimise the public risks associated with helicopters that land on or conduct civil operations on or over any property in the Pittwater local government area.
2. To define the circumstances or conditions by which an individual or organisation may land a helicopter or use a helicopter to undertake civil operations in the Pittwater local government area.

## **Policy Statement**

1. With the exception of a rescue or emergency operation, or uses related to the use of a reserve (including filming operations) Council will not generally consent to the landing of helicopters nor the use of helicopters to conduct civil operations (including sling load operations and winching and rappelling operations) within the boundaries of the Pittwater local government area.
2. That under the new policy the General Manager (or the General Manager's nominee) be given delegated authority to determine all applications for civil operations involving the use of a helicopter on or over property in the Pittwater local government area.
  - (a) Council will not consent to sling load operations or winching or rappelling operations that involve the helicopter flying over a city, town or populous area.
  - (b) The applicant obtains a permit, where required, from the Civil Aviation and Safety Authority (CASA) and complies with all requirements of the relevant Civil Aviation Orders made pursuant to the Civil Aviation Regulations.

- (c) Prior to undertaking the operation, the pilot in command of the helicopter or the company conducting the helicopter operation shall furnish a written undertaking to indemnify and compensate Council for any damage or injury caused in the course of the operation.
  - (d) Any approval given shall be limited to the specific helicopter landing site(s) and flight paths nominated by the operator, shall apply only to the subject application and shall remain valid for a period not exceeding 28 days from the date of issue.
3. In the event that Council does approve a civil operation involving the use of a helicopter, the applicant must:
- (a) Provide Council with a copy of the approval from the Civil Aviation and Safety Authority (CASA) and the NSW Police Service at least 2 weeks prior to the proposed operation.
  - (b) Provide Council with a copy of the helicopter company's public liability insurance, with a minimum cover of \$20 million and noting the interests of Pittwater Council.
  - (c) Letterbox drop all residents likely to be affected by the operation at least 2 weeks prior to the event, advising them of the date, commencement time, duration and likely impacts of the proposed operation.

## **AMENDMENTS**

Policy No 98 – Helicopter landings on Council Owned and Controlled Property was amended and renamed Policy No 98 – Civil Operations Involving the Use of Helicopters On or Over Property in the Pittwater Local Government Area. The amended policy was adopted and authorized by Council on 21 October 2002.

## **LEGISLATION AND REFERENCES**

Legislation related to "Policy No 98 – Civil Operations Involving the Use of Helicopters On or Over Property in the Pittwater Local Government Area" include:

- Civil Aviation Act 1988
- Civil Aviation Regulation 1998
- Civil Aviation Regulation 1988

## **DEFINITIONS**

The meanings of technical terms used in this policy can be found under Part 29 subsection 6 and Part 29 subsection 11 of the Civil Aviation Orders.

### **NOTE:**

This policy specifically excludes helicopter operations conducted in the course of a rescue or other emergency situation, bushfire fighting, armed forces and police service training exercises and operations.

1. Council will not generally consent to the landing of helicopters on land under its control.
2. Where an applicant can demonstrate exceptional circumstances exist or that the landing is for a purpose related to the normal use of a reserve, then the General Manager, be delegated authority to determine requests to land helicopters on Council controlled land, subject to the following conditions:
  - (a) The site being located clear of residential areas so as not to generate complaints from the public.

- (b) Prior to operation, the pilot of the helicopter to furnish a written undertaking to indemnify and compensate Council for any damage or injury caused in the course of the operation of a helicopter on the Council controlled property.
  - (c) Any approval given shall be limited to a specific landing place and a specific time period not exceeding 28 days.
- 3 That Council's Policy No. 98 – Helicopter Landings on Council Owned and Controlled Land, be amended such that it includes helicopters engaged in sling load operations and is consistent with the legal advice received from Deacons Lawyers.

### **COUNCIL DECISION**

1. That Council revoke the former policy and adopt and authorise the new policy including the following amendments as shown in bold italics:

***Adoption Date 11/11/02***

#### **Objectives:**

1. To reduce the environmental impacts ***including but not limited to excessive noise, and interference with public and private rights of peaceful enjoyment, the excessive dust created by the down draft and the impact on native flora and fauna in the area,*** and minimize the public risks associated with helicopters that land on or conduct civil operations on or over any property in the Pittwater local government area.

#### **Policy Statement:**

1. With the exception of a rescue or emergency operation, ***or uses related to the use of a reserve (including filming operations)*** Council will not generally consent to the landing of helicopters nor the use of helicopters to conduct civil operations (including sling loading operations and winching and rappelling operations) within the boundaries of the Pittwater local government area.
- (a) ***Council will not consent to sling load operations or winching or rappelling operations that involve helicopter flying over a city, town or populous area.***
2. That under the new policy, the General Manager (or the General Manager's nominee) be given delegated authority to determine all applications for civil operations involving the use of a helicopter on or over property in the Pittwater local government area.





Council Policy – No 100	Adopted:	OM:03.03.1997
	Amended:	OM:17.10.2011
	Revoked	

**TITLE:** Circuses

**STRATEGY:** Recreation Management

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** Workcover Authority

**RELATED POLICIES:** Policy No 93 – Reserves, Sportsgrounds, Beaches and Headlands Booking Policy

---

## **Objective**

To provide a clear direction in approving applications for circuses to operate within the Pittwater LGA.

## **Policy Statement**

1. Circuses that do not include exotic animals are encouraged to perform in Pittwater.
2. Circuses that include exotic animals are NOT permitted to operate in Pittwater.
3. That approval for use give due consideration to Council Policy No 93 – Reserves, Sportsgrounds, Beaches and Headlands Booking Policy – Clause 10.

<b>Council Policy – No 101</b>	<b>Adopted:</b>	<b>OM.23.08.1999</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** Tennis Liaison Committee

**STRATEGY:** Recreation Management

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

## **Objective**

1. To provide a means of liaising with representatives of Council's four tennis clubs regarding any matters relating to the tennis court complexes at Bayview, Careel Bay, Elanora and Mona Vale.
2. To minimise cost in maintaining Council owned tennis courts.

## **Policy Statement**

1. That this policy applies to matters related to the Council tennis courts at Bayview, Careel Bay, Elanora and Mona Vale.
2. That the Pittwater Tennis Liaison (PTL) Committee shall be established.
3. That the role of the PTL Committee shall be to conduct regular liaison with Council regarding any matters related to the four tennis court complexes.
4. That the structure of the PTL committee will be:
  - (a) Council's Reserves & Recreation Manager (or delegate).
  - (b) Two delegates representing the four Pittwater Tennis Clubs.
5. That the payment of 25% of court hiring, joining and membership fees be paid per annum into the Tennis Court Improvement Reserve as per lease requirements. A rebate of 15% of the lease payment will be paid to the clubs by Council upon the receipt of documentation substantiating youth development.
6. That the Tennis Liaison Committee will make recommendations to Council on the use and allocation of monies held as internally restricted investments for the purpose of Tennis Court Improvement Reserve.
7. That all monies paid to Council as lease fees for the four tennis court complexes be held as an internally restricted investment.
8. These funds will be used for the development, maintenance, refurbishment and embellishment of the four tennis court complexes. This includes tennis courts, surrounds and amenities of the complexes.

<b>Council Policy – No 102</b>	<b>Adopted:</b>	<b>OM.02.03.1998</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** Speed Restriction – Signs on Public Reserves and Carparks

**STRATEGY:** Recreation Management

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** Local Government Act, 1993

**RELATED POLICIES:** None

## **Objective**

To regulate the speed of vehicles in public reserves and carparks.

## **Policy Statement**

That in order to regulate the speed of vehicles in public reserves and carparks a twenty (20) kilometres per hour speed limit be adopted in the carparking areas as per the Schedule, and that notices be erected on the subject areas under the provisions of Section 632 of the Local Government Act, 1993, requiring compliance with the above restriction.

## **Schedule of carparking areas speed restrictions.**

<b>Reserve</b>	<b>Location</b>
Bilarong Reserve	North Narrabeen
Deep Creek Reserve	North Narrabeen
North Narrabeen Rock Pool Car Park	North Narrabeen
Pittwater Rugby Park	North Narrabeen
Lake Park	North Narrabeen
Warriewood Beach	Warriewood
Mona Vale Beach	Mona Vale
Kitchener Park	Mona Vale
Winnererremy Bay	Mona Vale
McCarrs Creek Reserve Car Park	Church Point
Church Point Car Park	Church Point
Porter Reserve	Newport
Newport Beach Car Park	Newport Beach
Bilgola Beach Car Park	Bilgola
Avalon Beach Car Park	Avalon
Hitchcock Park	Avalon
Careel Bay Reserve	Avalon
Pittwater Park	Palm Beach
Governor Philip Reserve	Palm Beach

<b>Council Policy – No 120</b>	<b>Adopted:</b>	<b>UE: 12.7.1999</b>
	<b>Amended:</b>	<b>OM: 17.10.2005, OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>Open Air Concerts</b>
<b>STRATEGY:</b>	<b>Recreation Management Building Communities</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Environmental Protection &amp; Assessment Act</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective**

To ensure that the amenity of surrounding residents is observed when approving open air concerts in the Pittwater LGA.

## **Policy Statement**

Open air concerts can only take place in reserves when it is an approved activity as nominated in the adopted Plan of Management for that area.

- 1) An open air concert that will have over 3,000 persons in attendance may be required to apply for Development Consent, depending on the relevant Plan of Management for the area.
- 2) Applications for open air concerts (where it is perceived that the event will have a significant effect on the surrounding amenity) must be reported to full Council for consideration.
- 3) Council Officers are to ensure that in giving any approval to hold an open air concert that appropriate conditions are placed on the concert's operator to require compliance with the Environmental Protection Authority's guidelines, and the promoter is to fund the attendance for the duration of the concert of a suitably qualified person (agreed to by Council) to measure noise levels and certify compliance with appropriate regulations.
- 4) Any approval stipulates the hours of operation of the concert.
- 5) The promoter must provide a contact telephone number to all notified residents as a contact point in the event of complaints.
- 6) The promoter or his agent must ensure that they are contactable by telephone at all times for the duration of the event.
- 7) Promoters are to ensure that abusive and offensive language in amplified music and over the microphone is not tolerated.



# PITTWATER COUNCIL

<b>Council Policy – No 129</b>	<b>Adopted:</b>	<b>OM: 01.11.1999</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>Signs – Council Facilities</b>
<b>STRATEGY:</b>	<b>Recreation Management Risk Management Co-ordination Building Communities</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>Signs as Remote Supervision – Best Practice Manual.</b>

---

## **Objective**

- To provide a mechanism for determining appropriate signage at Council's facilities
- To bring any foreseeable risk to the attention of the users of Council's facilities
- To satisfy the Council's Duty of Care and minimise its exposure to public liability insurance claims

## **Policy Statement**

That "Signs as Remote Supervision – Best Practice Manual" dated January 1999 and the Standards contained therein, as amended from time to time, form the basis of signage for all Council facilities.

That all signage erected on any Council reserve or building be in accordance with Council's Corporate branding procedures.



# PITTWATER COUNCIL

<b>Council Policy – No 154</b>	<b>Adopted:</b>	<b>OM:08.12.03</b>
	<b>Amended:</b>	<b>OM:17.03.08, OM:17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** **SMOKE FREE ZONES AROUND PITTWATER**

**STRATEGY:** **BUILDING COMMUNITIES**

**BUSINESS UNIT:** **COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT**

**RELEVANT LEGISLATION:** **SMOKE-FREE ENVIRONMENTAL ACT 2000  
PUBLIC HEALTH (TOBACCO) ACT 2008**

**RELATED POLICIES:** **NONE**

---

## **Objectives**

The objectives of Pittwater Council in banning/encouraging the community not to smoke in various Council areas are to:

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

## **Policy Statement**

### **Background**

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, sudden infant death syndrome (SIDS), acute respiratory infections and ear problems.

While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. A recent study which measured cigarette smoke levels in a variety of outdoor locations showed that a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure of someone sitting in an indoor tavern where smoking is allowed. Therefore, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues etc. can present a real health risk to patrons and staff.

There is also evidence to suggest that smoking bans or encouraging people not to smoke support smokers who are trying to quit as well as reduce their overall cigarette consumption. Fifty four percent of smokers who had tried to quit found that seeing someone with a cigarette was a trigger to relapse, according to a 2006 study.

In addition to the health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down. Cigarette butts are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

## **Principles**

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces.
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

## **Smoke Free Areas**

1. That Council bans smoking in the following areas on Council owned or managed land:
  - (i) Within ten (10) metres of all fenced children's playgrounds.
  - (ii) In all alfresco dining areas and that current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed. All existing lessors or licensees will be encouraged to voluntarily comply with this policy until such time as their lease or licence is renewed.
  - (iii) In all Council owned buildings. Current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed. All existing lessors or licensees will be encouraged to voluntarily comply with this policy until such time as their lease or licence is renewed.

2. That Council encourages the community not to smoke in the following areas on Council owned or managed land.
- (i) On all playing fields, sporting grounds and sporting facilities (i.e. Swimming pools, outdoor sports centres).
  - (ii) On all beaches.
  - (iii) Within all covered bus stops and taxi ranks.



<b>Policy – No 157</b>	<b>Adopted:</b>	<b>OM: 20.06.2005</b>
	<b>Amended:</b>	<b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>PLAQUES IN PARKS AND RESERVES</b>
<b>STRATEGY:</b>	<b>Building Communities Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective:**

1. To control and regulate the placement of plaques in Council reserves.
2. To provide clear guidelines for the approval of applications for the installation of memorial plaques in Council controlled reserves within Pittwater.

## **Policy Statement:**

That requests for memorial and commemorative plaques in reserve be administered as follows:

- (a) Applications for plaques be assessed and to be located on land owned by Council or under care, control and management of Council.
- (b) Prior to the installation of each plaque within the Pittwater local government area on Council controlled land, the applicant must apply for and if approved be granted written permission by Council for the location of each plaque. All applications should include an acceptable plan indicating the proposed location of the plaque.
- (c) Once Council approval is granted, reply will be made in writing with quotation of installation of a plaque and any other associated infrastructure.

The cost of installation will be renewed annually in accordance with the fees and charges schedule outlined in the adopted management plan for Council.

- (d) Stainless steel plaques must be supplied by the applicant (at a cost to the applicant) and made to a size of 150mm wide x 75mm high with black inscription (no raised lettering is allowed).
- (e) Councils Reserves & Recreation Manager shall determine the number of plaques, which may be located within any given area.
- (f) A register of all plaques shall be kept by Council.

<b>Policy – No 162</b>	<b>Adopted:</b>	<b>OM: 09.05.2005</b>
	<b>Amended:</b>	<b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>HOME BASED BUSINESS</b>
<b>STRATEGY:</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

## **Objectives**

To support and promote home based micro businesses in all residential areas of Pittwater as an important economic development activity.

Home based businesses support sustainable local communities which are vital to the long term future of the local economy.

Home based businesses help promote economic as well as social benefits and opportunities for the local and regional area.

To provide an alternative to commuting to work to external locations and an opportunity to support and retain the high levels of professional skills in the area.

To support employment containment within Pittwater.

To support recognition of the national trend towards home based businesses and that many future small and medium businesses will grow from home based businesses.

To complement support for the eventual rollout of the NBN to help reinforce working from home as a legitimate form of employment now and for the future.

## **Policy Statement**

Home based businesses are growing by 16 percent a year and it is estimated that between 750,000 and 1,000,000 Australians use their home in some capacity to earn an income.

In Pittwater LGA there are already numerous home based businesses and this trend is expected to expand even further as a result of existing demographics, new communication technology advances, desire for telecommuting and self employment across a number of business sectors, flexibility and low overheads.

## **Background**

Operating a business from home has become increasingly common because of the digital revolution, outsourcing, the trend to self-employment and the growth of service industries.

This accelerated emergence of micro business operating in recent years can also be linked to better technology and trends toward more flexible lifestyles. Apart from the economic value this growth entails, local communities also gain with social and environmental benefits of those working from home.

Pittwater and the Northern Beaches have historically experienced high levels of containment. Residents have chosen to live and work in the LGA due to lifestyle advantages, the geographical distance from the Sydney CBD and lack of efficient public transport infrastructure for easy access connecting to employment centres elsewhere. Women in business for example often use home businesses as an opportunity to be in close proximity to young families.

A "home based business" or a "home activity" is a business that operates from home instead of a commercial premises. In some cases, all aspects of the business might be conducted from the home. In other cases the administrative aspects of the business are carried out in the home, which might be the case for contractors or tradespeople for example.

Typical home based include professional consultants such as accountants or solicitors, clothes design, graphics, craft workers or artisans, people involved in IT, computer/electronics assembly or repair, family day care and telecommuting or virtual offices.

Pittwater Council is keen to support doing business from home which is a growing sector, provided that the particular business is compatible with the broad amenity and environment of the local area.

<b>Council Policy – No 163</b>	<b>Adopted:</b>	<b>OM: 17.10 2005</b>
	<b>Amended:</b>	<b>OM:19.07.2010, OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>Banners on Public Land</b>
<b>STRATEGY:</b>	<b>Recreation Management Building Communities</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective**

To effectively manage the installation of temporary banners promoting community events and/or services within the Pittwater area.

## **Policy Statement**

Council has specific **areas** designated for the purpose of temporary advertising banners for the promotion of community events. These locations are:

- ♦ Avalon – Barrenjoey Road (adjacent to the entrance to Avalon Beach Surf Club)
  - ♦ Newport – Barrenjoey Road (eastern side at the Neptune Street intersection)
  - ♦ Newport – Barrenjoey Road (eastern side between Beaconsfield Street & Karloo Pde)
  - ♦ Mona Vale – Pittwater Road (eastern side at the Mona Vale Road intersection, Kitchener Park)
  - ♦ Mona Vale – Cnr Barrenjoey and Pittwater Road (Village Park)
  - ♦ North Narrabeen – Pittwater Road (eastern side at the Wakehurst Parkway intersection, Pat Hynes Reserve)
  - ♦ Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve) – See Item 12 of Terms & Conditions for Special Conditions at this location
  - ♦ Warriewood – Pittwater Road (eastern side of Boondah Reserve) - See Item 12 of Terms & Conditions for Special Conditions at this location.
  - ♦ Warriewood – Warriewood Valley Sports Ground, Jackson Road frontage
- In addition sporting clubs that are allocated by Council a sporting ground may, with the approval of Council, erect temporary banners at their designated home ground 30 days prior to the commencement of registration days to promote their clubs.

- An Application form for the erection of temporary banners must be completed and lodged with Council for consideration.
- Sporting clubs requesting approval for the erection of a temporary banner at their designated home ground/s must complete and lodge an "Application for Temporary Banner Pittwater LGA sporting Group" form.

Terms and Conditions for temporary banners are as follows:

1. Maximum size of a banner must not exceed 4.0m x 1.5m. Variations to the size may only be approved subject to the General Managers approval.
2. Fees for the erection of banners will be charged as per Council's fees & charges, except where point 12 (Terms of Temporary Banners) applies, and as amended from time to time. Sporting clubs are exempt from fees during the display period of 30 days prior to their registration day at their Council designated home ground only.
3. Banners must be affixed by rope and maintained in a proper manner
4. Banner can only be displayed for a maximum of 21 days prior to the event except for sporting clubs at sports grounds who may display 30 days prior to registration day.
5. Recognition of commercial sponsors name must not be more than 20% of the banner.
6. Banners must be removed within 48 hours following the event. Council may impound banners that are not removed and release them for a fee.
7. Approvals will only be granted to bona fide community organisations or community events that provide support to the Pittwater Community.
8. Applications for temporary banners from commercial operators advertising commercial activities will only be accepted where the event is perceived to be of benefit to the Pittwater Community.
9. Approval will only be granted to bona fide community organisations or commercial operators advertising community events such as New Years Eve Fireworks and/or fundraising/community events where proof of money raised and donated to charity is provided to Council.
10. Council will not accept applications that involve advertising of tobacco products, alcoholic beverages or other addictive drugs or violent themes. Advertising is to be restricted to no more than 20% of the banner space and subject to the approval of the General Manager.
11. Any banners erected without the express consent of Council will be impounded immediately and released for a fee.
12. At the following Temporary Banner Locations:
  - Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve)
  - Warriewood – Pittwater Road (eastern side of Boondah Reserve)
- 12.1 Temporary banners promoting and/or advertising community events and/or services at Pittwater Rugby Park, North Narrabeen Reserve and Boondah Reserve only, are permitted at these locations:

- 12.2 Applications for these locations are to be lodged by Council Staff responsible for the booking and management of events at these locations. These applications are subject to point 4 (Conditions of Temporary Banners).
- 12.3 Applications lodged by Council Staff for these locations are not subject to application fees.
- 12.4 Limit for the number of banners permitted at these locations at any one time, are as follows:
- 3 banners Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve)
  - 3 banners Warriewood – Pittwater Road (eastern side of Boondah Reserve)
13. Council organised/supported events & sporting events at Pittwater Rugby Park which are to be advertised at other locations, require an Application Form to be lodged by the relevant Council Officer. Applications lodged by Council Staff for these locations are not subject to application fees.
14. Limits for the number of banners permitted at each location at any one time, are as follows:
- banners - Avalon – Barrenjoey Road (adjacent to the entrance to Avalon Beach Surf Club)
  - banners Newport – Barrenjoey Road (eastern side at the Neptune Street intersection)
  - banners Newport – Barrenjoey Road (eastern side between Beaconsfield Street & Karloo Pde)
  - banners Mona Vale – Pittwater Road (eastern side at the Mona Vale Road intersection, Kitchener Park)
  - banners Mona Vale – Cnr Barrenjoey and Pittwater Road (Village Park)
  - banners North Narrabeen – Pittwater Road (eastern side at the Wakehurst Parkway intersection, Pat Hynes Reserve)
  - banners Warriewood – Warriewood Valley Sports Ground, Jackson Road frontage
15. An Organisation or Council organised event are only permitted to have 3 approved banners displayed in the Pittwater Council Area at any one time.

Policy – No 167	Adopted:	OM: 16.07.2007
	Amended:	OM: 17.10.2011
	Revoked:	

<b>TITLE:</b>	<b>YOUTH</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>COMMUNITY ENGAGEMENT</b>

## **Objectives**

### **Consultation**

- Knowing what current issues are facing young people and finding ways to address these.

### **Participation**

- Providing opportunities to get young people involved in the community as well as being inclusive of young people in decision making that relates to them.

### **Partnerships**

- Working with services and other levels of government to respond to youth issues and create new opportunities for young people.

### **Positive Acknowledgement**

- Acknowledging and promoting to the wider community the positive ways that young people contribute to Pittwater.

### **Resourcing/Supporting Providers**

- Supporting providers of youth services through information, advice on best practice models, provision of community space, and financial assistance through the Pittwater Grants Program.

### **Direct Provision**

- Provision and access of safe youth leisure, recreation, learning space and social experiences such as sporting facilities, libraries, community centres and youth specific events.

### **Training Opportunities**

- Provide student placement opportunities within Council for students still currently studying at University, TAFE or high school.

**Encouraging Leadership**

- Promoting and providing financial assistance for young people to attend youth leadership conferences and forums.

**Supporting Families**

- Endeavour to support parents through information provision and promote services available to parents of teenagers.

**Advocacy**

- Lobby on behalf of Pittwater's young people for improvement, change or more services that are important to them and improve their access and equity opportunities.

**Capacity Building**

- Provide skills based learning to a number of young people each year through Pittwater's co-ordinated youth events, to provide the capacity for young people to be providers of their own safe, well organised events.

**Information Source**

- Disseminate up to date, credible information to young people and their families to assist with healthy living and safety of young people in the community.

**Policy Statement****Background**

For the purpose of this document youth are defined as 12 – 24 years

**Philosophy**

Pittwater Council recognises the values and contributions that young people make to enhance the community that is Pittwater. Council will continue to facilitate and provide opportunities for young people to contribute, be recognised, and participate in community life.

**Development**

That Council encourage developers in Pittwater to consider incorporating user friendly youth space within all applicable future development applications.



<b>Policy – No 168</b>	<b>Adopted:</b>	<b>OM: 16.07.2007</b>
	<b>Amended:</b>	<b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>CHILDREN'S SERVICES</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

---

### **Objectives**

- To ensure a range of quality services for children and families are available to meet the diverse needs of families and communities.
- To provide leadership in identifying families' and children's needs and coordinate community and government response to these needs.
- To develop strong and effective linkages between the range of children's and family services and between all levels of government, the community and the private sector.
- To provide an environment that enhances children's opportunities to develop positive relationships with their family and with the community at large.

### **Policy Statement**

#### **Background**

For the purpose of this document children are defined as 0 to 12 years.

#### **Philosophy**

Pittwater Council endorses a vision for the future that acknowledges that:

- Children's best interests are a primary consideration in the provision of services for children and families.
- Children have the right to services and spaces that assist them to develop strong relationships and confidence in their abilities.
- Children have a right to care, education and recreation which promotes individual development.
- High quality children's services are an investment which develops and enhances social, cultural and economic wellbeing of the entire community.
- Community participation in decisions about children and families is essential for the development of services that meet local needs.

## **Principal Strategies**

### **Provision:**

- Council will examine options to develop childcare services where gaps exist and other options for delivery are not available.

### **Resourcing and supporting other providers:**

- Assistance will be provided to other childcare services to share knowledge and experiences through the facilitation of networks for all childcare providers in the area.
- As an advocate for the whole community, Council will actively pursue options to increase access to services that are appropriate for the children in need of services.

### **Supporting families:**

- Council will provide information and advice to families on the selection of quality childcare and the range of childcare options.
- Council will provide families with information on other services available to them e.g. health and child development service, local schools, parks and playgrounds, playgroups and recreation activities.
- In developing community land, for example parks, playgrounds, community centres etc. the needs of children and families of children will be a consideration.

### **Partnerships:**

- By supporting and developing services and through community partnerships, Council will seek to improve access for all children, especially for children with special needs.
- Council will look for opportunities to work with Federal and State Governments to provide families of Pittwater with access to additional services.

<b>Policy – No 169</b>	<b>Adopted:</b>	<b>OM: 08.10.2007</b>
	<b>Amended:</b>	<b>OM: 08.10.2007</b> <b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>OPEN AIR CINEMA EVENTS ON COUNCIL CONTROLLED LAND</b>
<b>STRATEGY:</b>	<b>Building Communities Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Protection of the Environment Operations (Noise Control) Regulation 2000</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective**

To make available suitable areas of recreational open space for a wide variety of activities and events, including open air cinemas.

To facilitate the operation of open air cinemas and like events to provide a greater choice of entertainment for the whole community.

To ensure that open air cinema events are conducted to industry best practice standards and in a manner that does not create unfair competition for existing cinema operations in the Pittwater LGA or cause unreasonable disruption to the amenity of neighbouring residents.

## **Policy Statement**

Pittwater Council, through its network of recreational open space, is committed to offering suitable venues for a diversity of social, cultural and recreational activities and events for the whole community.

Open air cinema events provide a distinctive entertainment experience that enhances social interaction, particularly for families, whilst being compatible with the outdoor lifestyle of the Pittwater community.

Pittwater Council is committed to ensuring that all open air cinema events that it permits are conducted to provide a quality recreational experience that does not jeopardise the operation or profitability of other cinemas in the Pittwater LGA.

## Conditions of Operation

- Generally the operation of outdoor cinemas relying on current commercially new released films will not be supported.
- Outdoor cinema events presenting cultural or promotional screenings will be accepted dependent on assessment of specific crown management and function details.
- Commercial open air cinema events will only be permitted to be conducted on any particular reserve for a maximum period of 4 consecutive days in total outside school holiday periods, be limited to 3 events per year in Pittwater, and have either a 'G' or 'PG' rating. No films with ratings of 'M', 'MA' or 'R' will be permitted.
- Events that may include open air screening of films for the purposes of promotion or in support of the cultural event activities will be considered as stand alone events able to be held at any time of the year as long as no fee is charged for the film exhibition.
- Open air cinema events will be conducted in strict accordance with the provisions of the conditions set down in the relevant Plan of Management as well as the requirements of all relevant statutes, in particular the Protection of the Environment Operations (Noise Control) Regulation 2000.
- No current "First Release" films will be permitted to be exhibited at an open air cinema event on Council controlled public reserves. Family/Youth/Cultural focus films will be permitted to be exhibited.
- That no advertising be permitted for commercial outdoor cinema events, and that community announcements be permitted.
- Fees and charges for the operation of open air cinema events will be in accordance with the schedule (Community Event/Commercial) contained in Council's Management Plan.
- All Councillors and the Senior Management Team will be advised of open air cinema event bookings for consideration prior to approval.
- Should an event be called by any Councillor, a report would be prepared for Council outlining details of the event and its implications.
- The Manager – Reserves, Recreation & Building Services will be responsible for signing approvals for open air cinema event bookings.

<b>Policy – No 175</b>	<b>Adopted:</b>	<b>OM: 02.03.2009</b>
	<b>Amended:</b>	<b>CRED 01.03.2010, OM:17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>LIQUOR LICENSING APPLICATIONS</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NEW SOUTH WALES LIQUOR ACT 2008</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

---

## **Background**

A new Liquor Act was passed by the NSW Parliament on 5 December 2007, and these laws came into effect from 1 July 2008. These new laws impact on existing liquor licensees and registered clubs. Existing liquor licences will continue under the new laws, although the type of liquor licence will change for many businesses. Applications for a new licence, or to alter an existing licence are now subject to a range of requirements.

Liquor licences are issued by the Casino, Liquor & Gaming Control Authority. The Authority determines liquor licence applications and disciplinary outcomes in NSW. Under the new regulations, a Community Impact Statement (CIS) must accompany an application for most types of permanent liquor licences. The intention of the CIS is to enable the Authority to consider the likely impact of the proposed licence or authorisation on the local community, and gauge the level of community support for the proposal.

The CIS process is the first opportunity for the community to influence the outcome of a liquor licensing proposal. It is prepared before the liquor licensing application is made. In compiling the CIS, the applicant consults with local stakeholders before deciding to lodge an application. The CIS summarises the results of consultation between the applicant and the local community about any issues and concerns with a proposed application. A CIS must be included with the papers lodged with the Authority when a liquor licence application is made. The Authority cannot grant a licence unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

The new Liquor Act provides for six new categories of liquor licence:

<b>New Licence</b>	<b>Former Licence</b>
Hotel licence (including a general bar licence)	Hotelier
Club licence	Registered club (certificate of registration under the Registered Clubs Act 1976)
On-premises licence	On-licence (restaurant) Nightclub On-licence (restaurant) with motel endorsement On-licence (motel, vessel, public hall, theatre) On-licence (airport, university)
Packaged liquor licence	Off-licence (retail)
Producer/wholesaler licence	Off-licence (vigneron, brewer wholesale)
Limited licence (multifunction or single function)	On-licence (function) Special event licence

### **Policy Statement**

This policy seeks to establish criteria for considering applications from two broad categories:

1. Facilities on Council land including but not limited to bowling clubs, golf clubs, surf clubs, cafes/restaurants/'kiosks', and whether Council owns the land or is the Trust manager of a Crown Reserve; and
2. Premises on private land, including but not limited to hotels, clubs, cafes or restaurants.

The following criteria and the attached tables for Council and Private Land will form the basis of whether Council supports or opposes liquor licensing applications. However, individual applications will be considered on their merits.

### **Criteria for Assessing Liquor Licence Applications**

#### **Both Council and Private Land**

- Council will only support an application if appropriate planning approvals are in place and any requirements of the Building Code of Australia have been or will be met.

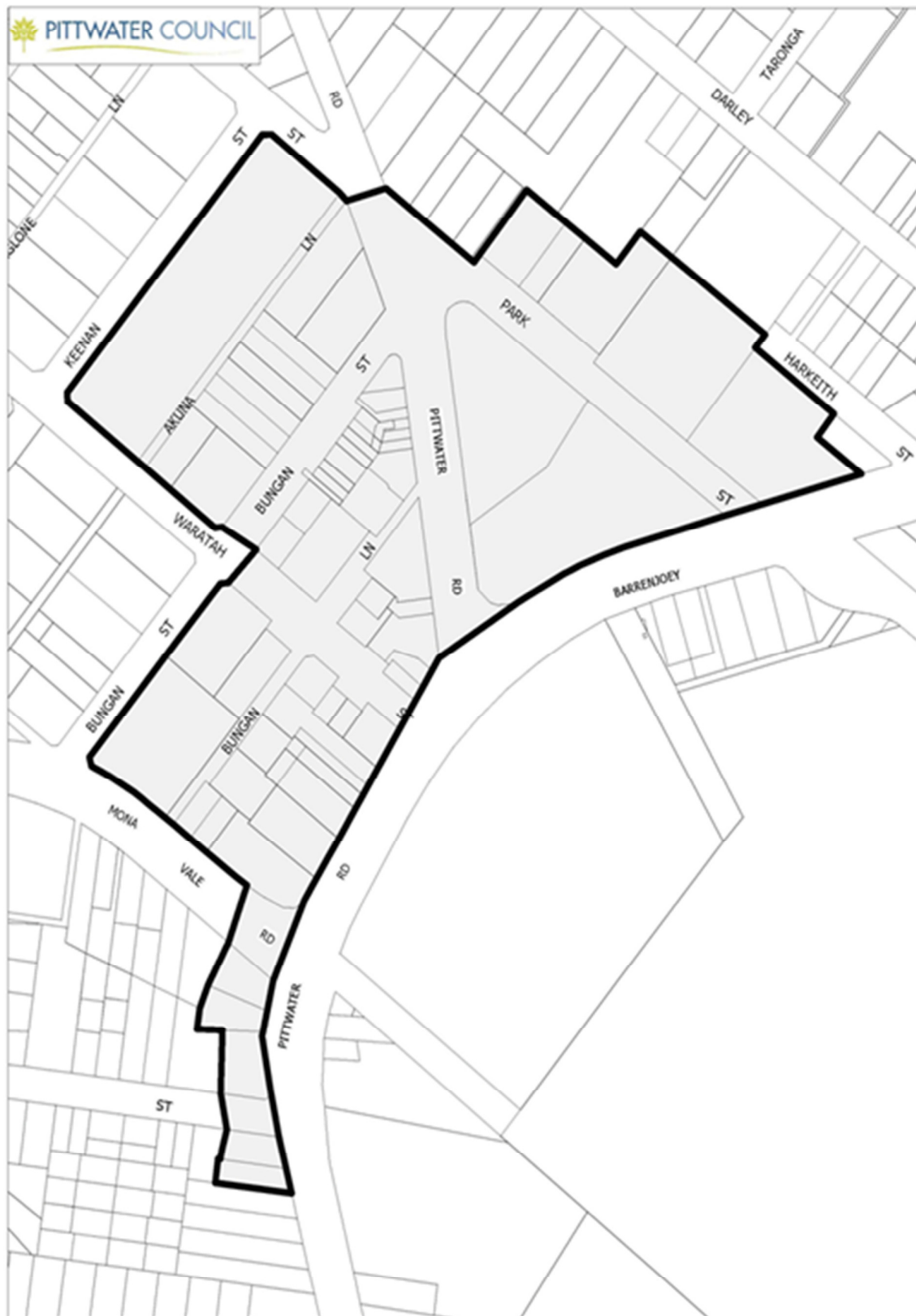
#### **Council Land**

- Applicants must consult with Council before embarking on any required Community Impact Statement process (before consulting residents), and before lodging their application.
- In the event the applicant does not consult with Council, and based on compliance issues and adverse community concerns, Council will strongly oppose the applicant's licence application.
- The application must be consistent with any adopted Plans of Managements, and lease/licence conditions.
- Council will generally only support the application if the basis of how the facility is to operate as a licenced premises has been agreed with Council and that this agreement has been included via an amendment to their existing lease with Council or via entering into a new lease.

<b>COUNCIL LAND</b>		
<b>Category of licence</b>	<b>Licenced Hours</b>	<b>Other conditions</b>
- Hotel Licence - General Bar Hotel Licence - Packaged liquor licence - Producer/Wholesaler licence	These types of licences will generally <u>not</u> be supported.	Minors Area Authorisations generally will <u>not</u> be supported by Council in small bar / hotel type situations.
- Club Licence (RSLs)  <i>Note: the outdoor leased area of Dunbar Park by Avalon Beach RSL is further restricted to: Monday – Sunday 10am to 10pm</i>	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public Holidays          10am to 10pm New Years Eve            10am to 1am	N/A
- Club Licence (Sporting clubs)	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	N/A
- On-premises licence – Surf Clubs - Limited licence (multi-function or single)	Sunday – Thursday      midday to 10pm Friday – Saturday        midday to midnight Public holidays            midday to 10pm New Years Eve            midday to 1am	N/A
- On-premises licence for a Restaurant for locations as follows: (see shaded areas in attached maps)  • Mona Vale • Newport • Avalon • North Narrabeen • Elanora Heights • Palm Beach	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	Primary Service Authorisations generally will be supported. Council will <u>not</u> support the PSA extending into any outdoor footpath area / reserve leased from council.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation, all areas other than above.	Seven days per week      10am to 10pm New Years Eve              10am to 1am Public holidays            10am to 10pm	Primary Service Authorisation generally will <u>not</u> be supported.
<b>Note:</b> <ul style="list-style-type: none"> <li>• Council acknowledges that many existing licences may be entitled to trade for longer than the above hours.</li> <li>• Council will only seek to reduce these longer hours where there are serious complaints regarding the licenced premises or where the premises seek a significant change to their licence.</li> <li>• Council will also seek to make all future leases/licences consistent with this Policy including voluntary compliance until such time as leases/licences are renewed.</li> </ul>		

<b>PRIVATE LAND Category of licence</b>	<b>Licenced Hours</b>	<b>Other conditions</b>
- Hotel Licence	These types of licences will need to be assessed in detail based on their merits.	N/A
- General Bar Hotel Licence  This type of licence will generally not be supported except in the following areas: <i>(see attached maps)</i> <ul style="list-style-type: none"> <li>• Mona Vale</li> <li>• Newport</li> <li>• Avalon</li> <li>• North Narrabeen</li> <li>• Elanora Heights</li> <li>• Palm Beach</li> </ul>	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	Minors Area Authorisations generally will <u>not</u> be supported by Council in small bar / hotel type situations.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation for locations as follows: <i>(see shaded areas in attached maps)</i> <ul style="list-style-type: none"> <li>• Mona Vale</li> <li>• Newport</li> <li>• Avalon</li> <li>• North Narrabeen</li> <li>• Elanora Heights</li> <li>• Palm Beach</li> </ul>	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	Primary Service Authorisations generally will be supported. Council will <u>not</u> support the PSA extending into any outdoor footpath area / reserve leased from council.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation, all areas other than above.	Seven days per week      10am to 10pm New Years Eve            10am to 1am Public holidays            10am to 10pm	Primary Service Authorisation generally will <u>not</u> be supported.
- Club Licence (RSLs)	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	N/A
- Club Licence (Sporting clubs)	Monday – Saturday      10am to midnight Sunday                      10am to 10pm Public holidays            10am to 10pm New Years Eve            10am to 1am	N/A
- On-premises licence – Surf Clubs - Limited licence (multi-function or single)	Sunday – Thursday      midday to 10pm Friday – Saturday        midday to midnight Public holidays            midday to 10pm New Years Eve            midday to 1am	N/A
- Packaged Liquor Licence	Seven days per week      10am to 10pm	N/A
- Producer/Wholesale Licence	Seven days per week      10am to 10pm	N/A
Note: <ul style="list-style-type: none"> <li>• Council acknowledges that many existing licences may be entitled to trade for longer than the above hours.</li> <li>• Council will only seek to reduce these longer hours where there are serious complaints regarding the licenced premises or where the premises seek a significant change to their licence.</li> </ul>		

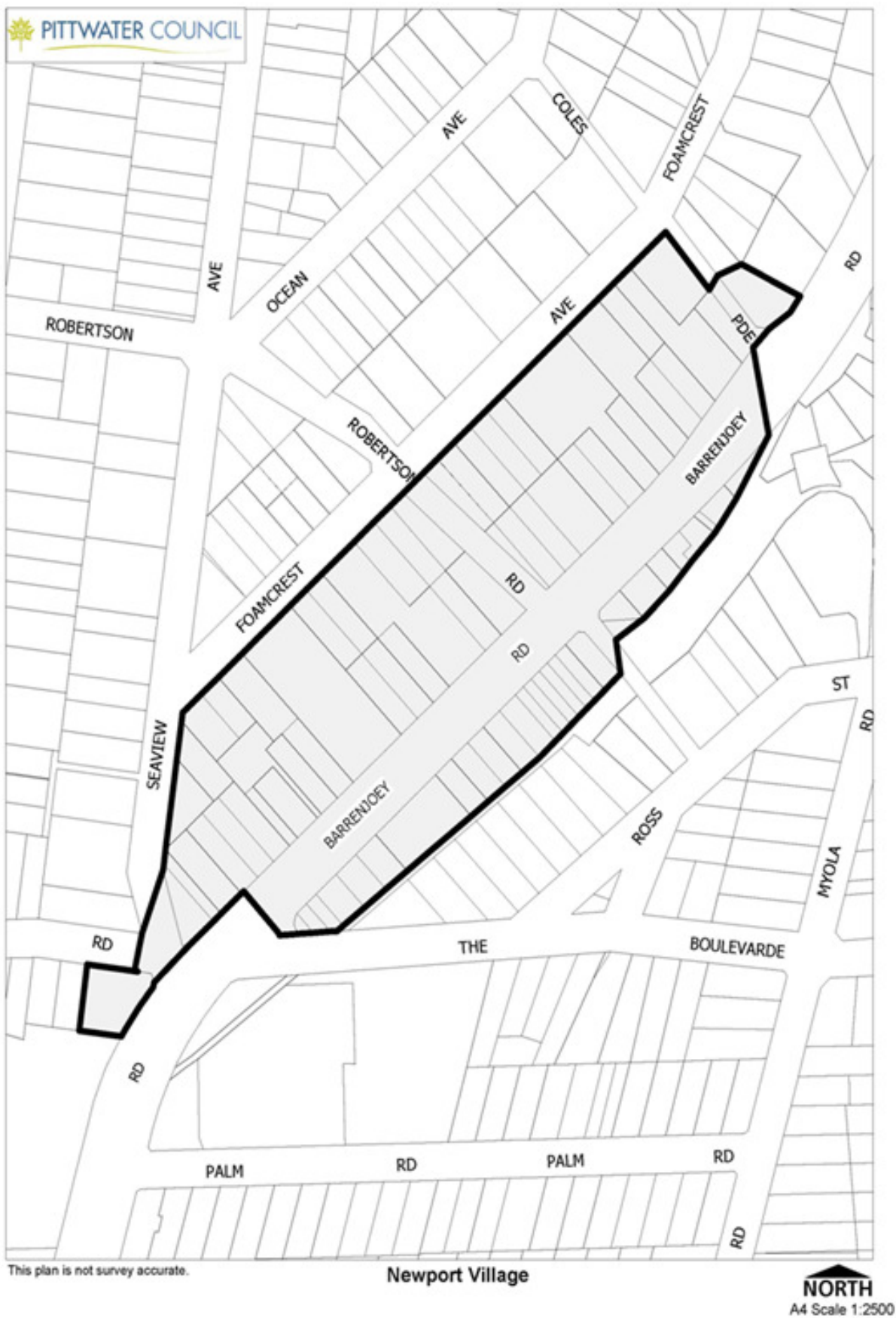


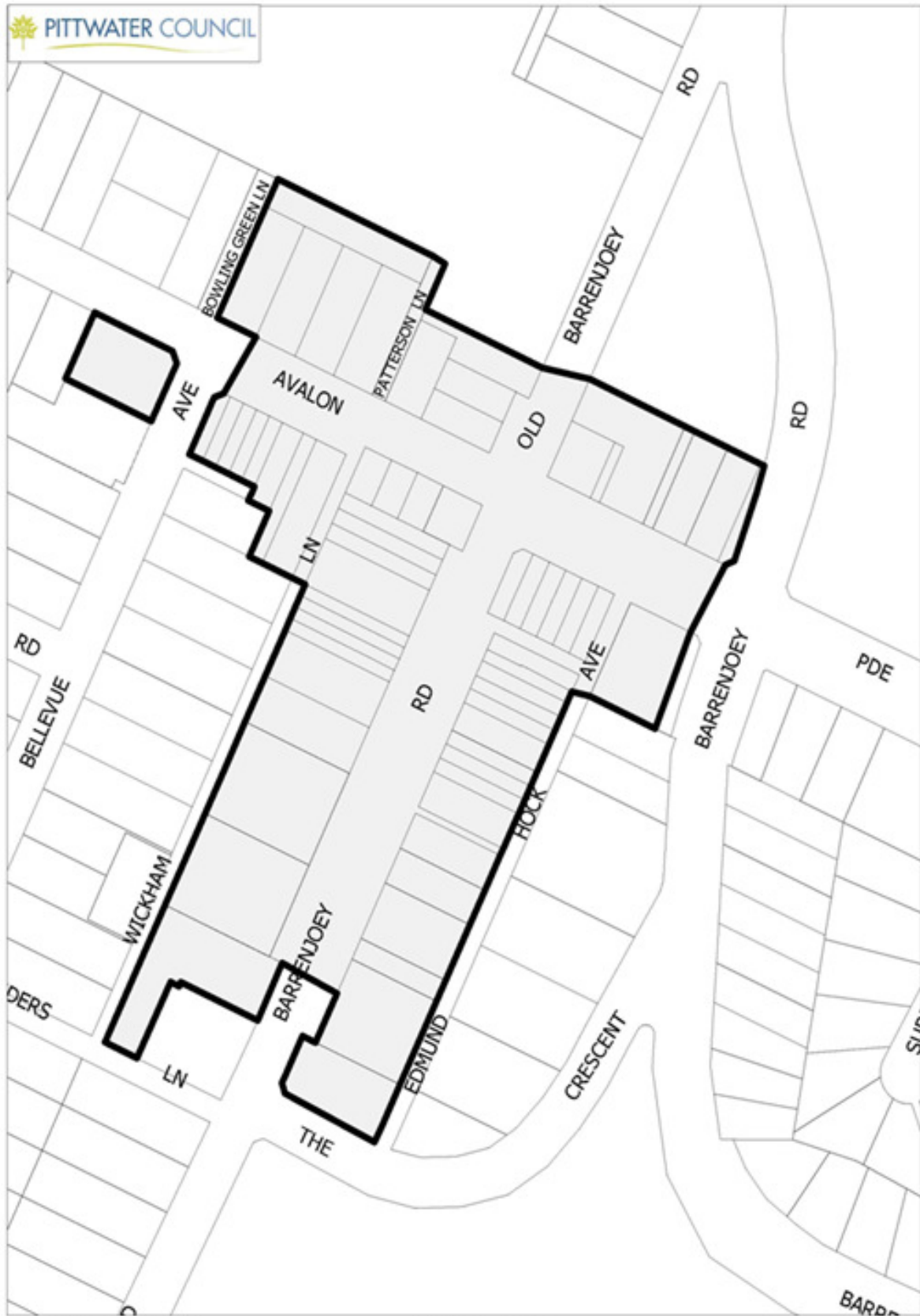


This plan is not survey accurate.

**Monavale  
Town Centre**

**NORTH**  
A4 Scale 1:3000

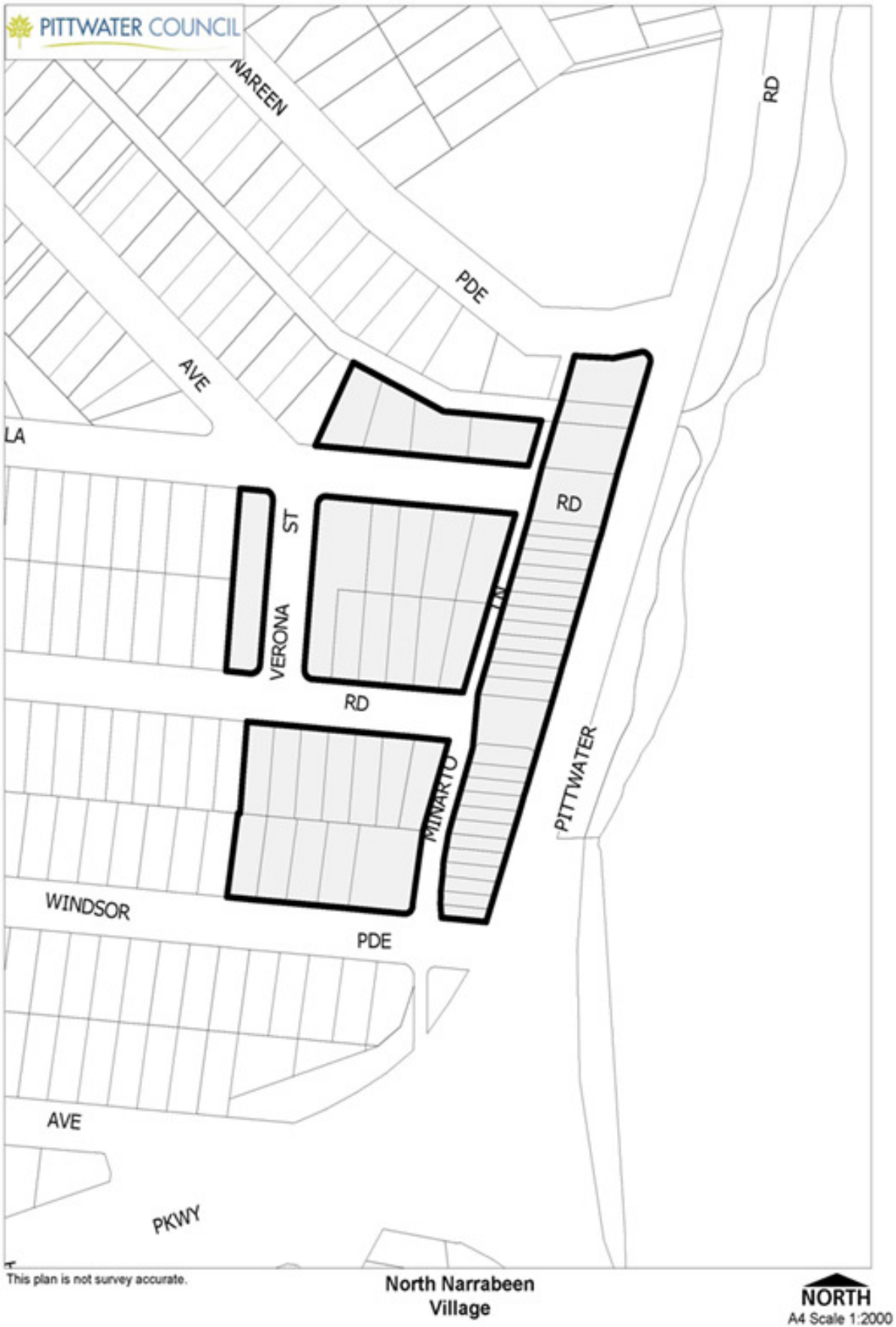




This plan is not survey accurate.

**Avalon Village**

**NORTH**  
A4 Scale 1:2000



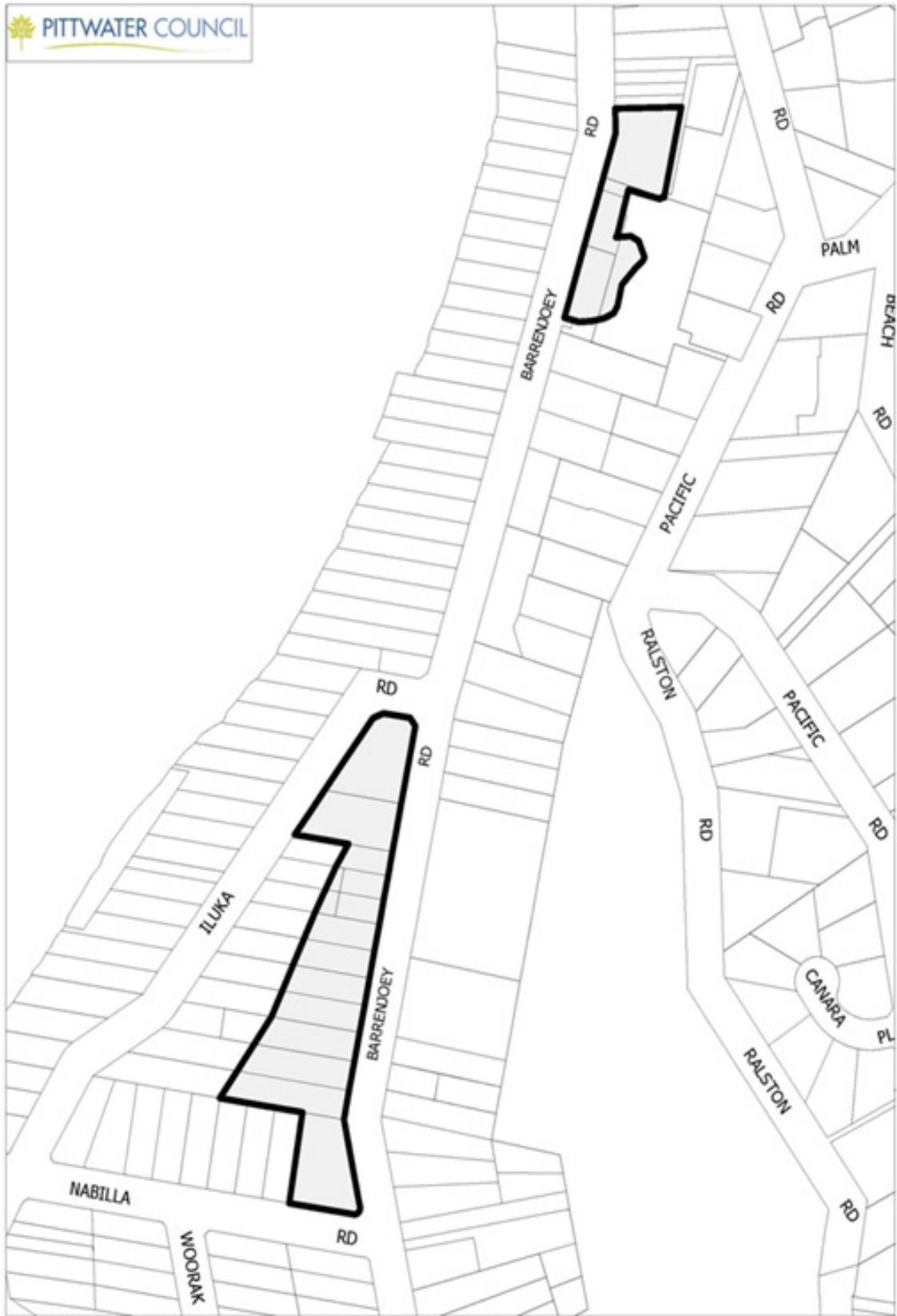




This plan is not survey accurate.

**Elanora Heights  
Village**

**NORTH**  
A4 Scale 1:2000



This plan is not survey accurate.

**Palm Beach  
Village**

**NORTH**  
A4 Scale 1:2500

<b>Policy – No 188</b>	<b>Adopted:</b>	<b>OM: 17.10.2011</b>
	<b>Amended:</b>	
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>GRAFFITI AND VANDALISM</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

## **Objectives**

To reduce the social, environmental and economic impact of graffiti and vandalism throughout Pittwater.

To develop partnerships with community stakeholders to assist in the prevention and removal/repair of graffiti and vandalism.

To divert and discourage those who may have a predilection towards graffiti and vandalism.

## **Policy Statement**

Council views any unauthorised damage, drawing, names, words or marks on public buildings, infrastructure or private property as illegal.

Council believes that the prevention and removal/repair of graffiti and vandalism is the responsibility of all levels of government, as well as private residents, businesses and utility owners.

Council is committed to the apprehension and prosecution of graffiti and vandalism offenders, and where possible will use the law to prosecute those who perpetrate acts of graffiti and vandalism within Pittwater.

Council recognises that it must use its position to provide leadership in the management of graffiti and vandalism within Pittwater. As such, Council will look to form partnerships with other stakeholders to assist in the elimination of graffiti and vandalism throughout Pittwater.

Council is committed to a program of systematic inspection and the rapid removal of graffiti from Council owned property and within budget constraints from private property accessible from public domain within Council's main villages.

Policy – No 190	Adopted:	OM: 17.10.2011
	Amended:	
	Revoked:	

<b>TITLE:</b>	<b>DIRECT FINANCIAL ASSISTANCE – MAYORAL DONATION PROGRAM</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>OFFICE OF THE GENERAL MANAGER</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>DIRECT FINANCIAL ASSISTANCE &amp; COMMUNITY SERVICES ORGNISATION</b>

---

## **Objectives**

To support local initiatives and community organisations through small financial donations.

To encourage community organisations in providing community and cultural services within the Pittwater area.

## **Policy Statement**

This program allows the Mayor discretion to support local initiatives and community organisations, not just community **service** organisations with small donations.

## **Requests for Financial Assistance under the Mayoral Donation Program**

Requests for \$500 and under can be considered under the Mayoral Donation Program. The Mayor has discretion to fund a number of local initiatives each year up to a maximum amount contained in the Delivery Plan and Budget which in 2010/2011 is \$6000.

## **Reporting**

Each year a full list of all funding provided under the Mayoral Donations Program will be included in the Annual Report.



## **Policies to be Amended**

Council Policy – No 18	Adopted:	OM 25.11.1996
	Amended:	OM: 03.03.97, OM: 07.12.98, OM: 01.11.99, OM: 13.11.00, OM: 15.10.01, OM: 08.11.04, OM: 17.10.2011
	Revoked	

**TITLE:** Parking – Issue Of Annual Permits - Waiving Of Parking Fees

**STRATEGY:** Business Management  
Recreational Management

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

## **Objective**

To effectively manage paid parking arrangements in Pittwater such that the costs of managing and maintaining regional resources such as public beaches and reserves are equitably met by rate payers, residents and visitors to the Pittwater area.

## **POLICY STATEMENT:**

### **1. Parking Permits**

Annual parking permits shall be made available to rate payers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:-

- (a) Permits shall be in the form of stickers for attachment to the motor vehicle's bottom left of the windscreen, or on a fixed glass panel on the left hand side of the vehicle.
- (b) Permits shall provide the vehicles, to which they are affixed, with exemption for the year from the daily parking fees (as fixed by the Council from time to time) that would otherwise apply in paid public parking areas.

### **2. Issue of Annual Permits**

Permits shall be issued each year to:

- (a) The owner of each rateable property in the Area (limit two per property). Permits to be issued with each initial rate notice.

- (b) Resident owners of units within retirement villages (other than freehold ratepayers who separately receive carparking stickers) and resident owners of Company Title Home Units who pay rates on the basis of one sticker per unit, following a request for or on behalf of such unit holders where required.
- (c) The owner of a rateable property in the Area who purchases that property after the general issue of permits to property owners for the ensuing year, provided that the Council rates for the current year have been paid in full (limit two per property).
- (d) Any joint owner of two or more rateable properties in the Area, on condition that no more than two permits are issued for each rateable property.
- (e) Property owners and non-owner residents may purchase up to three (3) additional permits per property at a discounted cost for vehicles usually garaged at the property. Proof of ownership or residency and a signed Statutory Declaration applying for the permits and stating vehicles registration number/s. Any additional permits can be purchased at full price.
- (f) Surf Club personnel, as follows, on the basis of one sticker per person (subject to stickers being issued only to those personnel not currently receiving stickers as ratepayers and no additional stickers where multiple roles are involved).
- The Club President
  - The Club Senior Vice President
  - The Club Honorary Secretary
  - The Club Honorary Treasurer
  - The Club Captain
  - The Club Patrol Captain
  - Active Club Members who do voluntary beach patrols and who own and drive their own motor vehicles.
  - Water Safety Officers and Nipper Age Managers who drive their own vehicles and do not received a sticker as a ratepayer.
- (g) Active members of Surf Clubs who do not receive parking stickers as a ratepayer can make application to Surf Life Saving Sydney Northern Beaches for a Pittwater parking permit. They must supply their name, address, vehicle registration, club for which they are an active patrolling member and reason(s) on a signed application. The full list of recipients is to be verified by each Surf Club President, endorsed by Surf Life Saving Sydney Northern Beaches and forwarded, prior to the start of each swimming season, to Council for the allocation of parking permits, along with the Clubs' patrol rosters. Council may provide additional stickers for new members of the club involved in the club's patrol roster as formally advised by the club president from time to time during the season.
- (h) One sticker will be issued to Surf Life Saving Northern Beaches Board of Examiners, if they are not Pittwater Ratepayers or Surf Club Members.
- (i) Active volunteer members of Pittwater based Rural Fire Service who do not receive parking stickers as a ratepayer can make application for a Pittwater parking permit. They must supply their name, address, vehicle registration, Brigade of which they are an active member and reason(s) on a signed application. The full list of recipients is to be authorised by the respective Brigade Captains and forwarded to Council for the allocation of parking permits.

- (l) The Sydney Academy of Sport shall receive seven (7) annual parking permits for affixing to nominated Academy vehicles for official use in Pittwater and the fees shall be waived annually. (Ref. OM: 1/3/99).

(m) Annual parking permits are not valid at:

- designated 1 hour meter/ticket parking areas
- Council controlled free carparks which have time limits
- Rowland Reserve boat ramp parking area at Bayview
- Church Point Precinct parking, and
- Woorak Reserve Boat Trailer Parking area.

(l) Contract Lifeguards be restricted to 50 stickers only.

### **3. Parking Permit Replacement**

- (a) Parking permits shall be replaced if windscreen is broken, sticker is damaged or new vehicle purchased.
- (b) Lost or discarded permit stickers will incur a replacement cost as set by the Council from time to time.
- (c) Owners of a new property can receive two (2) permits. A Statutory Declaration needs to be completed and proof of purchase is required.

### **4. Business Parking Permits**

- (a) Business Parking permits are available to appropriate businesses upon application for a fee fixed by Council from time to time. Business may purchase up to five (5) business parking permits per business. Proof of business operation is required at time of applying for these permits and stating vehicles registration number/s.
- (b) The concept is aimed at those businesses that rely solely or heavily on pay parking locations for their employees.
- (c) Business parking permits are not valid at any other Council carpark or meter/ticket parking areas. Permits are valid for the area stated on the permit only.

### **5. Waiving of Parking Fees - Surf Life Saving Carnivals/Special Events**

- (a) Parking fees shall be waived at beach parking areas when a particular beach is to be used for State or National Surf Life Saving Carnivals.
- (b) Parking fees shall be waived at beach parking areas when a particular beach is to be used for a carnival or special event (including an ocean swim) that is sanctioned by Surf Life Saving Sydney Northern Beaches Inc. and which also appears on their annual carnival and special event calendar.
- (c) The General Manager has delegated authority to waive parking fees for future annual swims conducted by the Local Surf Clubs in Pittwater as part of the Council's ongoing support for the Surf Life Saving movement in Pittwater. (ref. OM: 1/3/99)
- (d) The waiving of parking fees for an eligible event does not confer approval for exclusive use of the affected parking areas by the host Club or SLS Branch, nor are such organisations authorised to collect parking fees or to unreasonably restrict public access to the parking area or the beach.

## **6. Waiving of Parking Fees - Special Exemptions**

### **(a) Official and Emergency Vehicles**

Vehicles parked in any parking area in the course of official police, governmental, ambulance, fire control, local government or public utility business or duty shall be exempted from payment of parking fees.

### **(b) Disabled Persons Parking Authority**

Vehicles displaying valid disabled persons parking authority shall be exempted from payment of fees.

### **(c) Volunteer and Charity Organisations**

Volunteer/Charity Organisations requesting Council to waive fees for an event or to issue free parking permits must make an application to Council for consideration on an individual merits basis.

### **(d) Special Press Passes**

Up to three (3) special press passes be provided upon application for each of the following local papers:-

- Manly Daily
- Pittwater Life
- Peninsula Living

## **7. Rowland Reserve Boat Ramp Parking Area**

Rowland Reserve Boat Ramp Carpark annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Rowland Reserve Boat Ramp.
- (d) Rowland Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year
- (h) One hour free parking is available at a designated area of the Rowland Reserve carpark for users of the unleashed dog exercise area in Rowland Reserve.

## **8. Church Point Precinct Parking Area**

Church Point Precinct annual parking stickers can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- a) Stickers must be displayed as stipulated on the sticker.
- b) Stickers are only valid at the Pay and Display areas within the Church Point Precinct.
- c) Replacement stickers will only be issued where vehicle is sold, disposed of or due to windscreen damage – original permit number and proof of purchase is required.
- d) Church Point parking stickers are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- e) Availability of parking spaces is not guaranteed.

## **9. Woorak Reserve Boat Trailer Parking Area**

Woorak Reserve Boat Trailer parking area annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:-

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Woorak Reserve Boat Trailer parking area.
- (d) Woorak Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year

## **10. Reciprocal Parking Arrangements Pittwater and Warringah Council**

That reciprocal parking arrangements be recognised for North Narrabeen Beach/ Pool in the Warringah Council LGA and Pittwater Council LGA.

Policy – No 26	Adopted:	OM: 03.03.1997
	Amended:	OM: 13.11.2000, OM: 08.11.2004 OM: 17.10.2011
	Revoked:	

<b>TITLE:</b>	<b>Storage of Water Craft</b>
<b>STRATEGY:</b>	<b>Recreational Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Impounding Act 1993 – Section 24</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

## Objective

Council will at suitable locations provide facilities:-

- for the orderly storage of watercraft such as dinghies, large boats, canoes, kayaks, outrigger canoes and dragon boats in Council's designated storage areas;
- remove abandoned, derelict or illegally stored watercraft from the foreshore areas where they constitute a hazard, cause damage to the environment or restrict access to foreshore areas and that do not comply with the conditions of use for Council's watercraft storage facilities;
- remove vessels without current permit stickers, taking up space on a facility, under the Impounding Act 1993 – Section 24;
- provide watercraft storage and berthing arrangement upon Crown Land (which Council is trust manager of) and administer temporary licence agreements.

## Policy Statement

### 1. Derelict, Abandoned, Oversized or Illegally Stored Watercraft

That watercraft stored on the foreshore in an unauthorised manner, be removed, from reserves where there is significant adverse recreational or environmental impacts or where suitable storage facilities have been provided. Vessels that have been abandoned are derelict or have been placed on a Council reserve without Council approval are to be removed and impounded by Council's authorised officers.

These vessels will be held at Council's impound and maybe disposed of in accordance with the Impounding Act 1993 – Section 24. Proof of ownership is required for release of any impounded boat. Payment of a release fee may be required depending on circumstances. Such release/administration fees will be set each year in Council's Delivery Plan.

## **2. Watercraft Storage Facilities**

At appropriate locations, Council will make available facilities suitable for the storage of watercraft which, members of the public may rent for a fee as set by the Council from time to time. In the case of areas where the land is owned by the Crown and Council appointed as Trust Managers, a temporary licence agreement will be administered and a fee charged as set by the Council from time to time.

## **3. Conditions of Use of Watercraft Storage Facilities**

- 3.1 Council accepts no liability or responsibility for loss, damage or theft of the vessel stored at the storage facility.
- 3.2 The maximum permissible length for watercraft stored at a facility be adhered to.
- 3.3 Council to be notified within 7 days of disposal of watercraft, or no longer required usage of the storage bay in order to allow for timely reallocation of the facility.
- 3.4 The rental agreement permits one vessel only being stored per allocated bay.
- 3.5 The lessee must notify Council promptly of change of address, change of vessel details or contact phone numbers.
- 3.6 Council reserves the right to terminate the rental agreement if any of the relevant conditions are breached or if the lessee misuses the facility in any way.
- 3.7 The watercraft permit sticker must be displayed in a prominent position on the vessel.

## **4. Issue of Annual Permit Stickers**

- 4.1 An invoice will be forwarded to current permit holders and shall be issued each year to the owner of the watercraft to be stored at a facility. If an invoice is not paid within the allocated time, the storage bay may be allocated to the next person on the waiting list.

## **5. Watercraft permit stickers**

- 5.1 Annual permit stickers for watercraft storage shall be made available to both residents and non-residents for storage of vessels, which they personally own on the following basis:
  - Permits shall be in the form of stickers for attachment to the vessel in a clearly visible location.
  - Permits once attached to a vessel will allow the owner to store the vessel for that current year displayed on the sticker.
  - Watercraft which do not display a current permit sticker in a clearly visible position or watercraft that are over the height restriction for the facility may be impounded under the impounding Act 1993 – Section 24. Following advice from Council, owners should place the current permit sticker on their watercraft or remove oversized watercraft from the facility.



## **6. Waiting Lists for Storage of Watercraft**

6.1 The procedure for obtaining a position on Council's watercraft storage facilities is as follows:

- An application form is to be completed and returned to Council for placement on the waiting list for watercraft storage in the nominated location/s.
- An applicant may be placed on as many waiting lists as they require
- When a position becomes available Council will notify the applicant and raise an invoice for the facility.
- On receipt of payment the applicant will receive confirmation of allocation together with a sticker to affix to the vessel.

## **7. Location of Watercraft Storage Facilities**

7.1 The locations where watercraft can be stored on Council's reserves with the applicable length restrictions are as per Council's Dinghy Facility Schedule.

## **8. Fees & Charges –Watercraft**

8.1 The yearly rental of watercraft storage bays commences 1 September to 31 August. Fees are charged on a pro rata basis as follows:

- If allocation takes place from 1 September full year payment
- If allocation takes place from 1 December  $\frac{3}{4}$  year payment
- If allocation takes place from 1 March  $\frac{1}{2}$  year payment
- If allocation takes place from 1 June  $\frac{1}{4}$  year payment

8.2 The surrender of a watercraft storage bay attracts the following rebate for the portion not used:

- If surrender takes place before 30 November  $\frac{3}{4}$  payment refunded
- If surrender takes place before 30 March  $\frac{1}{2}$  payment refunded
- If surrender takes place before 30 June  $\frac{1}{4}$  payment refunded
- After 30 June no refund is allocated.

<b>Council Policy – No 30</b>  <b>Version:</b>	<b>Adopted:</b>	OM:03.03.1997
	<b>Amended</b>	OM:17.10.2011
	<b>Revoked</b>	

<b>TITLE:</b>	<b>Dog Control</b>
<b>STRATEGY:</b>	<b>Community Engagement, Education &amp; Awareness Biodiversity Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Companion Animals Act 1998</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## Objective

To provide effective dog control in leashed and unleashed areas in the Pittwater LGA in accordance with the Companion Animals Act 1998.

## Policy Statement

### **Dog Control**

That Council has provided (in compliance with the Companion Animals Act 1998) the following areas:

- **Bicentennial Coastal Walkway**

Leashed dogs are allowed on all headland sections of the Walkway, with the EXCEPTION of Bangalley Head and Turimetta Head.

- **Prohibited Areas**

All Beaches, Warriewood Wetlands, **Turimetta Reserve, Ingleside Chase Reserve and Bangalley Headland Reserve.**

- **Wildlife Protection Areas**

Council has designated **21** bushland reserves as Wildlife Protection Areas (*Companion Animals Act 1998 s 14 H*) with public place set apart by the local authority for the protection of wildlife. Except where dogs are expressly prohibited from the whole reserve, dogs are allowed in wildlife protection areas on defined paths and on a lead at all times.

Wildlife Protection Areas are listed below:

Careel Bay Intertidal area,  
Irrawong Reserve,  
Angophora Reserve, Bilgola Plateau  
McKay Reserve, Palm Beach  
Elizabeth Park, Scotland Island  
Stapleton Park, Bilgola Plateau  
Bangalley Headland, Avalon  
Palmgrove Reserve, Avalon  
Sunrise Reserve, Palm Beach  
Betty Morrison Reserve, Bungan Beach  
Kanimbla Reserve, Bilgola Plateau

Bushrangers Hill, Newport  
Minkara Reserve, Ingleside  
Attunga Reserve, Newport  
Pindari Park, Bayview  
Hewitt Park, Bilgola  
Epworth Park, Elanora  
Algona Reserve, Bilgola Plateau  
Bilarong Sanctuary, North Narrabeen  
Fern Creek, Creekline Corridor Warriewood  
Narrabeen Creek, Creekline Corridor  
Warriewood

- **Unleashed Exercise Areas**

That the following reserves or picnic places be declared and approved by Council as areas in which dogs, under the control of a person (but not necessarily on a leash) may be exercised, namely (See Location Sketches (6) attached):

- Mackerel Beach only permitted from the public wharf north of the boundary with the National Park from sunrise to 9.30am and 5pm to sunset. At other times the shortest direct route with dog on-lead is to be taken across the beach between a vessel and the grassed strip.
- Hitchcock Park, Careel Bay (restricted to the Reserve Area north of the soccer field);
- Dearin Reserve, Newport;
- Rowland Reserve, Bayview (north of the boat launching area car park and including the adjacent tidal sand flats);
- South Mona Vale Headland Reserve (area east of Narrabeen Park Parade/ Coronation Street junction).
- Progress Park, Narrabeen (water access to Mullet Creek)

- **Unleashed Training Area**

That the following reserve or public place be declared and approved by Council as an area in which dogs, under the control of a person (but not necessarily on a leash), may be trained, namely:-

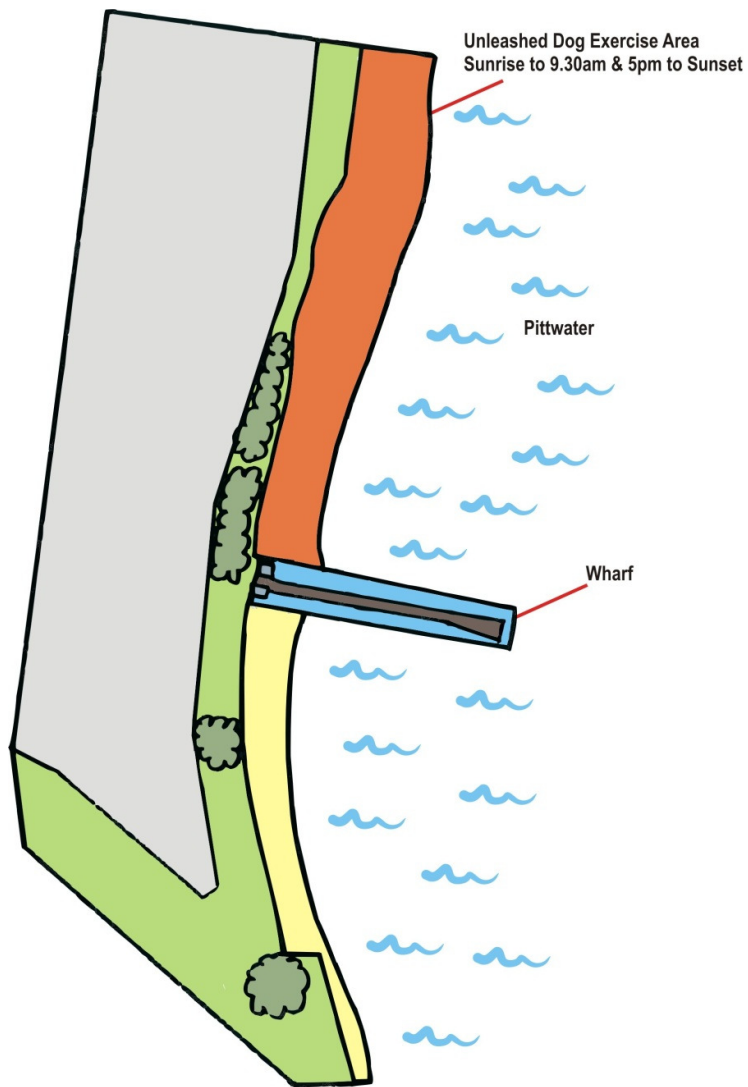
Deep Creek Reserve, Narrabeen – within the fenced area (see location sketch attached).

- **Reserve Advisory Signs**

That the reserve advisory signs for each declared area display a diagrammatic plan showing the boundary of the declared area; a notice to accompany the diagram advising dog owners that they are required to control their dogs within the specified area and remove any litter caused by their animals.

That publicity be given from time to time to the prohibitions, the penalties and to the provision of approved areas and appropriate signage be erected.

## MACKEREL BEACH UNLEASHED DOG AREA MAP

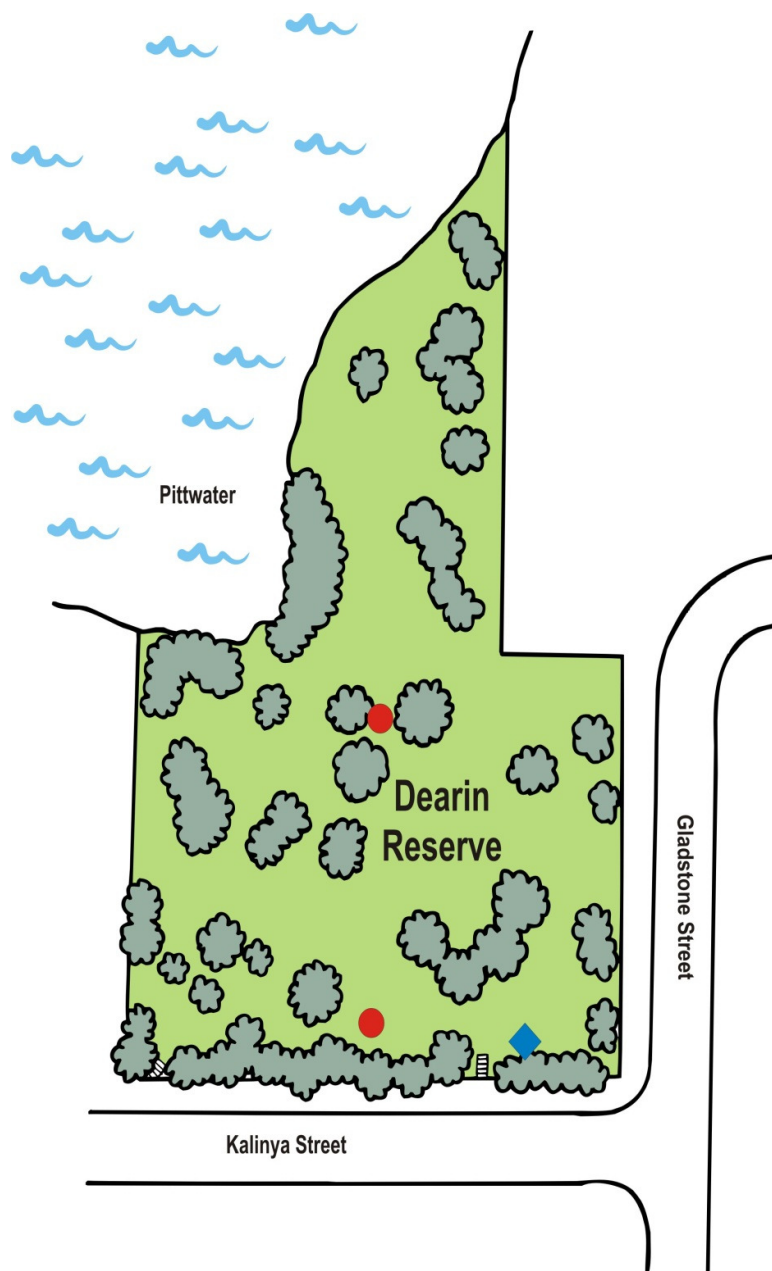


**Unleashed Dog Exercise Area  
Hitchcock Park, Careel Bay  
(restricted to the reserve area north of the soccer field)**



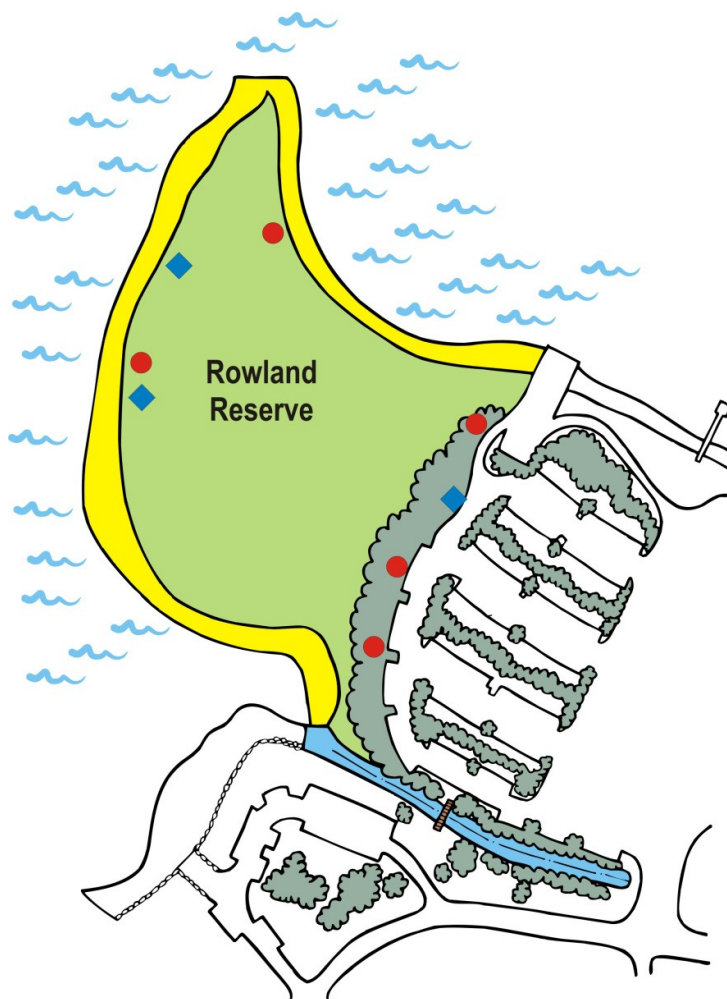
## Unleashed Dog Exercise Area

### Dearin Reserve, Newport



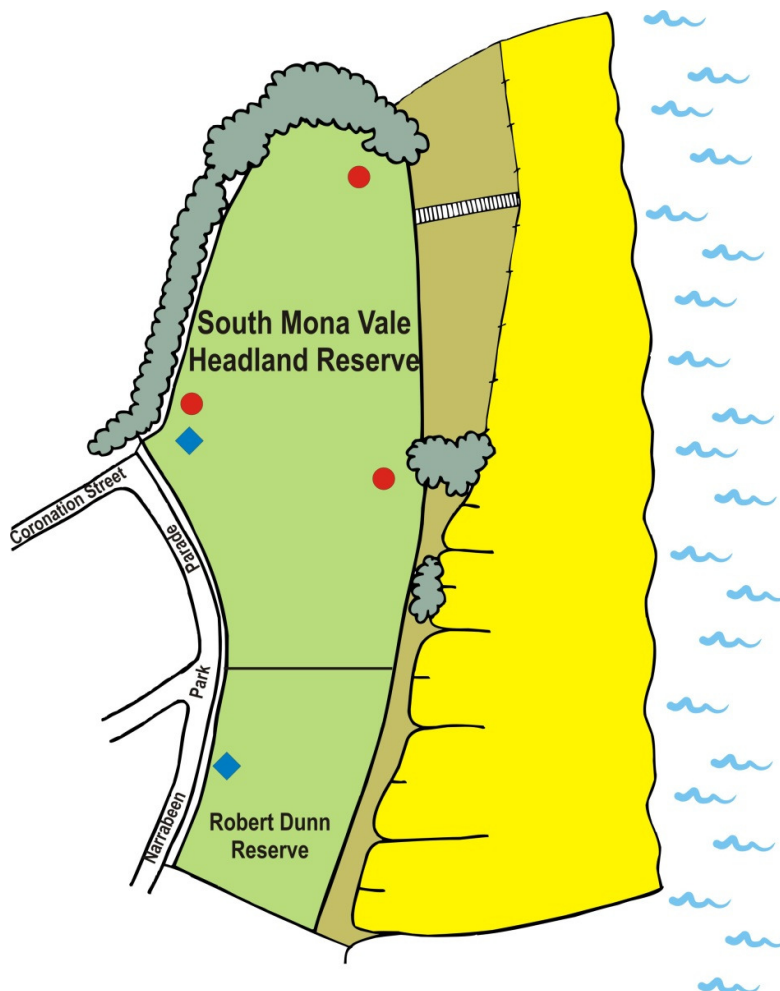
## Unleashed Dog Exercise Area

**Rowland Reserve, Bayview**  
(north of boat launching area carpark  
and including the adjacent tidal sand flats).



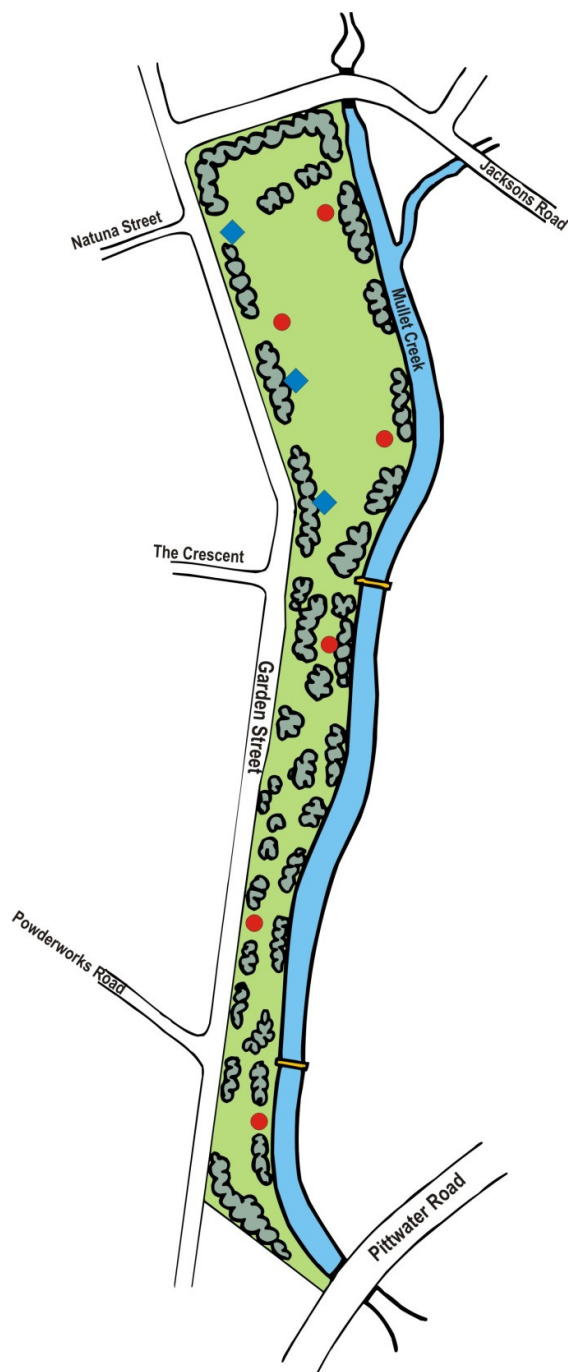
## Unleashed Dog Exercise Area

**South Mona Vale Headland Reserve**  
(area east of Narrabeen Park Parade/  
Coronation Street junction)

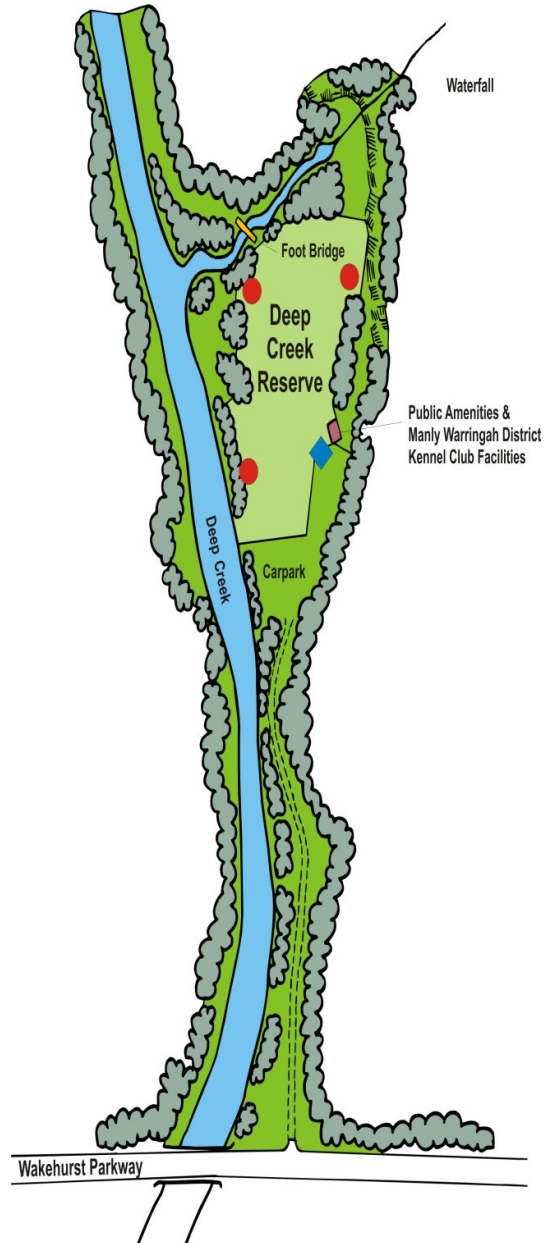




**Unleashed Dog Exercise Area**  
**Progress Park, Narrabeen (water access to Mullet Creek)**



**Unleashed Dog Training Area**  
**Deep Creek Reserve, Narrabeen (within fenced area only)**



<b>Council Policy – No 43</b>	<b>Adopted:</b>	<b>OM: 03.03.1997</b>
	<b>Amended:</b>	<b>OM: 10.04.2000, OM 14.02.2005, 17.10.2011</b>
	<b>Revoked</b>	

<b>TITLE:</b>	<b>Clothing Recycling Bins on Council Controlled Land - Control and Regulation</b>
<b>STRATEGY:</b>	<b>Building Communities Recreational Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective**

To control and regulate the placement and management of clothing recycling bins on Council controlled land so as to obviate nuisance, minimise the environmental impact and effectively manage safety and public risk.

## **Policy Statement**

That Council support the clothing appeals of registered charities who agree to comply with a Code of Conduct equivalent to that of the National Association of Charitable Recycling Organisations (NACRO) by permitting the placement of appropriate numbers of their clothing recycling bins on suitable Council controlled sites.

- (a) Prior to the installation of each clothing bin within the Pittwater local government area on Council controlled land, the organisation concerned apply for and if approved be granted permission by Council for the location(s) of each bin on an annual basis and be required to enter a license agreement on conditions set by Council, for a nominal fee as set by Council from time to time. Any application should include an acceptable plan indicating the proposed location of the bin.
- (b) Only registered charitable organisations that agree to comply with a Code of Conduct equivalent to the NACRO Code and who also agree to comply with the Best Practice Guidelines for Charitable Organisations (prepared by the NSW Department of Gaming and Racing) and who directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Council owned or controlled lands.
- (c) Clothing bins be permitted on Council controlled land at the discretion of Council and be subject to amenity and environmental considerations. Bins will be prohibited where there is an unreasonable impact on the aesthetics and amenity of a site or where undue obstruction is caused.

- (d) Council shall determine the number of bins which may be located within any given area. (As a general rule, 1 bin only per 1000m<sup>2</sup> site area.)
- (e) Bins should be readily accessible and are not to be located in car spaces and manoeuvring areas, nor in such a way that contravenes any condition of development consent applicable to the site.
- (f) Bins are to be kept in a well maintained state i.e. painted and graffiti free.
- (g) The charity must clear the bin regularly and ensure that the bin and its immediate surroundings are kept in a neat and tidy condition.
- (h) A register of all clothing bins on Council controlled land and their locations be kept by Council.
- (i) The applicant must nominate a contact person (including mobile phone number) who has the control of locating and servicing their bins.
- (j) Bins must be signwritten with the name, address, and telephone number of the charity controlling the bin as well as any information required to be displayed under Section 19 of the Charitable Fundraising Act 1991 or recommended by the Best Practice Guidelines for Charitable Organisations prepared by the Department of Gaming and Racing.
- (k) Where bins are placed on Council controlled land, the charity responsible is to provide proof of their public liability insurance with a minimum indemnity of \$10 million noting Pittwater Council for respective rights and interests on the same.
- (l) Council's staff regularly monitor compliance with the conditions and undertake a performance review at least 40 days prior to the end of each license term with a view to recommending renewal or termination.

<b>Council Policy – No 97</b>	<b>Adopted:</b>	<b>OM:03.03.1997</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked</b>	

**TITLE:** Public Collections/Appeals

**STRATEGY:** Building Communities  
Town & Village

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** Local Government Act 1993, Roads Act 1993

**RELATED POLICIES:** None.....deleted

## Objective

That pursuant to the Local Government Act, 1993, Council determines that the following restrictions and conditions shall apply to public collections: collections to include "soliciting or collecting in any public road or from house to house adjacent to any public road, gifts of money, or of subscriptions for any purpose". A permit must be obtained from the Council by any person or association which proposes to undertake collection within the Pittwater Area.

## Policy Statement

- Only one "Door Knock Appeal" per year shall be permitted for each registered charity.
- No action be taken by Council to limit or restrict payment to collectors by registered charities.
- All applicants are to provide a letter of authority to fundraise from the organisation or charity on behalf of whom they are collecting.
- Council will not approve "Traffic Light Appeals" due to safety issues.
- That in the case of "Stalls in Commercial Centres", an applicant needs to lodge the appropriate application form.....deleted Registered charities shall be restricted to a maximum of two stalls, each with a maximum of 4 days, in each commercial centre per month, providing that there must be two weeks between each booking. Bookings for charities and not for profit organisations can only be made in advance for each quarter.
- That where any person or association is found to be in breach of this policy, the following procedure shall apply:
  - The person or association will be advised of the procedure for street stalls in which they need a permit prior to undertaking of the activity.
  - Failure to comply with any or all conditions of approval set by the Reserves and Recreation Officer may result in an infringement notice being issued.

<b>Policy – No 98</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended:</b>	<b>OM.16.09.2002, OM.11.11.2002, OM: 17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** **HELICOPTER LANDINGS ON COUNCIL OWNED AND CONTROLLED PROPERTY**

**STRATEGY:** **Recreation Management**

**BUSINESS UNIT:** **Reserves, Recreation & Building Services**

**RELEVANT LEGISLATION:** **Civil Aviation Act & Regulations  
Civil Aviation & Safety Authority (CASA)**

**RELATED POLICIES:** **None**

## **Objective**

1. To reduce the environmental impacts including but not limited to excessive noise, and interference with public and private rights of peaceful enjoyment, the excessive dust created by the down draft and the impact on native flora and fauna in the area, and minimise the public risks associated with helicopters that land on or conduct civil operations on or over any property in the Pittwater local government area.
2. To define the circumstances or conditions by which an individual or organisation may land a helicopter or use a helicopter to undertake civil operations in the Pittwater local government area.

## **Policy Statement**

1. With the exception of a rescue or emergency operation, or uses related to the use of a reserve (including filming operations) Council will not generally consent to the landing of helicopters nor the use of helicopters to conduct civil operations (including sling load operations and winching and rappelling operations) within the boundaries of the Pittwater local government area.
2. That under this policy the General Manager (or the General Manager's nominee) be given delegated authority to determine all applications for civil operations involving the use of a helicopter on or over property in the Pittwater local government area.
3. Council will not consent to sling load operations or winching or rappelling operations that involve the helicopter flying over a city, town or populous area.
4. (a) The applicant must obtain a permit, where required, from the Civil Aviation and Safety Authority (CASA) and complies with all requirements of the relevant Civil Aviation Orders made pursuant to the Civil Aviation Regulations.



Council Policy – No 100	Adopted:	OM:03.03.1997
	Amended:	OM:17.10.2011
	Revoked	

**TITLE:** Circuses

**STRATEGY:** Recreation Management

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** Workcover Authority

**RELATED POLICIES:** Policy No 93 – Reserves, Sportsgrounds, Beaches and Headlands Booking Policy

---

## **Objective**

To provide a clear direction in approving applications for circuses to operate within the Pittwater LGA.

## **Policy Statement**

1. Circuses that do not include exotic animals are encouraged to perform in Pittwater.
2. Circuses that include exotic animals are NOT permitted to operate in Pittwater.

.....deleted



<b>Council Policy – No 102</b>	<b>Adopted:</b>	<b>OM.02.03.1998</b>
	<b>Amended:</b>	<b>OM:17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** Speed Restriction – Signs on Public Reserves and Carparks  
**STRATEGY:** Recreation Management  
**BUSINESS UNIT:** Reserves, Recreation and Building Services  
**RELEVANT LEGISLATION:** Local Government Act, 1993  
**RELATED POLICIES:** None

## **Objective**

To regulate the speed of vehicles in public reserves and carparks.

## **Policy Statement**

That in order to regulate the speed of vehicles in public reserves and carparks a **ten (10) kilometres** per hour speed limit be adopted in the carparking areas as per the Schedule, and that notices be erected on the subject areas under the provisions of Section 632 of the Local Government Act, 1993, requiring compliance with the above restriction.

## **Schedule of carparking areas speed restrictions.**

<b>Reserve</b>	<b>Location</b>
Bilarong Reserve	North Narrabeen
Deep Creek Reserve	North Narrabeen
North Narrabeen Rock Pool Car Park	North Narrabeen
Pittwater Rugby Park	North Narrabeen
Lake Park	North Narrabeen
Warriewood Beach	Warriewood
Mona Vale Beach	Mona Vale
Kitchener Park	Mona Vale
Winnererremy Bay	Mona Vale
<b>Bayview Park</b>	Bayview
<b>Rowland Reserve Car Park</b>	Bayview
McCarrs Creek Reserve Car Park	Church Point
Church Point Car Park	Church Point
Porter Reserve	Newport
Newport Beach Car Park	Newport Beach
Bilgola Beach Car Park	Bilgola
<b>Avalon Golf Course Car Park</b>	Avalon
Avalon Beach Car Park	Avalon
Hitchcock Park	Avalon
Careel Bay Reserve	Avalon
<b>Clareville Beach Car Park</b>	Clareville
Pittwater Park	Palm Beach
Governor Philip Reserve	Palm Beach

<b>Council Policy – No 120</b>	<b>Adopted:</b>	<b>UE: 12.7.1999</b>
	<b>Amended:</b>	<b>OM: 17.10.2005, OM: 17.10.2011</b>
	<b>Revoked:</b>	

**TITLE:** Open Air Concerts

**STRATEGY:** Recreation Management  
Building Communities

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** Environmental Protection & Assessment Act

**RELATED POLICIES:** None

## **Objective**

To ensure that the amenity of surrounding residents is observed when approving open air concerts in the Pittwater LGA.

## **Policy Statement**

**This policy does not apply to festivals, market days and the like, where music forms part of the event.**

Open air concerts can only take place in reserves when it is an approved activity as nominated in the adopted Plan of Management for that area.

- 1) An open air concert that will have over 3,000 persons in attendance may be required to apply for Development Consent, depending on the relevant Plan of Management for the area.
- 2) Applications for open air concerts (where it is perceived that the event will have a significant effect on the surrounding amenity) must be reported to full Council for consideration.
- 3) Council Officers are to ensure that in giving any approval to hold an open air concert that appropriate conditions are placed on the concert's operator to require compliance with the Environmental Protection Authority's guidelines, and the promoter is to fund the attendance for the duration of the concert of a suitably qualified person (agreed to by Council) to measure noise levels and certify compliance with appropriate regulations.
- 4) Any approval stipulates the hours of operation of the concert.
- 5) The promoter must provide a contact telephone number to all notified residents as a contact point in the event of complaints.
- 6) The promoter or his agent must ensure that they are contactable by telephone at all times for the duration of the event.
- 7) Promoters are to ensure that abusive and offensive language in amplified music and over the microphone is not tolerated.

<b>Council Policy – No 154</b>	<b>Adopted:</b>	<b>OM:08.12.03</b>
	<b>Amended:</b>	<b>OM:17.03.08, OM:17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>SMOKE FREE ZONES AROUND PITTWATER</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>SMOKE-FREE ENVIRONMENTAL ACT 2000 PUBLIC HEALTH (TOBACCO) ACT 2008</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

## **Objectives**

The objectives of Pittwater Council in banning/encouraging the community not to smoke in various Council areas are to:

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

## **Policy Statement**

### **Background**

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, sudden infant death syndrome (SIDS), acute respiratory infections and ear problems.

While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. A recent study which measured cigarette smoke levels in a variety of outdoor locations showed that a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure of someone sitting in an indoor tavern where smoking is allowed.

Therefore, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues etc. can present a real health risk to patrons and staff.

There is also evidence to suggest that smoking bans or encouraging people not to smoke support smokers who are trying to quit as well as reduce their overall cigarette consumption. Fifty four percent of smokers who had tried to quit found that seeing someone with a cigarette was a trigger to relapse, according to a 2006 study.

In addition to the health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down. Cigarette butts are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

## **Principles**

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces.
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

## **Smoke Free Areas**

1. That Council supports the banning of smoking in the following outdoor public places consistent with the Smoke-Free Environment Act 2000 (as amended 2013).
  - (i) within 10 metres of children's play equipment,
  - (ii) a swimming pool complex,
  - (iii) a spectator area at a sports ground or other recreational area being used for an organised sporting event,
  - (iv) public transport stops and stations (including ferry wharves and taxi ranks),
  - (v) within 4 metres of a pedestrian access point to a building (with effect from 6 July 2015 for licensed premises and restaurants under the *Liquor Act 2007*),
  - (vi) a commercial outdoor dining area (with effect from 6 July 2015).
2. That Council encourages the community not to smoke in the following areas on Council owned or managed land.
  - (i) On all playing fields, sporting grounds and sporting facilities.
  - (iii) On all beaches.

<b>Policy – No 167</b>	<b>Adopted:</b>	<b>OM: 16.07.2007</b>
	<b>Amended:</b>	<b>OM: 17.10.2011</b>
	<b>Revoked:</b>	

<b>TITLE:</b>	<b>YOUTH</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>COMMUNITY ENGAGEMENT</b>

---

### **Objectives**

#### **Consultation**

- To ensure young people are provided with meaningful opportunities to contribute and participate in the community.
- To build partnerships with other levels of government and non-government services to identify and meet the needs of young people in the community.
- To promote young people of Pittwater in a positive way.
- To maintain a healthy community through supporting parents of young people.

### **Policy Statement**

#### **Background**

For the purpose of this document youth are defined as 12 – 24 years.

#### **Philosophy**

Pittwater Council recognises the values and contributions that young people make to enhance the community that is Pittwater. Council will continue to facilitate and provide opportunities for young people to contribute, be recognised, and participate in community life.

### **Development**

That Council encourage developers in Pittwater to consider incorporating user friendly youth space within all applicable future development applications.

## **Principal Strategies**

### **Consultation**

- Council will ensure they provide opportunities for the community's young people to provide feedback and suggestions about current issues and potential solutions.
- Council will ensure young people are provided an opportunity to be involved in the decision-making process regarding issues that relate to them.

### **Partnerships**

- Council will work with services and other levels of government to respond to you issues and create new opportunities for young people.

### **Positive Acknowledgement**

- Council will acknowledge and promote young people to the wider community highlighting the positive ways that young people contribute to Pittwater.

### **Supporting Youth Providers**

- Council will support providers of youth services through information, advice on best practice models, and provision of community space.
- Council will also provide support through building the capacity of youth services and assist with grant applications.

### **Direct Provision**

- Council will ensure the provision and access of safe youth leisure, recreation, learning space and social experiences such as sporting facilities, libraries, community centres and youth specific events.

### **Training Opportunities**

- Student placement opportunities will be provided within Council for students still currently studying at University, TAFE or high school.

### **Encouraging Leadership**

- The provision of financial assistance will be promoted for young people to attend youth leadership conferences and forums.

### **Supporting Families**

- Parents of young people in the community will be supported by Council through information provision and the promotion of support services available to parents of teenagers.

### **Advocacy**

- Council will lobby on behalf of Pittwater's young people for improvement, change or more services that are important to them and improve their access and equity opportunities.

### **Capacity Building**

- Through Pittwater's co-ordinated youth events, Council will provide skills-based learning to young people each year.

### **Information Source**

- Council will disseminate up-to-date, credible information to young people and their families to assist with healthy living and safety of young people in the community.

Policy – No 169	Adopted:	OM: 08.10.2007
	Amended:	OM: 08.10.2007 OM: 17.10.2011
	Revoked:	

<b>TITLE:</b>	<b>OPEN AIR CINEMA EVENTS ON COUNCIL CONTROLLED LAND</b>
<b>STRATEGY:</b>	<b>Building Communities Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Protection of the Environment Operations (Noise Control) Regulation 2000</b>
<b>RELATED POLICIES:</b>	<b>None</b>

## **Objective**

To make available suitable areas of recreational open space for a wide variety of activities and events, including open air cinemas.

To facilitate the operation of open air cinemas and like events to provide a greater choice of entertainment for the whole community.

To ensure that open air cinema events are conducted to industry best practice standards.....deleted

## **Policy Statement**

Pittwater Council, through its network of recreational open space, is committed to offering suitable venues for a diversity of social, cultural and recreational activities and events for the whole community.

Open air cinema events provide a distinctive entertainment experience that enhances social interaction, particularly for families, whilst being compatible with the outdoor lifestyle of the Pittwater community.

.....deleted

## **Conditions of Operation**

- Generally the operation of outdoor cinemas relying on current commercially new released films will not be supported.
- Outdoor cinema events presenting cultural or promotional screenings will be accepted dependent on assessment of specific crown management and function details.



- Commercial open air cinema events will be limited to 3 per year, and have either a 'G', 'PG' or 'M' rating. No films with ratings of 'MA' or 'R' will be permitted. 'M' rated movies to only be shown after 7.30pm.
- Events that may include open air screening of films for the purposes of promotion or in support of the cultural event activities will be considered as stand alone events able to be held at any time of the year as long as no fee is charged for the film exhibition.
- Open air cinema events will be conducted in strict accordance with the provisions of the conditions set down in the relevant **legislation and plans**.
- .....deleted
- That no advertising be permitted for commercial outdoor cinema events, and that community announcements be permitted.
- Fees and charges for the operation of open air cinema events will be in accordance with the schedule (Community Event/Commercial) contained in Council's Management Plan.
- All Councillors and the Senior Management Team will be advised of open air cinema event bookings for consideration prior to approval.
- Should an event be called by any Councillor, a report would be prepared for Council outlining details of the event and its implications.
- The Manager – Reserves, Recreation & Building Services will be responsible for signing approvals for open air cinema event bookings.

Policy – No 190	Adopted:	OM: 17.10.2011
	Amended:	
	Revoked:	

<b>TITLE:</b>	<b>DIRECT FINANCIAL ASSISTANCE – MAYORAL DONATION PROGRAM</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>OFFICE OF THE GENERAL MANAGER</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>DIRECT FINANCIAL ASSISTANCE &amp; COMMUNITY SERVICES ORGNISATION</b>

## **Objectives**

To support local initiatives and community organisations through small financial donations.

To encourage community organisations in providing community and cultural services within the Pittwater area.

## **Policy Statement**

This program allows the Mayor discretion to support local initiatives and community organisations, not just community **service** organisations with small donations.

## **Requests for Financial Assistance under the Mayoral Donation Program**

Requests for \$500 and under can be considered under the Mayoral Donation Program. The Mayor has discretion to fund a number of local initiatives each year up to a maximum amount contained in the Delivery Plan and Budget.....deleted

## **Reporting**

Each year a full list of all funding provided under the Mayoral Donations Program will be included in the Annual Report.

---

## **C9.4 Minutes of the Pittwater Traffic Committee Meeting held on 11 June 2013**

**Meeting:** Community, Recreation & Economic Development Committee

**Date:** 5 August 2013

---

**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 11 June 2013.

#### **1.0 BACKGROUND**

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 11 June 2013 (refer **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Maritime Services (RMS) 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: Rednal Street/Halesmith Road, Mona Vale - Proposed 'No Stopping' Restrictions - Supported**
- 2.2 **Item 4.2: Angophora Circuit, Warriewood - Extension of 'No Stopping' Restrictions - Supported**
- 2.3 **Item 4.3: Woolcott Street, Newport - Proposed 'No Parking' Restrictions - Supported**
- 2.4 **Item 4.4: Foamcrest Avenue, Newport - Proposed 'No Stopping' Restrictions**  
Proposed 'No Stopping' restrictions to improve traffic safety and facilitate the manoeuvring of trucks to and from the area, during the operation hours of the Coles loading dock  
**- Supported**
- 2.5 **Item 4.5: Avalon Market Day - Saturday 16 November 2013**  
Street closures to allow the Avalon Market Day to proceed - **Supported**
- 2.6 **Item 4.6: Old Barrenjoey Road, Avalon - Temporary Closure for School Fete on Sunday 8 September 2013**  
Street closure to allow the School Fete to proceed - **Supported**
- 2.7 **Item 4.7: Stuart Street, Newport - Temporary Closure for School Fete on Saturday 19 October 2013**  
Street closure to allow the School Fete to proceed - **Supported**
- 2.8 **Item 4.8: Pub to Pub Charity Fun Run & Walk - Sunday 25 August 2013**  
Street closures to allow the Fun Run & Walk to proceed – **Supported**

---

### **3.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 11 June 2013 for Council's consideration.

---

### **RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 11 June 2013 be adopted.

Report prepared by  
Ricky Kwok - Civil Design & Traffic Engineer - Strategy, Investigation and Design

Mark Shaw  
**MANAGER, URBAN INFRASTRUCTURE**

# **Minutes**

## **Pittwater Traffic Committee Meeting**

Held in the Level 3 Large conference room, Vuko Place,  
Warriewood on

**11 June 2013**

Commencing at 1.00pm

**Mark Shaw**  
**MANAGER, URBAN INFRASTRUCTURE**

## **ATTENDANCE**

### **Voting Members of the Committee are invited to attend, namely:**

Chairperson, Cr Young

Representative on behalf of Member for Pittwater, Ms Jill Dubois

Roads and Maritime Services, Mr Alex Coates

Traffic NSW Northern Beaches – Sergeant Matthew Paterson

### **And Non Voting Representatives from Bus Providers including State Transit Authority**

State Transit Authority – Mr Wade Mitford

### **Council Staff:**

Manager, Urban Infrastructure, Mark Shaw

Principal Engineer, Strategy Investigation and Design, Paul Davies

Civil Design & Traffic Engineer, Ricky Kwok

Road Safety Officer, Michelle Carter

Administration Officer / Minute Secretary, Sherryn McPherson

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at  
**[www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)**

---

## PITTWATER TRAFFIC COMMITTEE MEETING

### TABLE OF CONTENTS

Item No	Item	Page No
<b>1.0</b>	<b>Apologies</b>	
<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>	
<b>3.0</b>	<b>Confirmation of Minutes</b>	
<b>4.0</b>	<b>Committee Business</b>	
TC4.1	Rednal Street/Halesmith Road, Mona Vale - Proposed No Stopping Restrictions	
TC4.2	Angophora Circuit, Warriewood - Extension of No Stopping Restrictions	
TC4.3	Woolcott Street, Newport - Proposed No Parking Restrictions	
TC4.4	Foamcrest Avenue, Newport - Proposed No Stopping Restrictions	
TC4.5	Avalon Market Day - Saturday 16 November 2013	
TC4.6	Old Barrenjoey Road, Avalon - Temporary Closure for School Fete on Sunday 8 September 2013	
TC4.7	Stuart Street, Newport - Temporary Closure for School Fete on Saturday 19 October 2013	
TC4.8	Pub to Pub Charity Fun Run & Walk - Sunday 25 August 2013	
<b>5.0</b>	<b>General Business</b>	
<b>6.0</b>	<b>Next Meeting</b>	

---

## **1.0 Apologies**

### **COMMITTEE RECOMMENDATION**

That apologies be received and accepted from Mr Aaron Cutugno of Forest Coach Lines and leave of absence be granted from the Traffic Committee Meeting held on 11 June 2013.

(Cr Young / Ms Jill Dubois)

---

## **2.0 Declarations of Pecuniary Interest**

Nil.

---

## **3.0 Confirmation of Minutes**

### **COMMITTEE RECOMMENDATION**

That the Minutes of the Traffic Committee Meeting held on 9 April 2013, be confirmed as a true and accurate record of that meeting.

(Sgt Matthew Paterson / Mr Alex Coates)

---

## **4.0 Committee Business**

---



---

<b>TC4.1</b>	<b>Rednal Street/Halesmith Road, Mona Vale - Proposed No Stopping Restrictions</b>
--------------	--

**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee supports the proposed 'No Stopping' restrictions (located 15m north of the driveway to No.10 Halesmith Road), for a length of 30m on the inside curve of Rednal Street and Halesmith Road, to improve traffic safety.
2. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Cr Young / Ms Jill Dubois)

---

<b>TC4.2</b>	<b>Angophora Circuit, Warriewood - Extension of No Stopping Restrictions</b>
--------------	--

**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the following proposals requested by URM to allow them to provide refuse/recycling collections in Angophora Circuit (shown on Council Plan No.15-TC-2013).

1. Extend the existing 'No Stopping' restrictions along the inside curve of the south-western corner by 6m northwards.
2. Extend the existing 'No Stopping' restrictions on the western side of Angophora Circuit, adjacent to the driveway to No.13-19 by 6m in each direction.

(Mr Alex Coates / Sgt Matthew Paterson)

---

<b>TC4.3</b>	<b>Woolcott Street, Newport - Proposed No Parking Restrictions</b>
--------------	--

**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the proposal for 'No Parking' restrictions (at all times) located in the turning circle of Woolcott Street (shown in Attachment 1 of the Traffic Committee report), to enable URM to provide refuse/recycling collections and improve access for local residents.

(Ms Jill Dubois / Mr Alex Coates)

---

<b>TC4.4</b>	<b>Foamcrest Avenue, Newport - Proposed No Stopping Restrictions</b>
--------------	--

**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the proposal for 'No Stopping' restrictions for a length of 6m south of the driveway to 40-44 Foamcrest Avenue, during the operation hours of the Coles loading dock (7am-8pm Mon-Sat 8am-12pm Sun), to improve traffic safety and facilitate the manoeuvring of loading trucks to and from the loading dock area.

(Cr Young / Sgt Matthew Paterson)

---

<b>TC4.5</b>	<b>Avalon Market Day - Saturday 16 November 2013</b>
--------------	--

**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee note this report.
2. That the Traffic Committee supports the event taking place on Saturday 16 November 2013 using the Traffic Management Plan provided by the applicant for the Avalon Market Day, with road closures on the following streets (as indicated in the TMP attached) subject to approval by the RMS and Police:
  - Old Barrenjoey Road north of The Crescent
  - Old Barrenjoey Road south of the Fire Station (at entrance to public carpark)
  - Wickham Lane at Avalon Parade
  - Avalon Parade at the intersection of Barrenjoey Road
  - Avalon Parade west of Edmund Hock Avenue
  - Avalon Parade east of Bellevue Avenue
  - Simmonds Lane (Edmund Hock Avenue service way) at Old Barrenjoey Road
3. That the Traffic Committee supports the implementation of temporary 'No Stopping' restrictions in Central Road (south side, full length) and Bellevue Avenue (east side, Avalon Parade to Sanders Lane) for one day only, being 16 November 2013 (the day of the market), between the hours of 6am and 6pm.
4. That the approval would be subject to:
  - (i) the TMP being implemented by persons with Traffic Control qualifications acceptable to the RMS;
  - (ii) any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RMS;
  - (iii) approvals being granted by Council for the use of the public reserves specified in the application and for the use of the public roads for stalls, etc;
  - (iv) barriers and signs to be used in the road closures are to be to RMS standards.
  - (v) any Variable Message Sign (VMS) advertising used for the event is to be in accordance with RMS guidelines.
5. That the applicant be advised accordingly.

(Mr Alex Coates / Ms Jill Dubois)

---

<b>TC4.6</b>	<b>Old Barrenjoey Road, Avalon - Temporary Closure for School Fete on Sunday 8 September 2013</b>
--------------	---

**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the temporary closure of Old Barrenjoey Road on 8 September 2013 (from 8.00am to 5.00pm) between Sanders Lane and Dress Circle Road to permit the Avalon Public School Fete to proceed, subject to the following conditions:

1. That the full road closure only extend along the length of the frontage of the public reserve with vehicular access to private properties being preserved.
2. That the affected residents in Old Barrenjoey Road be advised that they will retain vehicular access.
3. That the road closure be staffed at all times to allow access for affected residents and ensure barriers are not moved.
4. That the applicant erects 'No Stopping' signs on the eastern side of Bellevue Avenue between No. 45 Bellevue Avenue and Sanders Lane.
5. That the affected residents in Bellevue Avenue be advised of the 'No Stopping' restrictions which will apply.
6. That the applicant advises the various emergency services of the closure.
7. That the closure be advertised in "The Manly Daily" the week prior to the event.
8. That a copy of the new Public Liability Insurance which covers the date of the event be provided once the existing policy is renewed.
9. That any Variable Message Sign (VMS) advertising used for the event is to be in accordance with RMS guidelines.

(Sgt Matthew Paterson / Mr Alex Coates)

---

<b>TC4.7</b>	<b>Stuart Street, Newport - Temporary Closure for School Fete on Saturday 19 October 2013</b>
--------------	---

**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the temporary closure of Stuart Street on 19 October 2013 (from 7am to 5pm) between Queens Parade to the southern end of the cul-de-sac, to permit the Newport Public School Fete to proceed, subject to the following conditions:

1. The TMP be implemented by persons with Traffic Control qualifications acceptable to RMS.
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RMS.
3. That barriers and signs to be used in the road closures are to be to RMS standards.
4. That the road closure be staffed at all times to allow access for affected residents and ensure barriers are not moved.
5. That the affected residents be notified in advance to ensure their access is provided if necessary.
6. That the applicant advises the various emergency services of the closure.
7. That the closure be advertised in "The Manly Daily" the week prior to the event.
8. That a copy of the new Public Liability Insurance which covers the date of the event be provided once the existing policy is renewed.
9. That any Variable Message Sign (VMS) advertising used for the event is to be in accordance with RMS guidelines.

(Cr Young / Ms Jill Dubois)

---

<b>TC4.8</b>	<b>Pub to Pub Charity Fun Run &amp; Walk - Sunday 25 August 2013</b>
--------------	--

---

**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee note this report.
2. That the Traffic Committee, subject to a unanimous decision of the voting members of the Committee, approve the implementation of the Traffic Management Plan for the Pub to Pub Charity Fun Run & Walk to take place along Narrabeen Park Parade, Coronation Street, Pittwater Road, Barrenjoey Road and Beaconsfield Street on 25 August 2013.
3. That the applicant be advised accordingly.
4. Subject to access requirements to Kitchener Park Parking area being considered.

(Cr Young / Sgt Matthew Paterson)

---

<b>5.0</b>	<b>General Business</b>
------------	-------------------------

---

**Partial closure of Old Samuel Street, Bayview** – Letter tabled regarding a concern from residents with some motorists driving the wrong way and ignoring the No Right Turn sign.

**Action:** Referred to Police for consideration.

---

**Mona Vale Road and Pittwater Road, Mona Vale** – Councillor Young tabled correspondence from a resident raising concern that motorists are utilizing the slip lane for parking.

**Action:** RMS to investigate implementation of No Stopping restrictions in this area of Main Road.

---

**Interim roundabout Jacksons Road, Warriewood** – Council sought support from the Committee to increase visibility of the roundabout by incorporating a mountable rubberized ring.

**Action:** Committee supported Councils proposal to upgrade the interim roundabout with RMS approved device.

---

**Sydney – Hunter Cycle Classic, 6-7 September 2013** – Northern Beaches Police Service advised the Committee that the Hunter Cycle Classic is proposed for September which will utilise Mona Vale Rd, McCarrs Creek Road, Pittwater Road and Barrenjoey Road for the event. Additional information is yet to be confirmed.

**Action:** Northern Beaches Police to forward information on to Council and Committee members.

---

**Dygal Street, Mona Vale** - Councillor tabled correspondence from residents raising concerns of proposed parking restrictions agreed at the meeting between the Chamber of Commerce and resident representatives.

**Action:** Council is awaiting a response from residents as to an agreed parking solution. This may be a future Agenda Item.

---

**Elimatta Road and Hill Street, Mona Vale** - Councillor tabled minutes from the Elimatta Hill Street Residents Committee Meeting. Feedback from the Committee was positive and provided suggestions for Council to improve safety in the street.

**Action:** Residents to advise Council of their representatives to work with Council to develop specific actions to alleviate their concerns.

---

**Barrenjoey Road and Queens Parade Intersection, Newport** – Councillor raised concerns for residents performing U-Turns on the Main Roads.

**Action:** RMS to investigate.

---

**Manly to Bayview Bike Ride** – Only 30-40 participants will be riding on behalf of Manly Warringah Cycle Club as part of NSW Bike Week 2013.

**Action:** For notation.

---

## **6.0 Next Meeting**

That the next meeting of the Traffic Committee Meeting will be held on 10 September 2013 in the Level 3 Conference Room, 5 Vuko Place, Warriewood commencing at 1.00pm.

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 2.10PM ON  
TUESDAY 11 JUNE 2013**

---

## **Natural Environment Committee**

---

### **10.0      Natural Environment Committee Business**

---

---

## **C10.1 22nd NSW Coastal Conference - 12-15 November 2013**

---

**Meeting:** Natural Environment Committee

**Date:** 5 August 2013

---

**STRATEGY:** Community Engagement, Education & Awareness

**ACTION:** Link with other councils and organisations to deliver educational outcomes at a regional level

---

### **PURPOSE OF REPORT**

To nominate up to two (2) Councillor delegates to attend the 22nd NSW Coastal Conference to be held at Port Macquarie from 12-15 November 2013.

#### **1.0 BACKGROUND**

- 1.1 Pittwater Council has recently been advised that the 22nd NSW Coastal Conference will be held at Port Macquarie from 12-15 November 2013. Council has previously approved and funded the attendance of elected member delegates at the annual NSW Coastal Conference.
- 1.2 The Conference presents new coastal research and coastal zone management initiatives in a public forum that benefits governments, management agencies, industry and the broader NSW coastal community. Conference delegates are also given an opportunity to network with politicians, scientists, academics, environmental managers and stakeholders on all aspects of coastal zone management and the major issues affecting coastal communities.

#### **2.0 ISSUES**

- 2.1 Nomination of Councillor delegates to attend the 22nd NSW Coastal Conference.
- 2.2 Completion of registration arrangements for Councillor delegates prior to the close of earlybird registration on 13 September 2013 in order to take advantage of savings in the cost of registration.

---

#### **3.0 SUSTAINABILITY ASSESSMENT**

No sustainability assessment is required as a result of this report.

---

#### **4.0 EXECUTIVE SUMMARY**

- 4.1 The annual NSW Coastal Conference is a most important event (particularly for coastal councils) bringing together the collective knowledge and experience of government, industry and academia in the application of appropriate policy, science and technology to the management and conservation of our precious and finite coastal resources in a dynamic and rapidly changing environment.
- 4.2 Provision has been made in the 2013/2014 budget for Councillors to attend conferences. There are sufficient funds available in the current year's budget for two Councillors to attend the 22nd NSW Coastal Conference.
- 4.3 Council should nominate up to two (2) Councillors to attend the 22<sup>nd</sup> NSW Coastal Conference and register these Councillors prior to the close of early registration on 13 September 2013.

---

## **RECOMMENDATION**

That Council nominate up to two (2) Councillor delegates to attend the 22nd NSW Coastal Conference at Port Macquarie from 12-15 November 2013 and complete registration for the nominated Councillors prior to the close of early registration on 13 September 2013.

Report prepared by  
Paul Hardie - Principal Officer - Coast & Estuary

Jennifer Pang  
**MANAGER – CATCHMENT MANAGEMENT & CLIMATE CHANGE**



---

<b>C10.2</b>	<b>Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 4 June 2013</b>
--------------	--

---

<b>Meeting:</b>	Natural Environment Committee	<b>Date:</b>	5 August 2013
-----------------	-------------------------------	--------------	---------------

---

**STRATEGY:** Disaster, Emergency & Risk Management Strategy

**ACTION:** To work effectively with all emergency and utility agencies to improve emergency response

---

## **PURPOSE OF REPORT**

To report to Council the minutes of the Warringah Pittwater Bush Fire Management Committee meeting held on 4 June 2013. The minutes are at **Attachment 1**.

### **1.0 BACKGROUND**

- 1.1 The Warringah Pittwater Bush Fire Management Committee (BFMC) coordinates bushfire management in the Pittwater and Warringah local government areas. The BFMC comprises representatives from Warringah Pittwater District Rural Fire Service, NSW Fire and Rescue, Pittwater Council, Warringah Council, Office of Environment and Heritage, NSW Nature Conservation Council, Land and Property Management Authority, Roads and Maritime Services and Ausgrid. The BFMC is responsible for preparing, implementing and reviewing the Warringah Pittwater Bushfire Risk Management Plan (BFRMP).
- 1.2 The Warringah Pittwater Bush Fire Management Committee meets quarterly to plan for and discuss issues such as the progress of annual hazard reduction programs, APZ and fire trail maintenance, fire mitigation funding etc.

### **2.0 ISSUES**

Issues relevant to the Pittwater LGA:

#### **2.1 Update on the 2012-13 Hazard Reduction Program**

Pittwater's 2012-13 Annual Hazard Reduction works have been inspected and reported in BRIMS (Bushfire Risk Management Information System). 2012-13 Mitigation funding claims forms were forwarded to the Warringah Pittwater District RFS on 8 May 2013.

#### **2.2 2013 – 14 Hazard Reduction Program**

The 2013-14 Annual Hazard Reduction Program has been finalised in consultation with the Pittwater Warringah Rural Fire Service.

#### **2.3 Mitigation Funding 2013 – 14**

Submissions for 2013-14 Mitigation Funding have been put forward with notification of funding approvals expected early July 2013.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

Sustainability Assessment is not required

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 The BFMC met on the 4 June 2013. The above issues were discussed. The minutes are at **Attachment 1**.

---

### **RECOMMENDATION**

That the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 4 June 2013 be noted.

Report prepared by  
Kim Macqueen - Biodiversity Officer - Natural Environment & Education

Mark Beharrell  
**MANAGER – NATURAL ENVIRONMENT & EDUCATION**

**MINUTES OF MEETING OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE  
HELD TUESDAY 4 JUNE 2013 AT TERREY HILLS**

Meeting start: 10:09hrs

<b>Participants:</b>	<b>Present</b>	<b>Apology</b>	<b>Absent</b>
Alan McDonagh – OEH		X	
Kim MacQueen – Pittwater Council		X	
Nick Skelton – NCC		X	
Tim Heslop – LPMA		X	
Nicole McVicar – Warringah Council		X	
Kel McNamara – FRNSW		X	
Rob Strauch – FRNSW		X	
Scott Crosweller – RFS		X	
Rosa Pangallo – LPMA		X	
Karen Nippard – Pittwater Council	X		
John Sullivan – FRNSW	X		
Sue Heins (Chairperson) – Warringah Council	X		
James Brisebois – Warringah Council	X		
Todd Dickinson – Warringah Council	X		
Ian White – Pittwater Council	X		
Mark Casper – RFS	X		
Jonathan Mallin – Ausgrid	X		
Natasha Funke – OEH	X		
Craig Geddes – RFS	X		
Scott Molenaar – RFS	X		
George Sheppard – RFS	X		
Ray Duguid – RFS	X		
<b>Observers/Guests/Alternate:</b>			
Jodi Cree – RFS (Minutes)	X		

Item		Action
1.	Welcome	Chairperson – Cr Sue Heins welcomed everyone to the meeting.
2.	Apologies	Nick Skelton, Kim MacQueen, Tim Heslop, Nicole McVicar, Alan McDonough, Kel McNamara, Rob Strauch, Scott Crosweller, Rosa Pangallo
3.	Confirmation of minutes of previous meeting	Acceptance of previous meeting minutes from 5 March 2013. <b>Moved:</b> Ian White <b>Seconded:</b> Sue Heins <b>Carried</b>
4.	Business arising from the previous minutes	Covered in Agenda
5.	Correspondence In	04/04/13 - Current Bush Fire Mitigation Grant Funding Approvals
6.	Correspondence Out	13/03/2013 – BFMC Minutes 5 March 2013 23/04/2013 – NCC Bushfire Conference June 2013
7.	Agenda Items	<p><b>7.1 Update on the 2012-13 Hazard Reduction Program</b></p> <p>We have experienced a wet Autumn so there has been very little HR work. 2 small HR's have been completed with a total of approx 1 hectare burnt. FRNSW have also been hampered by the weather. We have been able to provide assistance to Hornsby and the Blue Mountains with their HR's. A report will be included with the minutes.</p> <p><b>7.2 2013-14 Hazard Reduction Program</b></p> <p>A copy of this year's HR Program has been distributed. BFMC Sub Committee met last week and went over each HR in depth. As a result of this meeting, a couple of HR's have been removed and a number added. HR's from previous years that were not completed have been carried over.</p> <p>There are some concerns from Pittwater Council regarding some HR's that are approximately 3 – 4 years behind. These are mostly in FRNSW district and weather has been an issue. Pittwater Council and FRNSW will meet to discuss and arrange inspections for next week. All HR's in question are ready to go, weather permitting.</p> <p>HR39/2012 Lovett Bay HR postponed from the program due to the Towlers Bay fire in January 2013.  HR37/2012 Basin Creek HR postponed from the program due to the Towlers Bay fire in January 2013.  HR57/2012 Aquatic Drive HR (environmental) removed due to plans to clear the site due to the proposed new hospital for Frenchs Forest.</p> <p>FRNSW are documenting and reporting on regular inspections.  <b>Motion -</b> The 2013-14 Hazard Reduction Program be Accepted.</p> <p><b>Moved -</b> Ian White      <b>Seconded -</b> Karen Nippard      <b>Carried</b></p>

		<p><b>7.3 Mitigation Funding 2013-14</b></p> <p>The submission for funding has been finalised, prioritised and was submitted on the closing date - 31 May 2013 (copy attached).</p> <p>You will notice there are 3 HR's with a BFMC Ranking of 1, 2 or 3. They relate to the Risk Management Plan Ratings of: 1A, 1B (extreme) and Fire Trail.</p> <p>Some of the NPWS funding will come through RFS.</p> <p>We hope to have approval by early July, not September as has happened in previous years.</p> <p><b>7.4 Risk Management Plan</b></p> <p>Reminder to all agencies to enter everything into BRIMS. We are due to be audited in the next 2 years. All funding claims are based on BRIMS entries. All inspections should be recorded.</p> <p><b>7.5 Update on the Section 52 Operations Plan</b></p> <p>The Operations Plan needs to be maintained. Please check the report (distributed at meeting) and advise of any changes to the RFS District Office for updating</p>	
8.	General Business	<p>Thank you for getting all your claims in on time. The Chief Financial Officer would like to try to streamline this process. We will continue to work together on this to achieve some good outcomes.</p> <p>Treasury is querying why invoices all come at the end of the year. You can claim invoice reimbursement throughout the year.</p> <p>The Bibbenluke to Birrimal Trail has not been included in the funding submission. The trail is listed as dormant and does not attract funding.</p> <p><b>Fire Trail Register Presentation</b></p> <p>The Fire Trail Register has been printed as a book for the RFS operational vehicles and is also available on CD. The Register includes Trail Name, Map, Alias (previously known as), Vehicle access type, access conditions and strategic classification.</p> <p>The CD has a PDF version which has hotlinks to each map via the Map Number.</p> <p>Pink lines are Primary Trails Blue lines are Dormant</p> <p>The Fire Trail Register Book will be reviewed approx every 5 years. If funding allows, they will be reprinted as required.</p> <p>Only trails in the Fire Trail Register will receive funding.</p>	

	<p>If the BFMC decide the Birrimal Trail needs to be used for Fire Fighting we can change it from Dormant to Essential or Primary.</p> <p>NPWS advise the Ku-ring-gai Chase Plan of Management is open for comment from 3 May 2013. Please comment if we don't wish to maintain trails due to the damage caused by horse riding and mountain bikes. The deadline for comments is 15 July 2013.</p> <p>Plans of Management can be viewed at  <a href="http://www.environment.nsw.gov.au/parkmanagement/ParkManagementPlans">www.environment.nsw.gov.au/parkmanagement/ParkManagementPlans</a>  and submissions made by:</p> <ol style="list-style-type: none"> <li>1. writing to: The Planner  Metropolitan North East Region  NPWS  PO Box 3031, Asquith NSW 2077</li> <li>2. online at <a href="http://www.environment.nsw.gov.au/consult/">www.environment.nsw.gov.au/consult/</a></li> <li>3. emailing to: <a href="mailto:mne.planning@environment.nsw.gov.au">mne.planning@environment.nsw.gov.au</a></li> </ol> <p>The map layers are now state based and will appear on Topographical Maps in approx 2 years time. This will include walking tracks as well.</p> <p><b>Fire Trail Upgrade – Lovett/West Pittwater</b>  Pittwater Council has been upgrading the Trail into West Pittwater. Unfortunately, the council has been receiving some grief from people introducing themselves as Brigade Environmental Officers.  The RFS does not have Brigade Environmental Officers. Members are not to represent the service in this way. They are entitled to speak as residents and community members, but not representing the RFS.</p>	
Date of next meeting	Tuesday, 3 September 2013, commencing at 10:00 hours	

Meeting finish: 11:02 hrs

---

<b>C10.3</b>	<b>Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 15 June 2013</b>
--------------	--

---

**Meeting:** Natural Environment Committee

**Date:** 5 August 2013

---

**STRATEGY:** Beach & Coastal Management

**ACTION:** Strategic Initiative - Partner with other councils, SCCG and Catchment Management Authorities to integrate and complement regional initiatives

---

## **PURPOSE OF REPORT**

To advise Council of the Minutes of the Sydney Coastal Councils Group (SCCG) Ordinary Meeting held on 15 June 2013 and hosted by City of Sydney Council.

### **1.0 BACKGROUND**

- 1.1 The SCCG is a forum to promote co-ordination between the 15 member councils on environmental issues relating to the sustainable use and management of the Sydney urban coastal environment.

### **2.0 ISSUES**

- 2.1 **Item 7.1 – A New Planning System for NSW** – Delegates received a presentation from Ms Corrine Fisher from The Better Planning Network about the key issues and concerns the Network had identified in regard to the environmental planning reforms and draft Bills proposed as a part of the New Planning System for NSW.

In a related item on the agenda (Item 10), delegates also discussed a draft submission on the planning reforms prepared by SCCG staff with the assistance of member councils. The Full Group resolved to submit the submission to DoPI once it had been endorsed by the Executive Committee.

- 2.2 **Item 9.1 – NSW Reforms to Coastal Management in NSW** – Professor Bruce Thom updated delegates on the various expert coastal and marine panels now providing advice to the Ministerial Taskforce on how the Government may best improve coastal legislation, policy, regulation and management practice in NSW.

The Coastal Expert Panel conducted workshops at the end of April 2013 to seek comment on a number of important issues related to coastal zone management. Following the Workshops written submissions were received which also assisted the Expert Panel, including excellent submissions from the NSW Coastal Society, Warringah Council and Pittwater Council. Delegates requested to receive a copy of the Pittwater Council submission.

The short turn-around time for lodgement stipulated by OEH precluded the submission from being formally reported to Council for adoption and the Pittwater Council submission was approved for lodgement with the Expert Panel under delegation by the General Manager. Councillors received copies for their information after the lodgement date (see submission appended as **Attachment 2**).

If Council wishes to also forward copies of the submission lodged with the Coastal Expert Panel to member councils of the SCCG, the submission should first be endorsed by Council.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

No sustainability assessment required for this report.

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 The minutes of each Sydney Coastal Councils Group meeting are reported for the information of Council at the request of the SCCG Executive Committee.
- 

### **RECOMMENDATION**

1. That the Minutes of the SCCG Ordinary Meeting of 15 June 2013 (refer **Attachment 1**) be noted.
2. That Council endorse the submission (refer **Attachment 2**) lodged with the Coastal Expert Panel under delegation by the General Manager and authorise the SCCG to distribute copies of the submission for the further information of its member councils.

Report prepared by  
Paul Hardie, Principal Officer – Coast & Estuary

Jennifer Pang  
**MANAGER – CATCHMENT MANAGEMENT & CLIMATE CHANGE**



Minutes2-13

**SYDNEY COASTAL COUNCILS GROUP Inc.  
MINUTES FOR THE ORDINARY MEETING  
HELD ON SATURDAY 15 JUNE, 2013  
AT THE CITY OF SYDNEY**

**IN ATTENDANCE**

Cr. Brian Troy	City of Botany Bay
Cr. Mark Castle	City of Botany Bay
Cr. Irene Doutney	City of Sydney
Cr. Linda Scott	City of Sydney Council (part of meeting)
Mr. Chris Derksema	City of Sydney
Cr. Cathy Griffin	Manly Council
Cr. Barbara Aird	Manly Council
Cr. Tom Sherlock	Mosman Council
Cr. Selena Griffith	Pittwater Council
Mr. Paul Hardie	Pittwater Council
Cr. Geoff Stevenson	Randwick Council
Cr. Lindsay Shurey	Randwick Council
Cr. Peter Towell	Sutherland Council
Cr. Sally Betts (Mayor)	Waverley Council
Cr. Leon Gottsman	Waverley Council
Cr. Wendy Norton	Willoughby Council
Cr. Lynne Saville	Willoughby Council
Mr. Phil Colman	Honorary Member
Mr. George Cotis	Honorary Member
Dr. Judy Lambert AM	Honorary Member
Ms. Wendy McMurdo	Honorary Member
Emeritus Professor Bruce Thom AM	Honorary Member
Mr. Geoff Withycombe	SCCG (EO)
Mr. Stephen Summerhayes	SCCG (SCPO)
Ms. Rachael Buzio	SCCG (CPO)
Dr. Ian Armstrong	SCCG (POSP)

**1. OPENING**

The meeting opened at 12.30pm. Cr. Griffin (Chairperson) welcomed delegates to the Meeting. Cr Griffin thanked the City of Sydney for hosting the meeting.

**2. APOLOGIES**

Cr. John Mant	City of Sydney Council
Cr. Roy Bendall	Mosman Council
Cr. Jacqueline Townsend (Mayor)	Pittwater Council
Cr. Shane O'Brian (Mayor)	Rockdale Council
Cr. Sue Heins	Warringah Council
Cr. Greg Levenston	Woollahra Council
Mr. George Copeland	Honorary Member

<b>Resolved that</b> the apologies be received and noted.
---

<b>Councils not represented at the meeting</b> Hornsby, Leichhardt, North Sydney, Rockdale, Warringah and Woollahra.
---

### 3. DECLARATION OF PECUNIARY INTERESTS

Resolved that there was no declaration of pecuniary interests.

### 4. CONFIRMATION OF MINUTES

#### 4.1 Minutes of the Ordinary Meeting of the SCCG held on 16 March 2013 at Woollahra Council.

Resolved that the Minutes of the Ordinary Meeting of the SCCG held on 16 March 2013 at Woollahra Council be confirmed.

#### 4.2 Minutes of the Executive Committee of the SCCG meeting held on 7 March 2013 hosted by the SCCG at City of Sydney.

Resolved that the Minutes of the Executive Committee of the SCCG held on 7 March 2013 at the SCCG be received and noted.

#### 4.3 Minutes of the Executive Committee of the SCCG meeting held on 16 March 2013 at the Redleaf Pool Café

Resolved that the Minutes of the Executive Committee of the SCCG held on 16 March 2013 at the Redleaf pool Café be received and noted.

#### SCCG Executive Committee Meeting 15 June

Cr Griffin (Chairperson) provided a review of key actions and outcomes of the Executive Committee meeting held before the Full Group meeting including staff contract issues, and the draft host council service agreement.

#### 4.4 Minutes of the Technical Committee Meeting of the SCCG held on 2 May 2013 hosted by City of Sydney.

Resolved that the Minutes of the Technical Committee Meeting of the SCCG held on 2 May hosted by City of Sydney Council be received and noted.

### 5. BUSINESS ARISING

Business arising from minutes other than those items listed below in Reports.

- **Governance of Sydney Waterways**

The meeting between Roads and Maritime Services, Dept. of Planning and Crown Lands on these issues had yet to be facilitated. The SCPO will incorporate these issues into the SCCG project 'Scope Study – Coastal Zone Management Plan for Sydney Harbour' and Prof Thom AM will report back update on a potential meeting with agencies at the next SCCG meeting.

Resolved that the SCPO will incorporate these issues into the SCCG project 'Scope Study – Coastal Zone Management Plan for Sydney Harbour' and Prof Thom AM will report back update on a potential meeting with agencies at the next SCCG meeting.

All action completed and/or addressed in business papers.

## 6. CORRESPONDENCE

### 6.1 Sent and Received Correspondence

**Resolved that** the circulated "sent" and "received" correspondence be received and noted.

### 6.2 SCCG correspondence from the last meeting (including responses where available)

- i. NSW Reforms to Coastal Management Letter to Member Councils encouraging the continued application of the former NSW Sea Level Rise benchmarks. (see item 9.1)
- ii. Container Deposit System – (Responses received)
- iii. Annual Invitation for SCCG Consultation with Member Councils

**Resolved that** the SCCG correspondence from last meeting be received and considered.

## 7. PRESENTATION

### 7.1 A New Planning System for NSW – Ms Corrine Fisher (The Better Planning Network) (Presentation slides attached)

#### Proceedings in brief

Ms Corrine Fisher of the "Better Planning Network" (BPN) provided delegates with a review of the activities of the BPN and key issues and concerns in relation to the Planning reform process.

Key focus of the presentation included:

- How it all started
- Where we are today
- The NSW Planning review
- Proposed Objects of the Bill
- The Strategic Planning Ladder
- The Community Participation Charter
- Who prepares and makes strategic plans ?
- Ways of disregarding strategic planning
- Types of developments
- The White Paper proposals are not the answer
- So what's our Vision ?
- The BPN campaign
- How you can help

For more information see: <http://betterplanningnetwork.good.do/>

Delegates were informed that the NSW Department of Planning and the Minister's office was formally invited to address the SCCG however declined the invitation due to lack of 'policy resources'.

A dynamic discussed ensued which segued into the discussion and workshop regarding the draft SCCG submission (see item 10).

#### **Resolved that:**

- 1) The presentation be heard and considered at the meeting.
- 2) Ms Corrine Fisher (BPN Convenor) be thanked for her attendance and presentation.

## 8. ADMINISTRATIVE MATTERS

### 8.1 SCCG – City of Sydney hosting contract

#### Proceedings in Brief

The SCCG has now been provided with a draft contract. Delegates were informed that the Executive Committee considered the draft and at their meeting prior to the Gull Group meeting resolved that the Chairperson sign the contract and return to the City of Sydney with a thank you cover letter.

Delegates noted their appreciation and sincere thanks for the continuing support of the City of Sydney to host the Group's secretariat.

#### **Resolved that:**

- 1) The report be received and noted.
- 2) The Chairperson sign the contract and return to the City of Sydney with thank you cover letter.

## 9. REPORTS

### **Reports 9.1 – 9.6 FOR CONSIDERATION**

### 9.1 NSW Reforms to Coastal Management in NSW

#### Proceedings in brief

Delegates were referred to the report in the business papers. The EO noted that OEHL had provided a brief update including that the following documents and information are scheduled to be released by OEHL in June:

- Revised "Code of Practice under the Coastal Protection Act"
- Revised "Guide to the statutory requirements for temporary coastal protection works"
- Revised "Guidelines for authorised officers under the Coastal Protection Act 1979"
- Revised "Guidelines for preparing coastal zone management plans"
- An update to the "Flood Risk Management Guide"
- Consultation draft guide on mapping coastal hazards on the open coast.

The preparation of a business case for the proposed coastal technical advice centre is continuing and will be considered in the context of the stage two reforms.

#### • **Stage 2 reforms**

Prof Bruce Thom was invited to provide an update. Prof Thom noted that at present NSW has three 'panels' addressing coastal issues: the Expert Panel, The NSW Coastal Panel and the new Marine Estate Expert Knowledge Panel.

The Coastal Expert Panel was set up by the Minister Parker to provide advice on how the Government may best improve coastal legislation, policy, regulation and practice in NSW specifically to focus on coastal hazards in relation to land use planning.

Prof Thom noted the recent workshop undertaken by the Expert Panel at the end of April consulting around a set of questions prepared by the Expert Panel.

The SCPO represented the Group at this event. The SCPO inquired when the record of these consultations will be made available as was agreed to at the workshop. Prof Thom noted that the

Panel had requested that this indeed be released however the Minister has not replied to this request as yet.

From these workshops several additional submissions have been received notably from Warringah and Pittwater Councils.

Paul Hardie was invited to review key issues of Council's submission. Mr Hardie noted that final submission has yet to be endorsed by Council and he was unable to provide specifics at this time.

Prof Thom noted that the Expert Panel will be meeting on Monday to be briefed by Department of Planning, Local government, and the Marine Estate Authority. Prof Thom noted interest to hear from the new Authority regarding their involvement in coastal management.

- **NSW Climate Adaptation Research Hubs**

The EO noted that the Office of Environment and Heritage (OEH) is establishing a Hub for Adaptation Research in NSW. This aims to harness the capabilities of NSW academic institutions to deliver climate impact and adaptation science research of state significance.

The Hub will comprise three priority research nodes in the areas of:

1. Coastal Processes and Responses
2. Biodiversity
3. Adaptive Communities

The SCCG participated in the development of a bid for "Coastal Processes and Responses" and also the "Adaptive Communities" hub. Outcomes of this process has not yet been officially announced by the NSW Minister for the Environment however it was noted that the research consortium bidding for the "Coastal Processes and Responses" hub has been successful with the SCCG as the key end user partner.

The EO noted that he will provide more information at the next meeting.

- **SCCG Member Councils' consideration of the SCCG recommendation that Councils continue to apply Sea Level Rise benchmarks**

The EO again noted to delegates that on 7 February, the SCCG wrote to its member councils seeking consideration of the SCCG resolution of the 12 December meeting:

*In light of the nature and implications of the Stage 1 NSW Coastal Reforms, the Group write to Member Councils encouraging them to continue to apply the former [NSW Sea Level Rise Policy Statement](#) considering the [Department of Environment, Climate Change and Water 2009 Technical note: Derivation of the NSW Government's sea level rise planning benchmarks](#)*

The EO provided an update of feedback from member councils to date.

**Resolved that:**

- 1) The report be received and noted.
- 2) The SCCG follow up with the NSW Minister for the Environment if and when the Expert Panel workshop outcomes will be made available to participants
- 3) The EO provide the next meeting with information in relation to the successful NSW Climate Adaptation Research Hub for Coastal Processes and Responses
- 4) The SCCG maintain a watching brief on member councils' considerations and use of sea level rise benchmarks.

## 9.2 SCCG Capacity Building Program & Engagements Report

### Proceedings in brief

The Secretariat is working with Member Councils to ensure the SCCG Capacity Building Program meets their needs. The CPO provided delegates with a review of current activities

- The SCCG Capacity Building Program 2013-2014

The CPO reviewed the latest draft of the SCCG Capacity Building Program 2013-2014 activities as defined by delegates and member councils. Key subject areas are:

- Biodiversity and vegetation
- Building Adaptive Capacity for Climate Change
- Communicating Climate Science
- Coastal Ecology Lecture Series
- Coastal Management Lecture Series and Manual
- Communication
- Ecologically Sustainable Development
- Partnership events with Beachwatch
- Insurance
- Integrated Coastal Zone Management
- Law and Policy
- Progressing Community engagement

The next SCCG event is "The Art of Communication" (1 August – Customs House)

The CPO reviewed elements of the forum to include:

- **SESSION 1** Please explain
- **SESSION 2** Tools of the trade
- **SESSION 3** Information is beautiful: market your message
- **SESSION 4** Communication conundrums

Delegates were also informed that the event will feature Wendy Harmer and the Honourable Rob Stokes MP.

#### **Resolved that**

- 1) The report be received and considered.
- 2) Delegates attend and assist promote the SCCG forum "The Art of Communication" (1 August – Customs House)
- 3) The CPO distribute the SCCG Capacity Building Program 2013-2014 document to the Full Group and Technical Committee for comment.
- 4) The CPO distribute the final document to Member Council General Managers.

## 9.3 SCCG Climate Change Adaptation Activities

### 9.3a SCCG Coastal Adaptation Pathway Projects

#### Proceedings in Brief

- 1) "Prioritising Coastal Adaptation and Development Options for Local Government";
- 2) "Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure";
- 3) "Assessment and Decision frameworks for Existing Seawalls".

The Project Officer - Special Projects provided a detailed update on each project's progress including launch of final project outputs and next phases of the programs including related capacity building programs.

**Resolved that:**

- 1) the report be heard and considered.
- 2) the Secretariat develop and implement a specific capacity building training program to promote uptake of the outputs of the program by Member Councils.
- 3) The draft capacity building program be tabled at the next SCCG Technical Committee in 2013 for consideration.

**9.3b Benchmarking Climate Change Adaptation and the SCCG (Activities 2005 – 2013)**Proceedings in Brief

The Project Officer – Special Projects provided a review and discussion on an internal report aiming to benchmark SCCG and Member Councils activities in adaptation over almost 8 years. The report also benchmarks current climate change adaptation activities by the SCCG and Member Councils providing guidance on areas of need and specifically priorities for future capacity building and research needs.

The report developed utilises:

- The internal survey distributed to Member councils in late 2012
- Current SCCG research
- SCCG Annual performance survey of Member Councils (2012)

The report concludes defining current programs and future priorities under the established SCCG adaptation streams of:

- “Know your enemy”
- “Plan for Change”
- “Get Smart”
- “Act, Watch and Learn”
- “Put the House in Order”
- “Money talks”

**Resolved that:**

- 1) the report be heard and considered.
- 2) SCCG develop and implement a specific capacity building training program to promote uptake of the outputs of the program by Member Councils.
- 3) The draft capacity building program be tabled at the next SCCG Technical Committee in 2013 for consideration.

**9.4 SCCG Grant Programs Update**Proceedings in brief

The report included in the business papers includes details of: a) recently submitted grant applications (2013) and b) unsuccessful grant applications (now “shelf projects”).

The EO and SCPO provided brief details of recent SCCG “Caring for Country” grant applications. “The Coastal Plastic Pollution Solution” (\$992,000) and “Sydney’s Salty Communities – Turning the tide for Blue-Green Carbon” (\$1,905,000).

The EO further noted the SCCG, NSW Environmental Trust Research Grant, “Cross-Shore and Long Shore Sediment Transport Study” (\$100,000) had been unsuccessful.

**Resolved that** the report be received and considered.



## 9.5 SCCG Water Recycling Handbook for Councils

Resolved that the report be received and noted.

## 9.6 **MINI WORKSHOP - SCCG National Policy Issues for the Federal election 2013**

### Proceedings in Brief

Despite to the limited time left in the meeting the EO facilitated a brief workshop regarding SCCG National Policy Issues for the Federal election 2013.

The EO noted that at the last meeting it was resolved the SCCG will be active in the two following national advocacy programs:

- a) *Participation in the National Coastal Advocacy Alliance supporting the 'National Coastal Policy Initiative' together with other key coastal organisations around the country.*
  - b) *SCCG National Coastal Policy Issues for the Federal Election, 2013.*
- *SCCG request all registered political parties to outline their policy positions in relation key coastal management issues as determined by the Group.*
  - *Delegates workshop and define the key SCCG Policy positions for consultation of national political parties.*
  - *Outcomes of the workshop be reviewed and incorporated in to the draft policy document to be tabled at the June SCCG meeting for consideration of adoption prior to distribution to political parties for response.*

The EO reviewed the final draft key coastal management issues to take to political parties:

- National Coastal Council or Commission for Australia
- Implementing priority recommendations from the "Managing our Coastal Zone in a Changing Climate – The Time to Act is Now" report
- A consistent and coordinated approach to natural hazards management and climate change adaptation in the Australian coastal zone
- Funding for Local Government and community coastal programs
- A National Coastal Information System for Australia
- Maintaining public ownership of and access to and along the coastal zone
- A National Marine Management Strategy

Delegates endorsed the proposed issues. Delegates were further asked to assist with any proposed edits to each themes "Desired Outcome", "Context" and the "Information requests". It was noted that some of the information requests should be amended to, ensure that the Group receives clear responses focusing more on yes or no type questions and if no what will be done to address the issue more generally.

### **Resolved that:**

- 1) the report be received and considered.
- 2) The draft SCCG National Policy Issues for the Federal election 2013 be finalised incorporating delegates' input and sent to the SCCG Technical Committee for final input prior to being sent to all registered political parties for their response.



**Reports 9.7 – 9.11**  
**FOR INFORMATION ONLY**

**Resolved that** reports for 'information only' be received and noted (pending inquiry).

**9.7 Technical Committee Report** (May Meeting)

**9.8 Beachwatch & Harbourwatch Programs Update** (Feb – April)

**9.9 Hawkesbury Nepean Catchment Management Authority's Update**

**9.10 NSW Department of Primary Industries Aquatic Biosecurity & *Caulerpa taxifolia* Report**

**9.11 Key Activities Report for March – May 2013**

## **10. SCCG SUBMISSION**

This Item addressed after Item 7.1 "Presentation"

- **Draft SCCG Submission. A New Planning System for NSW Draft Planning Bill**

The SCPO provided delegates with a detailed review of the development and content of SCCG draft submission regarding the Planning White Paper and the Draft Planning Bill.

Delegates thanked and congratulated the SCPO on an excellent submission and contribution to these significant proposed reforms to the NSW planning system.

**Resolved that:**

- 1) The draft submission be received and discussed.
- 2) The draft submission be updated to address feedback from Delegates.
- 3) The updated submission be distributed to the Executive for endorsement.
- 4) The endorsed submission be submitted to the Department of Planning and Infrastructure on or before the closing date for submissions.

## **11. TREASURER'S REPORT**

### **11.1 Finance Statements for period 30 June 2012 to 30 April 2013**

**Resolved that** the financial statements for the period 30 June 2012 – 30 April 2013 be received and adopted.

## **12. GENERAL BUSINESS**

- **Coastal Public Lands**

Delegates noted concerns regarding the proposal of Manly Council to sell off public open space near Little Manly. After much discussion Cr Tom Sherlock tabled a recommendation which was debated and accepted with amendment.

**Resolved that** SCCG email Member Council General Managers to express its support for responsible management of Council-owned foreshore land, in order to provide public amenity and access and to better manage the impacts of climate change. This includes limiting residential and commercial development or rezoning for such public foreshore land.

## 12.1 Remaining 2013 Meeting dates / Next Meeting

Dates	Location
• Saturday 21 September (AGM) 2013 at 12 noon	(Manly Council - pending) (NEW DATE)
• Saturday 7 December 2013 at 12 noon	(City of Sydney)

## 12.2 Items for Press Release

**Resolved that** items for press release be considered.

## 12.3 Agenda items for the next SCCG meeting

The Chairperson asked delegates to highlight interests for future presentations. Suggestions included:

- NSW Fisheries (new structure, focus and fishing waste management issues)
- Marine Estate Management Authority
- Local Land Services
- NSW EPA (waste, sewer licencing including North side Storage tunnel),
- Roads and Maritime Services (including boating trends and Sydney boating strategy)
- Minister for Local Government (The Hon. Don Page MP)

**Resolved that** delegates suggest additional agenda items including presentations for the next SCCG meeting proposed for 21 September 2013 starting at 12 noon.

## 12.4 Next Meeting

**Resolved that** the next meeting (SCCG AGM) be held on 21 September 2013 at Manly Council (pending confirmation).

Cr. Griffin closed the meeting and thanked delegates for their attendance and contributions.

The meeting closed at 3.45pm.

Confirmation of Minutes: .....

/ /



## SUBMISSION IN RESPONSE TO QUESTIONS FROM THE COASTAL EXPERT PANEL STAGE TWO COASTAL REFORM WORKSHOPS HELD ON 23 & 24 APRIL 2013

**Q1. In any revised coastal legislation/policy, what specific environmental values on the NSW coast, including estuaries and coastal lakes, must receive explicit recognition for purposes of protection?**

*Various NSW policies recognise the importance of protecting certain coastal values, for instance coastal wetlands in SEPP 14 and littoral rain forests in SEPP 26. NSW is the only state that refers explicitly to beach protection in legislation (see Part 4 of the CPAct). Indirectly the ban on canal estates (SEPP 50) and regulations on the management of acid sulphate soils have the effect of limiting negative impacts on estuarine ecosystems. The issue is how best to maintain and improve the management and health of environmental assets including beaches, foredunes, rock platforms, littoral forests, mangroves, salt marshes and sea grasses (and associated fauna) in areas outside national and marine parks?*

**A1.** Competition for finite natural resources as well as habitat loss that occurs as a consequence of a burgeoning human population along the NSW coastline are the most significant threats to ecological communities, including those protected within national and marine parks.

Environmental degradation is very pervasive, often the product of myriad small decisions which cumulatively and incrementally reduce coastal environmental values and destroy ecological services, including important carbon sequestration functions.

As one of the most important interfaces between aquatic and terrestrial ecologies, coastal estuaries and their associated wetlands are of immense environmental value. Due to the close inter-dependence of their highly productive ecosystems, however, estuaries are extremely susceptible to pollution, resource exploitation and habitat loss.

In addition to current usage and development pressures, estuarine wetlands must also adapt to future sea level rise and climate change impacts. In order to do so, these ecosystems must be in a good state of health, with appropriate, adjoining open spaces available to allow for migration and colonisation. The same issues exist for other coastal ecosystems including groundwater dependent ecosystems, beaches, dune systems, riparian corridors and intertidal rock platforms.

Where barriers exist to prevent colonisation of suitable new areas, coastal ecosystems are unlikely to remain healthy and will eventually be lost. This scenario now faces estuaries along most of the urbanised sections of the NSW coastline, where human land uses, fringing development and infrastructure constitute significant impediments to the resilience and adaptability of natural ecosystems.

Innovative management tools as well as existing compensatory and restorative measures will need to be progressively implemented to avoid unacceptable biodiversity losses. Many existing land uses in the coastal zone may not be sustainable if biodiversity is to be retained in the long term. Appropriate land tenure and land use planning provisions will need to be introduced in order to transition developed coastal lands to a more natural and sustainable condition.

Statutory and policy measures will be of limited use in protecting the most at risk coastal ecosystems unless natural resource management and conservation is practiced consistently at a national level and actively supported by all three spheres of government.

The divestment (to state and territory governments) of environmental assessment and approval provisions under the *Environment Protection and Biodiversity Conservation Act 1999* by the Australian Government and the abolition of the Marine Parks Authority and Catchment Management Authorities by the NSW Government send mixed signals regarding holistic natural resource management and will, in the short term at least, adversely affect biodiversity conservation.

When managing for the health of coastal ecosystems it is vital that a management strategy addresses all potential impacts on a catchment wide basis and that both the terrestrial and aquatic components of estuaries, coastal lagoons and associated coastal wetlands are managed under consistent legislation, policies and strategies.

At the same time prescriptive management manuals dealing with the coastal zone have been superseded by a diverse range of simplified guidelines, local government has received less policy guidance and a reduction in the levels of both financial and technical assistance from the state government. The corollary of these actions has been increasing inconsistency in the way coastal resources are prioritised and managed by local government, even by councils sharing regional coastlines and experiencing common management issues.

A New Planning System for NSW will see biodiversity conservation requirements agreed and signed off at the Regional Growth Plan stage of the plan hierarchy. Further environmental assessment may not be considered necessary as lower order plans will be assumed as having addressed environmental impacts consistently with the regional plan. The success or otherwise of the process will depend upon how natural resource management plans, including coastal zone management plans (CZMP), feed into and inform the hierarchy of plans. Unlike s79c of the current EP&A Act, there is no requirement under the new planning system for CZMPs to be taken into consideration in the assessment of development proposals for coastal lands.

Catchment Action Plans have been a useful tool to help implement state-wide natural resource management targets and provide overarching direction for the development of natural resource management strategies at a local government level. The educational and community support functions of CMAs have also assisted in delivering practical water and vegetation management programs on both private and public lands.

The Local Land Services (LLS) model (introduced to replace a diverse range of existing agricultural, emergency and land and water management services including CMAs) does not have natural resource management as its primary management focus and involvement in the coastal zone of the state will be limited, thereby further reducing the management capacity of affected councils in each region. The new boundaries for LLSs represent a retreat from the concept of natural resource management on a whole of catchment basis.

The budgets of CMAs have been cut by almost twice the proportion of those of their new partner organisations in the LLS, which will also continue to rely heavily on 'Caring for Country' funding made available by the Australian Government. It remains to be seen as to whether LLS model will deliver improved on-ground natural resource management services given the competing priorities of the proposed partner organisations.

A clear pattern has emerged whereby the NSW Government has turned policy and planning focus from environmental issues to economic growth and industrial development, especially primary industries. The economic growth imperative is being fulfilled increasingly at the expense of biodiversity conservation and sustainable resource management, particularly in the coastal zone.

**Q2. Should the objectives and area of coverage of the Coastal Protection Act 1979, Marine Parks Act 1997, Coastal Policy 1997, and SEPP 71 be revised, and if so in what form should the changes be made?**

*We attach a list of objectives for various instruments. They are generally consistent, but are they adequate given the challenges of increasing population, private versus public interests and climate change. There is also a question as to the area covered by these instruments. Much confusion has surrounded the definition of Coastal Zone and where it applies since the introduction of the Coastal Policy in 1997. First should the objectives be revised so they cover all or just part of the NSW coast; second how should the metropolitan region be treated; third what is the relation between coast and marine management given the Government's recent announcements on marine parks?*

**A2.** The NSW Coastal Policy 1997, SEPP 71—Coastal Protection, the NSW Design Guidelines as well as coastal Ministerial Directions under s117 of the EP&A Act have an uncertain future under the New Planning System for NSW. These documents are likely to be subsumed in Local Plans and by one of the dozen or so NSW Planning Policies (most likely a hazards policy) that are proposed under the new planning system. The statutory weight to be given to existing SEPPs, policies and guidelines, remains unclear.

Since its inception, the NSW Coastal Policy has failed to adequately define a consistent and continuous area of land as the coastal zone. Most of the greater metropolitan region (covering 13 local government areas) was not incorporated as part of the NSW coastal zone until November 2005. Even then, the coastal zone for these LGAs was defined by different criteria to the rest of the coast. Port Jackson, Botany Bay and the upper Hawkesbury continued to be omitted from the coastal zone until 2011 and even now are managed under a different hierarchy of statutes and policies.

An unfortunate consequence of the poorly defined coastal zone is that supporting policies such as the NSW Coastal Policy, SEPP 71 as well as a raft of supporting subordinate legislation are often only applicable to the extent of the coastal zone as defined by the CP Act.

It is almost impossible to foster a strategic and consistent approach to coastal planning and management if the true extent of the coastal zone is not encompassed. Similarly, it is critical that a strategic, sustainable management approach for both terrestrial and aquatic environments is harmonised across all relevant statutes and policies.

The coastal marine environment cannot be managed in isolation from the rest of the coast. By way of example, the majority of fish species, shellfish and crustaceans that are harvested in NSW waters are reliant upon estuaries and coastal lagoons for at least a part of their life cycles. Water quality deterioration, sedimentation and loss of estuarine habitats as a result of human activities in the catchment will inevitably lead to a decline in coastal fisheries even without the pressures of over-harvesting.

The jurisdictional overlaps between state agencies and the newly formed Marine Estate Management Authority are sure to raise many practical management issues given the competing interests and complexity of the management roles and responsibilities that already exist.

One of the most important roles of the new Marine Estate Management Authority will be to guide and inform coastal land use planning reforms. If the success of the planning reform process is reliant upon service delivery and operational functions being implemented through existing agency structures, much will need to be done to overcome the co-operation, co-ordination and communication difficulties currently experienced by state agencies with disparate functions and different operational imperatives.

A good example of the potential difficulties in properly integrating policies and statutes to meet common objectives is the formulation of the New Planning System for NSW and the Stage 1 and 2 Coastal Management Reforms. Whilst inter-agency representation has been apparent in developing both the coastal reforms and the planning reforms, nevertheless each process continues to evolve in isolation from the other with much latitude for perverse effects and unintended planning outcomes.

**Q3. Is there a need for Coastal Zone Management Plans as currently defined in the CP Act, and if so should they receive statutory recognition through any revised planning legislation?**

*Amendments to the CPAct have defined the role of CZMPs. They have evolved from former Coastline and Estuarine plans as set out in respective manuals. Such plans are linked to s 733 of the Local Government Act and offer a council some level of protection from liability under the good faith clause. Various national reviews highlight this system in NSW as best practice from a local government perspective. Yet there is a concern that matters dealt with in a CZMP are not linked or do not easily translate into statutory planning instruments such as LEPs. Is there scope for improvement so that any change to planning legislation can better reflect the need to protect coastal values and give more certainty to private investors and public decision makers?*

**A3.** In the absence of definitive, sustainable coastal management provisions in the new planning system, coastal zone management plans should inform Regional Growth Plans as well as Sub-regional Delivery Plans and must be used to determine appropriate planning controls and development guides in Local Plans.

Sea level rise and storm surge have the potential to place at risk entire coastal communities and affect properties a considerable distance from the foreshore through the impacts of oceanic inundation, shoreline recession, tailwater effects and groundwater intrusions.

Fundamental changes to environmental planning law will need to assist the implementation of CZMPs if the risks to development and infrastructure are to be appropriately managed in the short to mid-term and the ecological and recreational values of the coastline are to continue to be enjoyed by the public in the longer term.

The new planning system does not adequately address the need to change or terminate land uses in response to unacceptable levels of risk associated with natural hazards. A fewer number of more general zonings in Local Plans will encourage development across all coastal landscapes that are not currently protected as a national park or a marine park. The problem is further exacerbated by an entrenched societal belief that public rights remain subservient to private property rights.

Planning instruments should be able to explicitly define those lands that will become increasingly inappropriate for development in the future. Land uses, once established through the hierarchy of plans, should not be assumed to be a right in perpetuity.

At present, CZMPs fulfil the function of defining those lands that are subject to unacceptable risks from coastal hazards under existing conditions and those lands likely to be subject to unacceptable risks in the future. Whilst CZMPs must currently be considered in the preparation of LEPs and the assessment of development proposals, there is no necessity for land use zonings to reflect the management recommendations of a CZMP. Under the provisions of the new planning system CZMPs could be incorporated into Local Plans as guiding documents only.

If a permitted land use can no longer be accommodated due to unacceptable levels of risk to life and property, the affected landowner will expect and may be entitled to compensation. The necessary mechanisms to overcome the conflicting effects of existing land tenure, environmental planning provisions and coastal hazard constraints are unfortunately, yet to be enacted.

The very real need for exculpation from liability for local government under s733 of the LG Act arises mainly as a result of the failure of successive NSW Governments to resolve the conflicting provisions of an assortment of legislation dealing with environmental planning and the management of natural hazard risks.

The ability to utilise and enforce mechanisms such as the following could assist natural systems to adapt to climate change and sea level rise impacts in the long term and give a greater degree of certainty to government, private investors and other coastal stakeholders:

- change or terminate land uses in response to environmental triggers
- define real property (as it may come to be affected by coastal erosion and inundation) for the purposes of land transfer
- time and trigger limit development rights and land tenures over hazard affected lands
- acquire hazard affected properties for public purposes without compensation
- managed retreat programs supported by state government
- financial instruments and arrangements including 'Act of God' bonds and mortgage contingent loans (Dobes and Chapman, 2011), and
- boundary adjustments under the doctrine of erosion and accretion only in the context of the behaviour of an entire shoreline, not just for individual properties and irrespective of works that may exist to protect individual properties.

There are currently no adequate measures by which the planning system can manage the cumulative impacts of development on coastal values. The introduction of the Standard Instrument LEP and the removal of objects clauses for standard zonings have further reduced the capacity of the system to protect coastal values.

The trend appears set to continue with the new planning system proposing a significant reduction in the number of standard land use zones (perhaps as few as 13 general zones) as well as the indeterminate future of the NSW Coastal Policy, SEPP 71 and the NSW Coastal Design Guidelines as these documents are assimilated into NSW Planning Policies and Local Plans.

**Q4. In what way should NSW legislation be improved to ensure long-term coastal protection and effective coordination in decision-making between all agencies of State Government and local government?**

*For example, many coastal features such as beaches and foreshore habitats of estuaries are transient. They can change position as a result of natural processes or through human intervention. Unlike other tracts of land the boundaries of these natural features can grow sea ward, recede or oscillate around a mean/fixed position. This situation can lead to a clash of policy interests of different levels within and between governments requiring a consistent and coordinated position that understands the consequences of shoreline change over time*

**A4.** The new planning system for NSW has been predicated on assumptions that the risks associated with coastal hazards can be most effectively managed through the protection of property and material assets currently at risk and by compliance with the provisions of codes, planning controls and development guides that reduce risk levels for new development to industry accepted standards.

Unfortunately, such assumptions do not necessarily sit comfortably with public interest values (including natural coastal landscapes, biodiversity, foreshore access and recreational amenity) especially when affected communities are not canvassed about the trade-offs inherent when the development and protection of private property is given primacy over public interests.

Not developing hazard affected lands (and thereby not eventually placing more assets at risk) or removing at risk assets when environmental triggers and changing risk profiles dictate however, continue to be unpalatable options for the state government.

The paradox of this situation is that without human intervention or the constraints of coastal development, beach systems and coastal foreshores are quite capable of adapting to sea level rise and reaching equilibrium with those natural processes that may be modified by climate change.

In the longer term, as global warming and sea level rise continue, coastal asset protection will become increasingly unfeasible on economic, social and environmental grounds. Appropriately managing human activities in the coastal zone to enable natural systems to remain intact and function properly should therefore be the impetus for long term coastal management and planning reforms.

The lack of consistency in policy interests can be no better illustrated than by the basis on which each level of government attempts to manage the coastal zone. Whereas local government through its enabling legislation is bound to the principles of ecologically sustainable development in formulating all its policy and management actions, the state government has only paid 'lip service' to these very same principles in the process of designing a new planning system and instituting coastal reforms that promote a development lead state economic recovery.

In order to be able to improve NSW legislation to ensure long-term coastal protection and effective co-ordination in decision making between state agencies and local government (as well as the Federal Government), all must first share a common future vision for the coastal zone and understand how each can best contribute to the realisation of that vision.

**Q5. Should protection of beach amenity and access to and along beaches and the foreshores of estuaries and coastal lakes be a mandatory obligation in the assessment of development applications by private landowners and public authorities?**

*SEPP 71 made quite explicit the policy position on the need to maintain public access to and along the beach and the CPAct recognises the need to protect beach amenity. Historically actions by councils and individual landowners have placed rocks and other "alien" objects on beaches to prevent shoreline erosion and property/asset loss. This has lead to concerns over loss of beach and public safety and accessibility. Application of the Public Trust Doctrine in the USA is one way of ensuring that governments take their duty of care role seriously in preventing such actions. However, it raises the question of who owns a receding beach under NSW property law? In the US and UK this is not such an issue as the intertidal beach/foreshore becomes public land even as the beach "invades" private property thus limiting the scope for protective works.*

**A5.** Legal opinion remains divided on the subject of private property rights under NSW property law and as to whether a common law right exists to enable landowners to defend their properties from the actions of the sea.

Whilst convincing argument has been advanced by Corkill (2013) to support the contention that no common law right to defend against the sea still exists in NSW today and that State Parliament has extensive legislative powers and may ignore property rights, the issue remains vexed.

The doctrine of erosion and accretion tends to further complicate this matter to the extent that even if land that is the subject of a certificate of title is submerged over time, there must be no likelihood of accretion to its previous state before title is no longer transferable.

Consequently, the judgement of Justice Bannon in *EPA v Saunders* (often cited in support of the view that no private property rights exist on land below MHWL) also supports the notion that if land is submerged but is likely to accrete to its former state, then the land does not revert to the Crown. Under these circumstances and subject to any environmental law, landowners may be entitled to reclaim their properties by building sea walls and groynes (*EPA v Saunders*).

In NSW the problem remains that there is no explicit statutory recognition of the public right of continued access to a beach, headland or waterway and the ongoing enjoyment of a beach or foreshore in the face of shoreline recession. As it currently stands, under these circumstances the policy position of the NSW Government favours the interests of private landowners over public interests.



Tacit support for this stance is construed through the reluctance of governments to act in the public interest despite the legitimate powers that may be available to them. The Registrar-General and the Minister seldom exercise their powers to enforce the provisions of the erosion doctrine over private property in the public interest. State and local government are loathe to initiate proceedings to remove unlawful works installed to protect beach-front or foreshore properties, even if they encroach on public lands and cause long term damage to the beach.

The concerns that have been raised by the Expert Panel over loss of beaches, public safety and accessibility are valid and warranted. Successful overseas models do currently exist to address public right issues, however unless there is political will and public support to enact the necessary legislative provisions, the interests of the public in protecting beach amenity and the public right of ongoing access to the coast will continue to be disregarded.

**Q6. How best can private landowners receive information on current and future risk from extreme weather events and rising sea levels?**

*Notification of risk can be undertaken through a government process or through the insurance industry. It is a difficult matter given the implications on land value, insurance premiums (or no insurance), rate income for councils and how to measure the risk. There may be a need to update risk assessments as more information on sediment dynamics and climate change become available. Estimates of probability of change confront technical and communication difficulties. Use of s149 certificates can be quite contentious as are time and distance consents, and covenants. There is a need for consistent information backed by coastal and engineering science that would be acceptable in principle to all parties including the courts. Preferably from a national perspective this could be from a federal agency which has a strong science base.*

**A6.** Current risk from natural hazards is typically conveyed to landowners of affected properties by way of s149 planning certificates, albeit in general terms. More detailed information is usually available to landowners by way of hazard management plans and planning information prepared by councils and to a lesser extent from state and federal agencies. Insurance providers also collate and are progressively compiling their own risk assessments for natural hazards including coastal storm surge and flood hazards.

The estimation of future risks and the communication of those risks to affected parties in a consistent, understandable and useful manner is challenging for industry and all governments. The availability or otherwise of insurance coverage for coastal hazard risks is not necessarily an accurate indication of the actual risk levels for a hazard affected property. This is due to the skewing effects of adverse selection whereby a product or service is selected by only a certain group of individuals (e.g. property owners affected by the actions of the sea) who offer the worst return for the insurer.

Even though insurers may decline to provide risk cover for coastal erosion and inundation does not mean that all coastal properties are at the same level of risk from those hazards and their individual risks may vary considerably.

The exposure of the insurer in the case of storm and flood insurance, on the other hand, may be offset by the large numbers and diverse range of customers purchasing the product, the low likelihood of all being affected at once and the ability of the insurer to adjust premiums in response to claim histories.

As long as insurers are able to respond to market forces without government intervention, insurance will continue to be a viable means for affected property owners to offset risks associated with certain coastal hazards (Insurance Council of Australia, 2011). Insurance premium subsidies or caps to support owners of properties at high risk may cause perverse effects on market values and the development potential of affected properties.

The assessment and management of hazard risks to individual properties is best provided by collaboration between state and local governments, whereby the necessary technical and funding assistance as well as political, policy and legislative backing is provided by the state government.

By revoking the Sea Level Rise Policy Statement and the associated sea level rise planning benchmarks the NSW Government has disengaged itself from the process of evaluating risks associated with sea level rise impacts and assigned that responsibility entirely to local government.

This has not always been the case in NSW however, with the state government once wholly funding coastal, estuary and flood risk management programs by way of the NSW Public Works Department (PWD) throughout the '60s, '70s and early '80s. Current best practice methodologies for evaluating and managing risks associated with coastal and flood hazards owe much to the pioneering work undertaken by the former Coastal Branch of the NSW PWD.

Successive NSW governments since that time have allowed the extensive coastal management capacity developed by the PWD and other state agencies to degrade through funding cuts, management reprioritisation, agency restructuring, loss of expertise, infrastructure privatisation and cost shifting to other spheres of government.

Competent scientific opinion and world class climate science research is currently provided and made available by the CSIRO, BoM, ACE-CRC, Geoscience Australia and collaborations between these and other organisations. In this regard the Centre for Australian Weather and Climate Research brings together the considerable expertise and research capabilities of both the CSIRO and BoM.

Due to the national implications of climate change and sea level rise, it is most appropriate that climate change research as well as the evaluation of international climate science is resourced and undertaken at a federal level. Ample scope exists within the structures and capabilities of existing national scientific research organisations to fulfil this function without the need for duplication at a state level.

A more important role could be fulfilled by state agencies in rescaling climate change data to better meet regional and local needs whilst utilising climate change research to more consistently inform environmental planning policy and strategic management actions in the coastal zone.

State agencies are well placed to provide credible technical assistance, planning information and risk management advice to councils and communities affected by climate change impacts, thereby circumventing many of the criticisms levelled at local government over parochial and risk-averse decision making.

With the economies of scale and the availability of more sophisticated and reliable spatial information technologies, there is no reason why hazard identification, climate change vulnerability assessments and the quantification of coastal hazard risk levels could not be readily undertaken by state agencies if modest additional resources were to be provided.

Much duplication of effort and additional expense would thus be saved if individual coastal councils were not obliged to separately complete these studies as 50% equity partners under state funded hazard management programs. A more consistent and reliable basis for the development of CZMPs in a properly co-ordinated state framework could be achieved in a timely fashion. This is an unlikely outcome if individual coastal councils must prepare studies and update plans with the resources and levels of assistance currently available to them.

A further benefit of such a state lead approach (particularly where coastline recession rates and inundation levels had been calculated using a consistent methodology based on best available engineering science and sea level rise projections) would be the ability to formulate more robust planning and management decisions, less likely to be challenged at law. Equitable, more competitive insurance premiums could also be better determined if the state made available coastal hazard and flood risk databases, for all affected properties, to insurers.

**Q7. What is the role of governments in the use of public funds for the protection of private property in areas subject to current and future inundation and erosion?**

*NSW has a legacy of private and public assets at risk from storm surge, coastal erosion, river flooding and long-term inundation. Recent experience in the US highlights the vulnerability of property to surge impacts and associated erosion and flooding. There are hot spots on the NSW coast including in the estuaries where buildings and infrastructure can be destroyed or damaged during coastal storms and floods under current conditions. Compared to the open ocean, more than 10 times residential properties around estuaries are at risk to higher sea levels combined with floods around estuarine and lake shores. There are frequent calls for federal/state natural disaster funds or other government grants to help reduce impacts of such threats often without considering adverse impacts on environmental values, beach amenity or safety, or where sea walls may impact on an adjoining property. Various options are invoked including geotextiles and soft engineering such as sand nourishment. But who is to pay? Different models could be explored although the absence of federal programs such as FEMA and the Corps of Engineers in the US may limit the capacity of local areas to develop publicly funded protective solutions at the present time.*

**A7.** Regardless of the emissions scenario selected, climate projections suggest that sea level rise is set to continue for decades and perhaps centuries to come. Sea level rise combined with possible increases in storm intensity will see an escalating risk from storm surge, coastal erosion and inundation to existing and new coastal development.

Much research has been undertaken by the CSIRO Climate Adaptation Flagship and through projects under NCCARF which helps to substantiate the cost benefits of managing climate risks by proactively adapting planning arrangements as soon as practicable.

A vast array of adaptation responses is available to property owners, industry and governments. Retrofitting existing development, improving design standards and building codes, applying innovative land use planning provisions and major civil works are all immediately possible if there is appropriate governance support. As has been the case following flooding in south east Queensland, it often takes a disaster to galvanise adaptation responses from all spheres of government.

Major environmental and engineering works such as beach nourishment and tidal barriers will be afforded one way or another if supported by a rational analysis of the cost benefits. The cumulative costs of ongoing adaptation for all affected coastal properties, however, will eventually become unaffordable.

Coastal protection measures and the accommodation of storm damage and flooding impacts may enable properties to remain in the short to medium term, but ultimately managed retreat will provide the only viable long term solution. In this regard, the greatest benefits may be gained by simply not adding further development in areas most at risk, thus reducing the costs of adaptation in the future.

Governments have been caught 'flat-footed' on the issues of what adaptation measures should be undertaken and how they are to be afforded whilst it is reasonable and feasible for at risk development to remain. The more troubling aspect of adaptation for which little policy direction exists is who is to pay when the only viable option remaining for an individual property (or entire coastal communities) is managed retreat.

Dobes and Chapman. (2011) contemplated and assessed a range of existing financial instruments that may assist governments in being able to afford the costs associated with adaptation to coastal erosion and inundation. These include different types of insurances, catastrophe bonds and reverse mortgages.

On the basis that each of these options is flawed, Dobes and Chapman evaluated mortgage contingent loans as a means of reducing government involvement in financing managed retreat from inundation and erosion hazards. The loan would be offered to coastal residents whose properties were subject to chronic erosion and inundation to enable them to buy a house elsewhere.

A financial saving would be achieved by the government in not having to purchase the property at risk and asset rich but cash poor property owners would be able to purchase a new home under a favourable loan arrangement.

An essential component of any financial products that may be introduced to assist with coastal risk management will be to make affected property owners responsible for paying the actual costs associated with adaptation. Governments should not function as risk insurers of last resort, where the risks from coastal hazards are widely known and well understood.

**Q8. What coastal protection works could be considered as either temporary or exempt development and if so under what conditions?**

*Changes to legislation and the release of guidelines in 2010, and more recently, have created a degree of confusion and inconsistency in what was once classed as emergency works and is now termed temporary works. What applies on private land does not apply on public land even when the private land can extend to and below low tide; what works require certification by an engineer and what does not is also an issue; local councils can do certain types of protective works under the ISEPP leading to rocks on the beach that private landowners cannot do unless consistent with a CZMP or has consent granted by the statutory Coastal Panel. An opportunity may exist to bring the approvals process under planning legislation for instance using the class of exempt development that exists in the EP&A Act.*

**A8.** Irrespective of existing inconsistencies in the environmental planning provisions available to enable the installation of temporary protection works, the prime consideration should be a critical assessment of whether the proposed works will provide the expected degree of protection to an affected property and the potential damage that the works may cause to adjoining properties and the natural beach system. For this reason temporary coastal protection works should not be exempt development.

Any coastal protection works proposed in the active beach zone should only be undertaken after appropriate technical input from a competent coastal engineer. A higher order of assessment is required and should be merits based considering equally the potential impacts on public interest values along with the benefits that may be conferred to the affected landowner.

Temporary coastal protection works of a limited nature and a generic design (such as the sand filled geotextile containers currently allowed at authorised locations) are neither a viable coastal defence mechanism for individual erosion affected properties nor an equitable response to coastal erosion hazards if other properties or the public beach are also damaged through end erosion effects and other off-site erosion impacts (Gordon et al. 2011).

Temporary protection works to benefit private property alone should not be permitted on public lands. The ad-hoc installation of such works in the absence of formal assessment and without coastal engineering certification is merely postponing consideration of more appropriate longer term options and excluding the community from involvement in determining the broader environmental and public interest values.

**Q9. Who is best placed to provide technical information on short term and long term changes to coastal processes and impacts for purposes of government and private sector decision-making?**

*The science and data collection that underpins the understanding of coastal change continues to evolve internationally (IPCC), nationally (CSIRO) and universities, and within the state agencies (OEHL,MHL).Coastal biophysical and social science and engineering all require an appreciation of drivers at different time and space scales. Sustaining the technical capacity will remain a major challenge. The federal government as the major funder of science should be expected to take a leading role especially in communicating the science to other levels of government, to industry and the community. Translating the science into policy and action given the uncertainties of future change at a local scale require a long term commitment from and coordination across all levels of government.*

**A9.** Issues addressed in answer to Question 6.

**Q10. How can a more risk-based approach to projected sea-level rise and potential changes in the magnitude and frequency of extreme events be adopted in coastal management and planning in NSW?**

*The consensus from climate and ocean science is that sea level will continue to rise, possible at an increasing rate, and that storms/cyclones will get more intense and/or more frequent. How these changes will impact any given area will vary, but the basic principle should be to limit the exposure of major assets to harm. This could mean the adoption of “allowances” for sea level rise based on projected life cycle of an asset or asset class (e.g. medical facilities); more valuable assets should face less risk than lower valued assets. The challenge is to convert the principle into practical and acceptable public policy involving assessment of the probabilities of risk and then making planning decisions that weighs up that risk against other factors.*

**A10.** The greater challenge for governments (and planning and management agencies in particular) is to overcome paralysis in the climate change adaptation decision making process. Vast quantities of complex and often contested data on climate trends, sea level rise projections and associated risks must be considered and balanced with uncertainty when devising adaptation policy and management actions. In an environmental planning system designed around absolutes, there is little wonder that practitioners struggle to formulate a risk based planning approach to projected sea level rise.

Wiseman et al. (2011) contend that “climate change adaptation policy and practice is about making complex value-laden decisions with far reaching, path dependent consequences in the context of highly uncertain knowledge about future climate trends and impacts”.

To overcome the potential inaction or maladaptation that may arise from coastal management decisions based solely on probabilistic projections of future conditions, a number of Australian and overseas research institutions have been developing scenario planning for climate adaptation.

Scenarios may be used to test decisions under a variety of plausible futures and as such using multiple scenarios encourages policy makers and practitioners to consider and develop multiple response options to the range of uncertainty in sea level rise projections (Parris et al. 2012).

The National Oceanic and Atmospheric Administration through its Climate Program Office has recently released a report on the Global Sea Level Rise Scenarios for the United States National Climate Assessment. A scenario planning approach was used to develop a set of four global sea level rise scenarios to assist the U.S. National Climate Assessment Development and Advisory Committee in strategic decision making and adaptation planning for many of the nation's assets related to defence, energy, commerce and ecosystems that support resource dependent economies and are at risk from sea level rise.

It should be noted in this example that the important risk assessment, evaluation and adaptation planning phase for critical infrastructure is undertaken at a national level. Once a cohesive planning hierarchy is established, complimentary adaptation policies and actions may be more readily scaled and enacted at state, regional and local levels to support the national strategy.

This process sits in stark contrast to the approach taken in NSW where local government is largely responsible for assessing risks associated with sea level rise projections for each LGA and adaptation strategies based on local priorities are formulated for development and public infrastructure in isolation from other spheres of government.

**Q11. To what extent should a CZMP include climate change adaptation strategies recognising the possible need to adopt a pathways approach involving tipping points?**

*Assuming that CZMPs can be incorporated into the planning framework, then how can an appreciation of risk associated with climate change be used to develop adaptation strategies? Much depends on projected timing of future events. However management of natural resources and the built environment will involve decisions that should pre-empt the impact of climate change induced "shocks". Monitoring change and engaging communities in the process of long term resilient thinking should be encouraged at local government levels with the state government providing oversight and support. Are CZMPs the best mechanism for achieving such strategic outcomes if subject to revision every 5 years?*

**A11.** Climate change adaptation strategies are best developed through a cohesive 'top-down' approach as collaboration between all spheres of government, whereas CZMPs have been clearly defined as a responsibility of local government and are a tailored response to local issues.

As such, CZPMs are not an ideal mechanism to inform higher order plans even without the added impediment of a very short revision cycle. What is missing is an overarching coastal management plan at a national level that establishes coastal zone management priorities including acceptable climate change adaptation strategies and that can inform and guide coastal planning and management at state and local scales.

State coastal policy (and local CZMPs) could then be more readily reviewed and modified to suit changing social, political and economic priorities at local and regional scales as long as they were prepared consistently with the national agenda. An added benefit would be the ability of state and local governments to provide more flexible planning and management responses to non-linear changes in climate or sudden, large stepped climate change impacts.

**Q12. What ways can private and public interests in coastal AND marine management be best shared given the various responsibilities of different state agencies and local government?**

*The NSW Government has recently announced changes to the way the marine domain will be managed in future. It is important that entities responsible for marine management obtain an appreciation of governance and issues in the coastal zone, and vice versa. It is not clear at this stage how coordination of the different interests can best be achieved. Competing and conflicting interests are manifest in both domains especially where there are potentially overlapping boundaries or where the actions in one domain adversely impacts on the other.*

**A12.** In the context of budget cuts to and restructuring of state resource management agencies, the NSW Government is instituting sweeping reforms to planning policy and legislation as well as existing arrangements that manage and exploit natural resources. The decision making process is not without political undertones.

As well as a relaxation of prohibited activities within National Parks, the government has also introduced a change in management priorities for NSW State Waters, calling for a moratorium on the establishment of further Marine Park areas and an independent review of the management of marine resources under the newly formed Marine Estate Management Authority (MEMA). Policy and co-ordination will now reside with MEMA, while day-to-day management functions will remain the responsibility of state agencies with an existing management role in the NSW marine environment.

Apart from the existing institutional barriers (mentioned in answer to Question 2) that MEMA will be required to deal with, in quick succession the authority will also be required to co-ordinate management actions and policies consistent with those produced as a result of the coastal management reform process, the new planning system for NSW, cross-jurisdictional review of on-water compliance, the Crown Land management review and updated catchment action plans.

These actions will need to be completed whilst working in tandem with federal agencies to ensure consistency in marine planning and marine reserve management in both Commonwealth and State Waters offshore from NSW, at the same time as MEMA is also implementing the new Maritime Policy agenda and the Commercial Fisheries Reform Package.

Delays in completing the review process and implementing the various planning and management reforms could make the work of MEMA difficult and frustrating. MEMA must also be able to implement its own complementary management responses through the available resources of some six disparate state agencies that do not necessarily see marine resource management as a key responsibility, let alone a core operational function.

The ambitious goals and complex institutional working arrangements outlined for MEMA bear a striking similarity to those first introduced to establish (the soon to be disbanded) CMAs, albeit in a maritime management context. The weight of the compromises inherent in the structure, rather than integrating natural resource management functions lead instead to the creation of another agency 'silo' with its own discrete functions and overlapping management responsibilities.

The development of a Marine Estate Management Strategy that balances economic development with environmental protection based on independently sourced scientific research is a major task of MEMA. Unfortunately, the capabilities of some of the relevant state agencies to provide important data and continue longitudinal studies necessary to inform the management strategy have already been compromised.

With the closure of the Cronulla Fisheries Research Centre of Excellence and the decentralisation of its functions to other locations there has been a loss of the critical mass of expertise necessary to monitor, evaluate and provide assessments of marine fish stocks. The effects are already being felt in the delay of the preparation and release of the 2012 assessment reports.

It is ironic therefore, that at the very time the state government needs quantitative data about the status of harvested fisheries in order to be able to predict how they are likely to respond to management choices, through ill-considered budget cuts and restructuring may have curtailed its ability to acquire that data.

A fundamental change in the management of marine resources and services that is complimentary to integrated coastal resource management needs to be implemented on a 'whole of governments' basis. This end will not be readily achieved by overlaying a central management structure over existing state agencies.

The extensive natural resources available as common property resources in the Australian marine environment dictate that scientific research, monitoring and evaluation as well as resource management planning should occur at a federal level to help ensure that resources are sustainably managed as social, economic and political conditions change over time.

One management process that has shown promise in the USA and Europe is large scale ocean zoning plans for the sustainable use of marine environments known as Marine Spatial Planning (MSP). MSP is a model to allocate the spatial and temporal distribution of human activities in marine environments to achieve sustainable social, economic and ecological objectives. MSP embraces a true multi-sector approach, including implementation, enforcement, monitoring, evaluation, research, stakeholder participation and funding arrangements.

Single sector strategic and operational plans for fisheries, transportation, recreation, mineral and energy resources and conservation will continue to have a place in the ongoing planning and management of the marine environment (particularly at a state level), but should be consistent with a single management instrument that controls the diverse range of activities comprising our offshore marine economy.

## REFERENCES

Communication from the Commission “Maritime Spatial Planning in the EU – Achievements and Future Development”, COM(2010) 771 Final of 17.12.2010.

Corkill, J. R. (2013) “Claimed Property Right Does Not Hold Water”, *Australian Law Journal*, (2013) 87 ALJ 49, pp 49-58.

Dobes, L., and Chapman, B (2011) “Financing Adaptation to Climate-Induced Retreat from Coastal Inundation and Erosion”, *CCEP Working Paper 1113*, Centre for Climate Economics & Policy, Crawford School of Economics and Government, The Australian National University, Canberra.

*Environment Protection Authority v Saunders* [1994] NSWLEC 187.

Gordon, A. D., Lord, D. B. and Nielsen, A. F. (2011) “NSW Coastal Protection Act – A Disaster Waiting to Happen”, 20<sup>th</sup> NSW Coastal Conference (Tweed Heads).

NSW Government (2013), *A New Planning System for NSW – White Paper*, NSW Government Printer.

Parris, A., Bromirski, V., Burkett, V., Cayan, D., Culver, M., Hall, J., Horton, R., Knuuri, K., Moss, R., Obeysekera, J., Sallenger, A. and Weiss, J. (2012) “Global Sea Level Rise Scenarios for the US National Climate Assessment. NOAA Tech Memo OAR CPO-1. 37 pp.

Wiseman, J., Biggs, C., Rickards, L. and Edwards, T. (2011) “Scenarios for Climate Adaptation : Final Report”, Victorian Centre for Climate Change Adaptation Research, University of Melbourne, Carlton, Victoria.



---

**Council Meeting**

---

**11.0          Adoption of Community, Recreation and Economic  
Development Committee Recommendations**

---

**12.0          Adoption of Natural Environment Committee  
Recommendations**

---

**Committee of the Whole**

---

---

## **13.0 Confidential Items**

---

Pittwater Council is committed to, and has fostered, the practice of open local government. Some matters, however, are of a sensitive nature and are dealt with in Closed Session. The nature of such matters are contained within Section 10A(2) of the Local Government Act, 1993, the text of which is recorded within the recommendation hereunder.

1. That in the public interest, and pursuant to Section 10A(2)(c) of the Local Government Act, 1993, the Council resolve into closed session to consider Item C13.1.
2. That pursuant to Section 10A(2) of the Local Government Act, 1993, the press and public be excluded from the proceedings of the Committee of the Whole on the basis that the items to be considered are of a confidential nature, which includes:
  - (i)
    - (a) personnel matters concerning particular individuals (other than Councillors);
    - (b) the personal hardship of any resident or ratepayer;
    - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.
    - (d) Commercial information of a confidential nature that would, if disclosed:
      - prejudice the commercial position of the person who supplied it; or
      - confer a commercial advantage on a competitor of the Council; or
      - reveal a trade secret.
    - (e) information that would, if disclosed, prejudice the maintenance of the law;
    - (f) matters affecting the security of the Council, Councillors, Council staff or Council property.
    - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
    - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land
  - (ii) The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
  - (iii) A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
3. That the correspondence and reports relevant items considered in Closed Session be withheld from access to the press and the public.
4. That upon resumption of the Council meeting in Open Session the General Manager (or nominee) report those resolutions made by the Committee of the Whole.

Mark Ferguson  
**GENERAL MANAGER**

---

## **C13.1 Boondah Road Warriewood - Road Reconstruction**

---

**Meeting:** Community, Recreation & Economic  
Development Committee

**Date:** 5 August 2013

---

**STRATEGY:** Traffic and Transport

**ACTION:** Provide management of works by property owners and developers in the public road reserve

---

### **CONFIDENTIAL CLAUSE**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the Community, Recreation & Economic Development Committee to close the meeting to the public for business relating to the following:

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.
- 

## **PURPOSE OF REPORT**

To update Council as to the outcome of the intended contractual engagement between Meriton and Pittwater Council for the concurrent construction of the full width Boondah Road.

### **1.0 BACKGROUND**

- 1.1 Developments within the Warriewood Valley urban land release are required to directly fund and construct, as part of the development consent, the half road width fronting their development, including pavement strengthening, kerb & gutter, parking indents, footpath, landscaping, street lighting and service adjustments, etc. This converts the current rural roads to the required urban standard. A number of Sectors have completed this requirement and as more sectors come on line, the remaining half road widths will be completed.
- 1.2 Consistent with the above, the current Meriton development at the corner of Macpherson Street and Boondah Road that was approved by the Planning and Assessment Commission (PAC) in February 2011, has a Stage One requirement to construct the half road width for the full frontage of this development i.e. Macpherson Street (including 5 & 7 Macpherson Street) and Boondah Road and this needs to be completed prior to the final occupation of Stage One. Meriton has constructed part of this length (part Macpherson) and is in the process of gearing up for construction of the remaining length noting that its building construction for Stage One is nearing completion and again these road works need to be completed to gain final occupation.
- 1.3 Half width road construction along Macpherson Street links with the northern half width already constructed by the ARV development and as such there is no requirement to change road levels. Boondah Road is more problematic and is the subject of this report. Boondah Road has the Meriton development half width on the western side and the Sydney Water STP that is not part of the active land release on the eastern side. Over part of this length the road also needs to be raised to the 1% flood level.

The eastern half of this section of Boondah Road construction as well as the bulk filling to raise the sub-grade of Boondah Road to the 1% flood level is being funded by the Warriewood Valley s94 Developer Contributions Plan. Given the current condition of the existing road and the level changes it is best to construct the full width of the road at the one time.

- 1.4 If Meriton constructs only its half of the road in isolation of the remainder (eastern half) then there will be a number of residual issues, including safety, amenity in particular added disruption to the public and added construction difficulty and cost to subsequently complete. Alternatively, if the works are carried out concurrently there are a number of advantages.
- 1.5 In recognition of the practical difficulty of reconstructing Boondah Road in two separate halves when the majority of the road pavement needs to be raised by 1 metre above the existing road level, the Community, Recreation & Economic Development Committee at the meeting of 4 February 2013 resolved:

*"1. That pursuant to Section 55(3)(i) of the Local Government Act 1993, Council not seek separate tenders for the construction of its component of the Boondah Road roadworks (eastern half along with full width bulk filling of the sub-grade to raise part of the road levels and suitable ramp down to existing road levels) on the basis of extenuating circumstances as detailed in this report and summarised below:*

- Meriton, the adjacent developer, is obliged to construct half the road as a result of the determination by the Planning Assessment Commission in February 2011 and is committed to finalising construction of Boondah road prior to final occupation of its Stage 1 development, has offered to construct all of the road including the western half which Council is obliged to construct concurrently (half road cost and bulk filling at Council's cost).*
  - The concurrent construction will provide a quicker finalisation of construction.*
  - The concurrent construction will achieve a safer road at a faster rate*
  - The concurrent construction will facilitate both sides of the road being constructed to the same level at the same time obviating any centre line road level disparity if constructed separately.*
  - The concurrent construction will lessen disruption to traffic flow, as two separate construction periods would otherwise have to take place.*
  - The concurrent construction would be more efficient and potentially less costly.*
- 2. That in lieu, the offer from Meriton to construct via its contractor the eastern half of Boondah Road in conjunction with its western half road construction subject to Council via the Warriewood Valley Section 94 Developer Contributions Plan funding and paying to Meriton the reasonable cost of these additional works be accepted.*
- 3. That the alternate procurement be based on detail design and independent quantity survey to establish detail estimates of cost for the Council component of the project and for Meriton's contractor to independently provide a Lump Sum quotation for the works involved in the context of constructing the project as part of the one full width operation, including any cost savings associated with that increased scope and potential changes to construction technique. The Meriton Lump Sum will be compared with the detail cost estimates and if reasonable will form the basis of the intended contract.*

4. *That the General Manager be authorised to enter into a contract with Meriton for the subject works if these pre-requisites are satisfied and authorised to affix the Seal of Council to all necessary documentation as required.*

5. *That the Council be updated as to the outcome of this intended contractual engagement for notation."*

- 1.6 To be successful, this required Council and Meriton to agree on the scope of works and to agree on the cost of those works.

## **2.0 ISSUES**

### **2.1 Boondah Road raising and reconstruction - unsuccessful negotiation**

The previous report to Council and Council's resolution recognised the practical difficulty, added cost and disruption of constructing Boondah Road in two separate halves when a significant length also needs to be raised by up to 1 metre above the existing road level. Hence the objective was to have the one construction entity, in this case Meriton, construct the full Boondah Road project and in return Council would pay the reasonable cost for Council's component of those works.

In accordance with Council's resolution, Council staff in good faith endeavoured to reach an agreement with Meriton; however no agreement could be reached on this construction and funding basis

### **2.2 Negotiated & recommended alternate agreement - supported by both Parties**

The negotiated alternate agreement will still achieve the same general principle that each party will remain responsible for their half road reconstruction of Boondah Road and all associated works and costs. Both parties however acknowledge the practical difficulty of constructing a raised road up to 1 metre higher than existing in separable halves along the centreline.

The alternate and recommended approach is that each party will be allocated and be responsible for construction tasks in 'full width' layers to facilitate the same end result. This will mean that Council will be directly constructing its allocated components of the works. This will be undertaken using Council staff and contracted machinery and operators sourced from tenders in place produced through SHOROC for the purpose of this type of operation and on that basis, Council will not be paying Meriton to undertake works. Put simply each party will construct full width the following road elements from the bottom up:

- i) Council will install the bulk fill full width to raise the low section of Boondah Road to minus 500mm of finished level - Council was already responsible for this outcome for the full width for the majority of the length.
- ii) Council will then install the 250mm sub-base - this includes Meriton half road width.
- iii) Meriton will then install the base course, flush seal and first 25mm of asphalt - this includes the Council half.
- vi) Council will then install the final 25mm asphalt layer and final linemarking at the appropriate time (once the majority of the construction activity has ceased) - this includes the Meriton half road.

Other works outcomes are as per the shared agreement as well as already captured by the Development Consent requirements.

The Staging of the works will also be coordinated with the adjoining construction activity to limit damage to the works in progress. As per the General Note in the Agreement, where practical the parties will endeavour to reduce overall timeframe so that Boondah Road reconstruction can be completed and reopened to the public at the earliest opportunity. Boondah Road being open is also a pre-requisite to the next large project being the raising of MacPherson Street which requires a road closure between Boondah Road and Warriewood Road.

Although all effort has been made to shorten the duration, as shown in the attached construction program, the proposed completion date is in July 2014.

On this basis, it is recommended that Council and Meriton enter into an Agreement as per the document at **Attachment 1**.

## **2.3 Financial Implications**

The negotiated alternate agreement will result in each Party paying its own costs and as such no payment by Council to Meriton. The Council part of the project is funded from the Warriewood Valley s94 Plan that has collected contributions for this project.

---

## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

Boondah Road provides a north-south connection for the Warriewood Valley community from Macpherson Street to Jacksons Road to access shops, schools and ovals. The raised section of Boondah Road will also provide a safer access for adjoining residents during times of flooding.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

Environmental safeguards will be in place for the road reconstruction and road verges will be rehabilitated in keeping with the environmental setting.

### **3.3 Enhancing our Working & Learning (Economic)**

3.3.1 The Development Consent/Approval requires Meriton to construct, by direct provision, their half width of Boondah Road for the length of their site. The Section 94 plan, to which developers contribute, has programmed the other half road reconstruction of Boondah Road except those parts to be directly provided by sector development (Developer direct provision).

3.3.2 The ongoing pothole and shoulder maintenance of this section of Boondah Road will be overcome by the new construction.

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

3.4.1 In the absence of one party constructing the whole project, the negotiated alternate arrangement as captured by the 'Agreement' will meet the intended reconstruction of Boondah Road.

3.4.2 Council's portion of construction will be undertaken using council staff and machinery and materials sourced from existing SHOROC tenders.

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

An improved intersection will provide a safer road and improved connectivity in accordance with the Roads Masterplan and Section 94 plan. Boondah Road will remain closed for the duration of the construction phase.

## 4.0 EXECUTIVE SUMMARY

- 4.1 The intended agreement, as per Council's resolution whereby Meriton would construct the full Boondah Road upgrade and Council pay Meriton the reasonable cost has been unsuccessful.
- 4.2 An alternate agreement that achieves the required Boondah Road upgrade has been negotiated on the basis of assigning responsibility and cost of portions of the road reconstruction project to each party in manageable horizontal layers. This overcomes the difficulty of constructing a raised road by up to 1 metre above existing in two separate halves along the centreline. Instead it requires Council to carry out and directly fund its portions rather than pay Meriton to construct on its behalf. This alternate approach is supported by both parties and is to be captured in a signed Agreement as attached to the Council Report.

---

## RECOMMENDATION

That in lieu of the Council resolution of 4 February 2013, the alternate Agreement (refer **Attachment 1**) be executed between Pittwater Council and Meriton - this will achieve the same reconstruction outcome for Boondah Road however this will be on the basis of each Party being assigned responsibility for components of the reconstruction, carrying out and funding those works directly

Report prepared by

Mark Shaw

**MANAGER, URBAN INFRASTRUCTURE**

Karimbla Constructions Services (NSW) Pty Ltd



## BOONDAH ROAD RECONSTRUCTION WORKS AGREEMENT

This agreement between Pittwater Council and Meriton lists out tasks and responsibilities of both parties for the Boondah Road reconstruction from chainage 33 to 340. The general principle is that each party will remain responsible for their half road reconstruction and all associated works. However both parties agree that having regard to the practical difficulty of constructing a raised road in separable halves the following allocation of tasks in 'full width' layers will facilitate the same result.

### 1) Cost

Cost associated to the tasks and responsibilities will be borne by the party agreed to undertake the task. Should aspects of the works be overlooked in the design, it will be the responsibility of the party carrying out the task to design and construct the omission where this relates to the specific task to be carried out. This does not override the responsibility of each party to achieve what would otherwise be their requirement for that half of the road – see Scope of Works n) and o) below.

### 2) Acceptance at Interface of work

Where a task interfaces and relies on the quality of finish to be of an accepted standard, prior to the commencement of the following task the succeeding party will inspect and give an acceptance or list any defects to be rectified and only proceed if acceptable. Where an engineering approval is required the succeeding party must have immediate access to the certificate and information.

### 3) Testing and Certification

Testing associated to the task will be the responsibility of the party agreed to undertake the task. Final certification will be Council's responsibility.

### 4) Warranty

All warranties for the road construction will be issued by Council.

### 5) Access

Access to affected properties must be maintained at all times and is the responsibility of the party carrying out the task at hand to maintain and/or repair the damage created by vehicles using the access.

### 6) Program

See attached Boondah Road Reconstruction Program. Note: the start date may need to be adjusted to reflect the completion of Macpherson Street road works

### 7) Site Ownership

For environmental and WH&S responsibilities site ownership shall reside with the party carrying out the task at hand and not change until item 2 is satisfied. This includes maintenance to established sediment and erosion control systems.

### 8) Extensions of time

Either party may claim an extension of time where work is delayed. To claim an extension of time, a written Notice of Delay (NOD) must be given to the other party as soon as the possibility of a delay is identified. The NOD must detail the possible cause of the delay and estimated time which may be required. If the delay can be mitigated by the other party, they



may do so with associated task costs being recouped upon completion from the party issuing the NOD.

Extension of Time (EOT) must be submitted to the other party notifying them of the delay and the actual time required to be added to the program.

**9) Documents forming part of this agreement**

- This Agreement including Scope of Works
- Sk02 Boondah Road Split
- Boondah Road Reconstruction Program
- Staging Plans
- Design drawings as per s139 approval.

**SCOPE OF WORKS**

The following is a bottom up list of the tasks and ownership – unless otherwise stated the tasks are full width for the layer involved

- a) Demolition, excavation and disposal of excavated material from chainage 33 to 97.337 by Meriton
- b) Bulk fill/Subgrade from chainage 33 to 340 (to back of footpaths used as temporary road access) by Council
- c) Storm water drainage from chainage 33 to 302.5, including stormwater main connection at chainage 219 to east side pit, by Meriton  
*Note: 4 cross over pipes and east kerb pits to be deleted*
- d) 250mm Sub base from chainage 33 to 340 by Council
- e) Kerb & gutter (including road and/or subsoil drainage) on the east side from chainage 33 to 302.5 by Council  
*Note: 4 kerb inlets to be deleted*  
*Council to include the negotiation and reconfiguring for all neighbours driveways, (excluding the Meriton Development accesses) generally involving one on the west side and all on the eastern side.*
- f) Kerb and gutter west side from chainage 33 to 302.5, including parking bays by Meriton
- g) 200mm DGB 20 from chainage 33 to 340 by Meriton
- h) 5mm single coat flush seal from chainage 33 to 340 by Meriton
- i) AC bottom layer 25mm from chainage 33 to 340 by Meriton
- j) AC top layer 25mm from chainage 33 to 340 by Council
- k) Line marking and road signage by Council
- l) Power pole adjustments on the eastern side by Council
- m) Landscaping works and any required utility adjustments – west side by Meriton – east side by Pittwater Council
- n) New works associated with the Meriton development, such as new power, water and gas connections by Meriton
- o) Any works not covered by this schedule will be the responsibility of Council if east of the road centre line, including road drainage & subsoil drainage and the responsibility of Meriton if west of the road centre line. In the case of the west side (Meriton) this includes indented parking bays, shared footpath, deep soil planting and landscape areas along with adjustments to finished levels, Meriton driveway adjustments and connections, utility services, etc.

General Note

The timing of the works and associated tasks are to be in accordance with the agreed construction program. Where practical the parties will endeavor to reduce the overall timeframe so that Boondah Road can be completed and reopened to the public at the earliest opportunity.

Council agrees to the stated above.

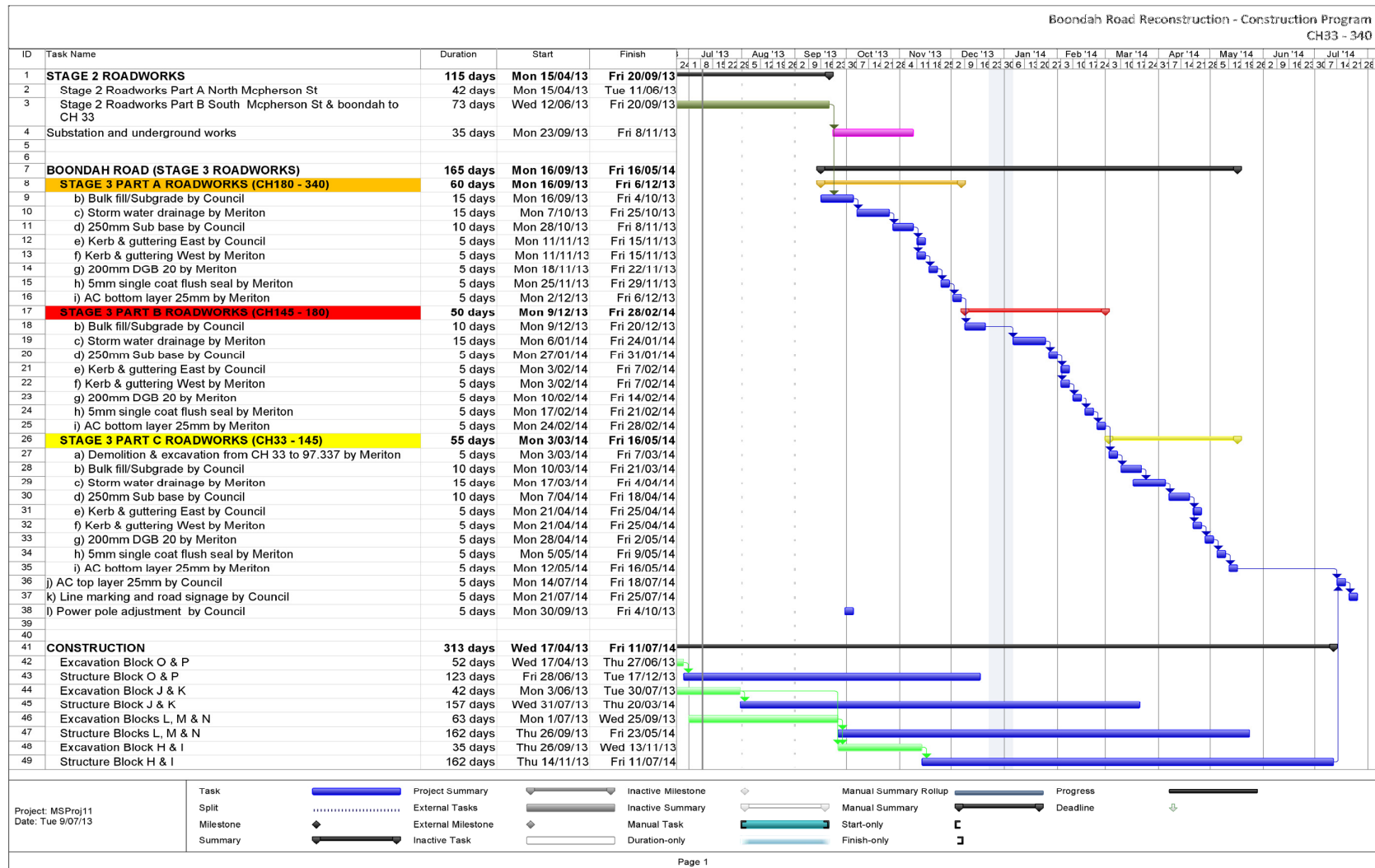
.....  
Pittwater Council

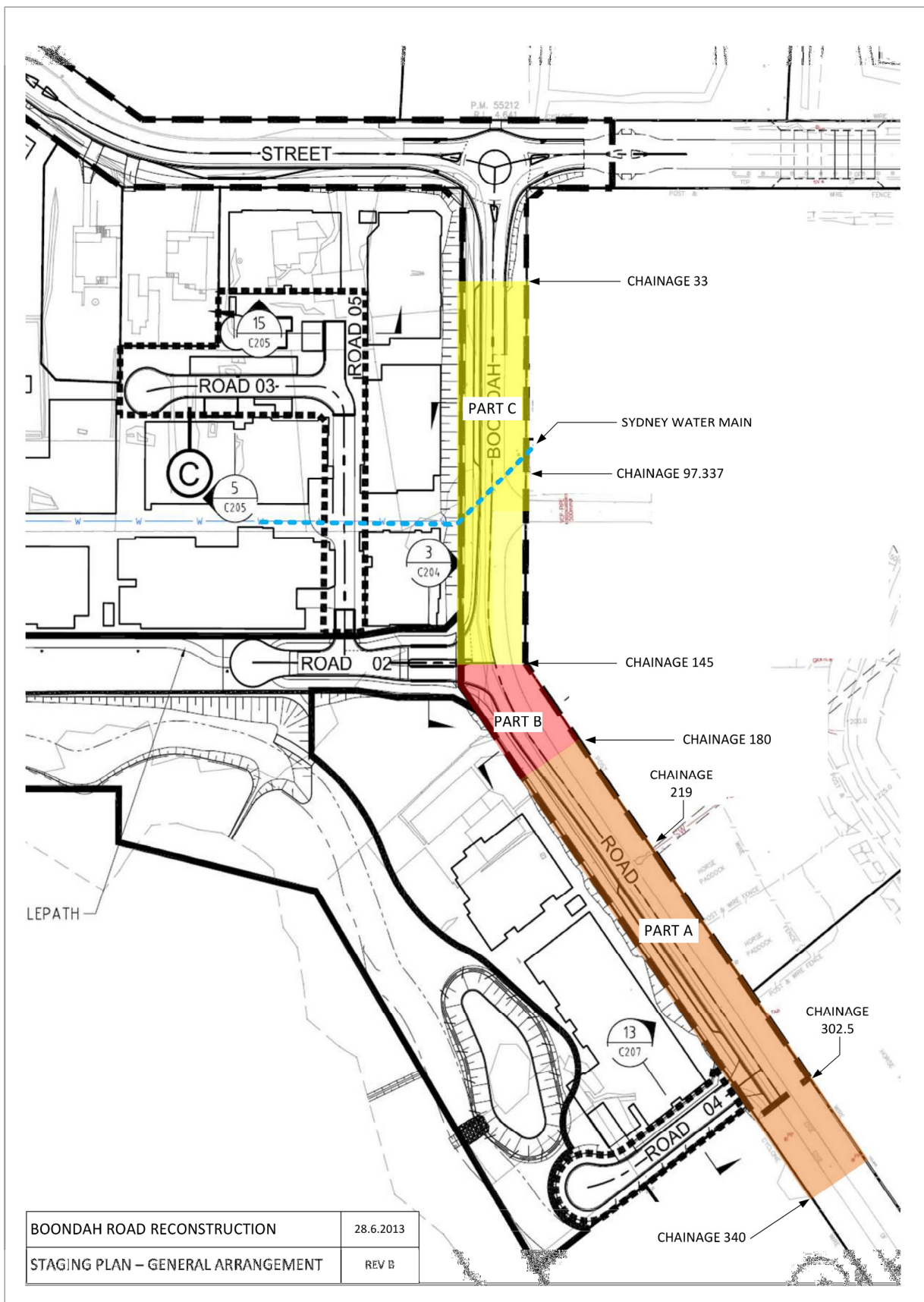
.....  
Date

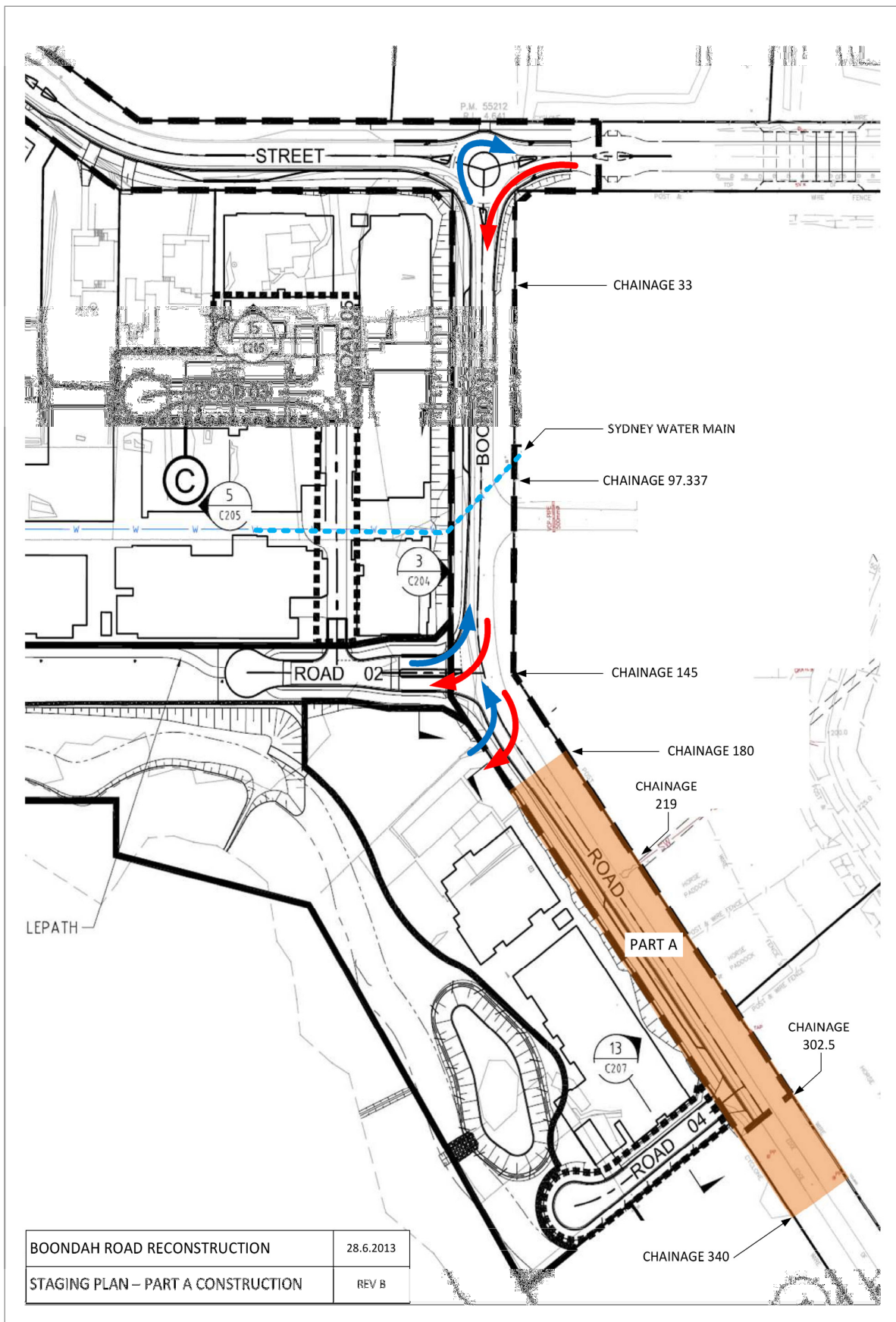
Meriton agrees to the stated above.

.....  
Meriton

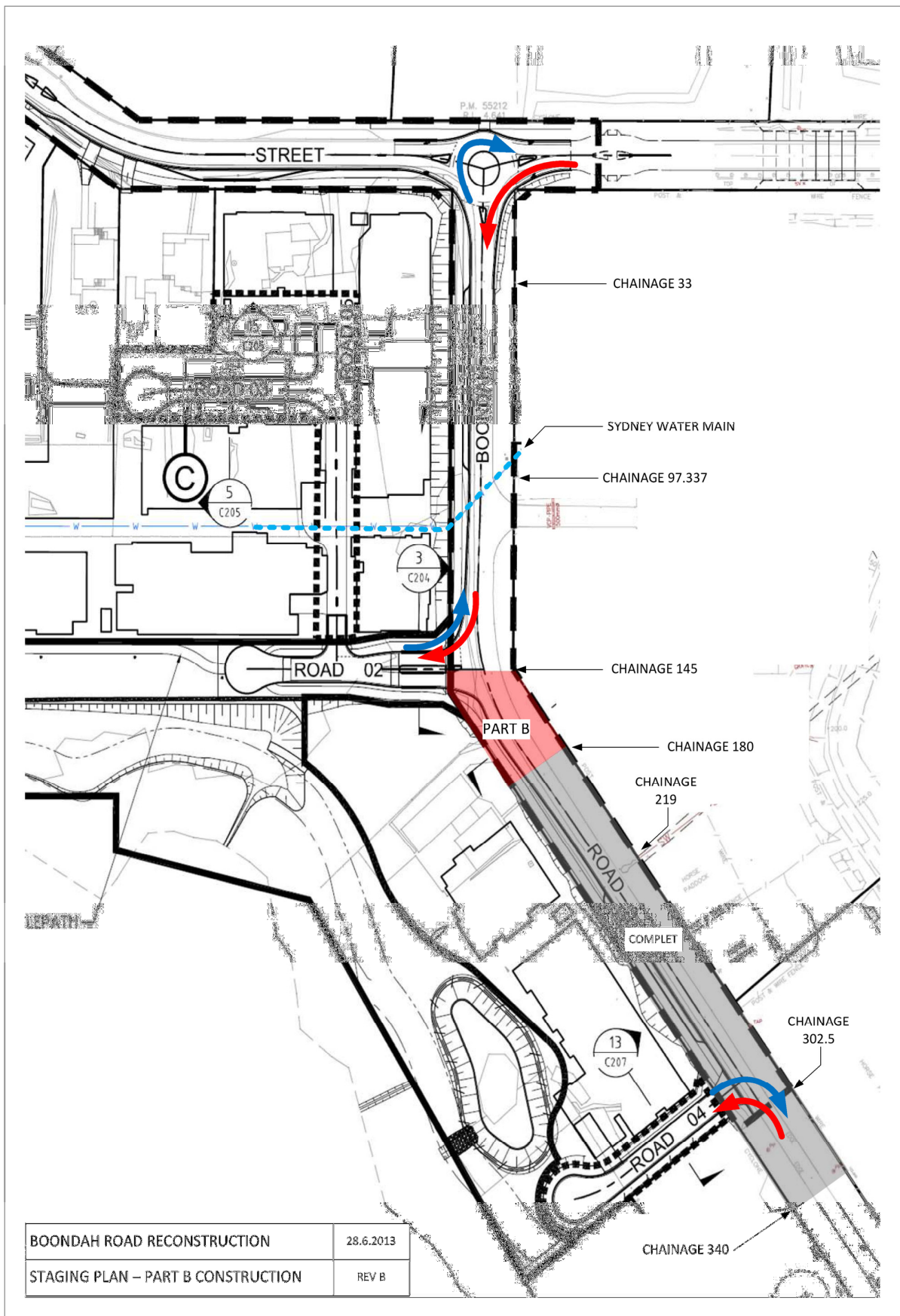
.....  
Date

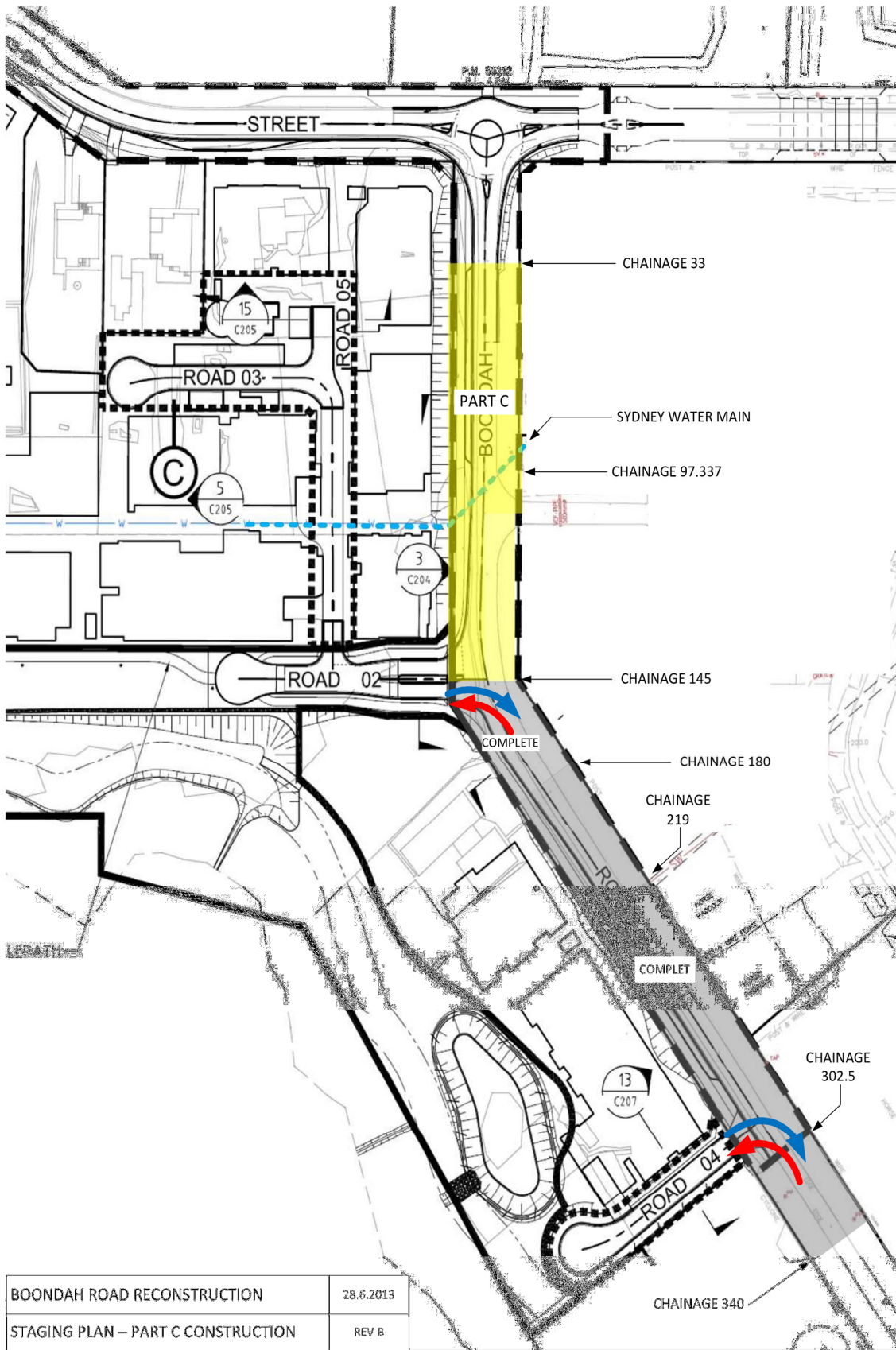












---

## **Council Meeting**

---

### **14.0      Adoption of the Committee of the Whole Recommendation**

---



# ***Confidential Advice***

**“Commercial in Confidence”**

---

<b>Confidential – Tender Evaluation – RFT 2013/027 - SHOROC Supply and Application of Line Marking and Sign Posting</b>
---

---

---

**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE**

---

<b>Item No:</b>	<b>C9.1</b>
<b>Matter:</b>	RFT 2013/027SHOROC Supply and Application of Line Marking and Sign Posting Tender Evaluation
<b>From:</b>	Mark Shaw MANAGER – URBAN INFRASTRUCTURE
<b>Meeting:</b>	Council
<b>Date:</b>	5 August 2013

---

The abovementioned matter is listed as Item No. C9.1 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Mark Shaw  
**MANAGER – URBAN INFRASTRUCTURE**

---

**Confidential – T04/13 - SHOROC RFT 2013/027 - SHOROC Supply and Application of Line Marking and Sign Posting**

---

---

**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE**

---

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	Joe Zappavigna	Manager, Traffic and Road Safety - Warringah Council
Member	Peter Baartz	Senior Officer, Procurement & Fleet.– Pittwater Council
Member	Shan Nadesan	Senior Engineer Assets & Contract-Civic & Urban Services – Manly Council
Observer	Gary Bigg	Business Manager, SHOROC

***Note: Each panel member was required to declare any conflict of interest or pecuniary interest associated with the tender or any of the Companies that have submitted a tender***

#### **1.0 SCOPE**

Tenders were sought for the Supply and Application of Line Marking and Sign Posting for the SHOROC Group of Councils.

Tenders were sought from qualified organisations to form a panel for the Supply and Application of Line Marking and Sign Posting, the proposed contract replaces the previous SHOROC Line Marking and Sign Posting contract including the following:

Sub-Panel 1 – Provision of Pavement Line Marking

Sub-Panel 2 – Supply and Installation of Signs and Posts

The Contract term offered is for an initial two (2) year period with one (1) options of one (1) year to extend the term at the Councils discretion.

## 2.0 TENDERS RECEIVED

2.1 Eleven (11) tenders were received via Tenderlink or via the Tender Box at Warringah Council as follows:

Tenderer	Sub-Panel 1: Line marking	Sub-Panel 2: Signposting
Atlantis Group of Companies Pty Ltd	X	
Combined Traffic Management Pty Ltd	X	
Complete Line Marking Pty Ltd	X	
Guidance Road Management Pty Ltd	X	
Workforce Road Services Pty Ltd	X	
Sydney Traffic Services Pty Ltd	X	X
Inline National Signage and Property Services	X	X
Artcraft Pty Ltd		X
Hunt Civil Pty Ltd		X
Road Management Services Pty Ltd		X
Traffic Facilities Maintenance Pty Ltd		X

## 3.0 TENDER EVALUATION

### 3.1 Stage 1: Tender Compliance and initial cull

- (a) An initial review was conducted by the Tender Evaluation Panel (TEP) to identify any non-conforming tenders. Tenderers were required to provide information as to their commercial and organisational capacities in accordance with the following mandatory criteria:

CRITERIA	RESPONSE/CLAUSE TO BE EVALUATED	MINIMUM ACCEPTABLE SCORE (OR MANDATORY)	WEIGHTING
<b>TECHNICAL CRITERIA</b>			
Submission of all documentation required by the Request for Tender.	All Schedules.	M	PASS/FAIL
Compliance with industrial relations and environmental legislation and requirements.	Schedules F4 and F7	M	PASS/FAIL
Compliance with work health and safety legislation and requirements.	Schedule F6	M	PASS/FAIL
Ability to meet all elements of the Deed and potential Contracts formed under the Deed.	All Schedules	M	PASS/FAIL
Compliance with Specifications.	Schedule F2	M	PASS/FAIL
<b>COMMERCIAL CRITERIA</b>			
Departures and Qualifications.	Schedule F2	M	PASS/FAIL
Tenderer's organisation and financial capacity.	Schedules F3.1 and F3.2	M	PASS/FAIL
Insurances.	Schedule F11	M	PASS/FAIL

- (b) The tender received from Inline National Signage and Property Services included pricing but did not include any other returnable schedules. The submission also did not include any evidence of a Work Health and Safety (WHS) system, Quality Assurance system and other mandatory assessment criteria. The Evaluation Committee considered this submission to be non-conforming and was therefore not reviewed further.

- (c) The tender received from Artcraft contained unsatisfactory Work Health and Safety (WHS) information and did not provide evidence of experience, staff qualifications and expertise in the full range of sign installation processes, specifically with the planning and implementation of traffic control in accordance with NSW accreditation requirements for sign.
- (d) Submissions received from the following tenderers were found to be conforming and covered the specification to sufficient degree to allow further assessment.

Sub-Panel 1 – Line Marking

Atlantis Group of Companies Pty Ltd
Combined Traffic Management Pty Ltd
Complete Line Marking Pty Ltd
Guidance Road Management Pty Ltd
Workforce Road Services Pty Ltd
Sydney Traffic Services Pty Ltd

Sub-Panel 2 – Sign Posting

Sydney Traffic Services Pty Ltd
Hunt Civil Pty Ltd
Road Management Services Pty Ltd
Traffic Facilities Maintenance Pty Ltd

### 3.2 Stage 2: Detailed Evaluation of Remaining Tenders

The remaining tenders underwent further detailed evaluation in relation to the key scored criteria.

CRITERIA	RESPONSE/CLAUSE TO BE EVALUATED	MINIMUM ACCEPTABLE SCORE (OR MANDATORY)	WEIGHTING
<b>TECHNICAL CRITERIA</b>			
Demonstrated past experience of the Tenderer in providing services similar to the Services and history of disputes relating to those services.	Schedule F3.3	60	35%
Qualifications and demonstrated past experience of the Tenderer's Key Personnel including Key Personnel of subcontractors.	Schedules F8 and F9		
Tenderer's resources and staffing levels.	Schedule F8		
Tenderer's quality assurance system and procedures.	Schedule F5	60	15%
Tenderer's understanding of the Services and proposed method for performing the Services.	Schedule F12	60	15%
<b>COMMERCIAL CRITERIA</b>			
The rates and prices	Schedule of rates	60	35%

Any tender achieving an overall score of less than 60 (Some risk but acceptable) would be considered a fail and culled from further consideration.

- The submission from Sydney Traffic Services provided little evidence of a quality assurance system in use and was rated below the minimum acceptable score (MAS) against the criteria "Tenderer's quality assurance system and procedures" (Schedule F5).
- The Road Management Services submission was scored 40 points which was below the minimum acceptable score (MAS) on the criteria against the criteria "Tenderer's understanding of the Services and proposed method for performing the Services" (schedule F12). The RMS submission did not provide a clear methodology for onsite work process methodology that met all required criteria.
- The Traffic Facilities Maintenance submission failed to properly describe the services required under the tender and was rated below the minimum acceptable score (MAS) against the criteria "Tenderer's understanding of the Services and proposed method for performing the Services" (schedule F12).

The Evaluation Scoring Guide is shown at Attachment 1.

### 3.3 Stage 3: Comparative Analysis

- The tender received from Guidance Road Management for the provision of pavement line marking is not recommended for acceptance.
  - Guidance Road Management was removed from further consideration due to being assessed as being priced uncompetitive on the most regularly supplied basket of goods and services in comparison to remaining tenderers.
- The tender received from Complete Linemarking Services Pty Limited for the provision of pavement line marking in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Complete Linemarking Services Pty Limited scored highly in delivery methodology and attained good scores for past experience
  - Passing scores were achieved in all remaining scored categories
  - Complete Linemarking Services are a well known and established line marking services company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from Workforce Road Services Pty Limited for the provision of pavement line marking in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Workforce Road Services Pty Limited received good scores in all key areas and were scored well on pricing
  - Workforce Road Services are a well known and established line marking services company and are deemed capable of providing the services tendered for on an ongoing basis.
  - Referee checks were mixed but mostly of a positive nature
- The tender received from Combined Traffic Management Pty Limited for the provision of pavement line marking in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Combined Traffic Management Pty Limited received good scores in most key areas
  - A passing score was attained for pricing
  - No significant concerns were revealed through reference checking
  - Combined Traffic Management are a well known and established line marking services company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from Atlantis Group of Companies Pty Limited for the provision of pavement line marking in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Atlantis Group Pty Limited scored well in past experience in delivery of the services and achieved passing scores in all other scored criteria
  - Very minor service delivery problems only were revealed through reference checking
  - Atlantis Group are a very well known and established line marking services company, broadly used on large scale RMS and other projects and are well experienced in providing the services tendered for on an ongoing basis.

- The tender received from Hunt Civil Pty Limited for the provision of sign posting in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Hunt Civil Pty Limited attained passing scores in all key areas and were the only supplier of sign posting to submit a conforming tender
  - No significant concerns were revealed through reference checking
  - Hunt Civil Pty Limited is a well experienced provider of signs and related products broadly used on large scale projects with local government, RMS and private sector exposure. They are well experienced in providing the goods and services tendered for on an ongoing basis.

#### **4.0 FINANCIAL ASSESSMENT**

##### **Financial Implications**

The rates offered by the recommended tenderers are within the range deemed to be commercially appropriate for the supply of line marking and sign posting services.

---

#### **5.0 RECOMMENDATION of TEP to Council**

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the Tenders received from:
  - Complete Linemarking Services Pty Limited
  - Workforce Road Services Pty Limited
  - Workforce Road Services Pty Limited
  - Combined Traffic Management Pty Limited
  - Atlantis Group of Companies Pty Limited
  - Hunt Civil Pty Limited

as per the tendered schedule of rates for the Supply and Application of Line Marking and Sign Posting, be accepted and that these companies be placed on a Panel for a contract period of an initial two (2) year period with a one (1) year option for extension available upon successful performance.
2. That work be made available to all panel members in the services tendered on a cheapest rate/first available basis



### EVALUATION SCORESHEET

The Evaluation Panel uses the following rating scale to score its level of the confidence that the Respondent/Tenderer would do what it claims it would do to meet the contractual requirements, based on the Evaluation Panel's assessment of the Respondent's/Tenderer's strengths and weaknesses.

Note: Where proposals score less than 50 in any criterion they are to be ruled non-compliant and assessed no further. Detailed reasons for non-compliance are to be recorded.

<b>Absolutely Risk Free</b> Superior response to criteria. Exceedingly innovative and flexible. Greatly exceeds the evaluation criteria. Comprehensively documented. All proposals and claims comprehensively detailed and substantiated. Unequivocal support from the referees. Minimum contract management	<b>100</b>
<b>Statistically Risk Free</b> Outstanding response to criteria. Highly innovative and flexible. Comprehensively meets the evaluation criteria. Completely documented. All proposals and claims fully detailed and substantiated. Unequivocal support from the referees.	<b>90</b>
<b>Minimal Risk but Acceptable</b> Excellent response to criteria. Very innovative and flexible. Comfortable meets the evaluation criteria. Very well documented with minor omissions acceptable without change. Minor lack of substantiation of claims. Refereed happy with the tenderer.	<b>80</b>
<b>Minor Risk but Acceptable</b> Very good response to criteria. Innovative and flexible. Satisfactory meets the evaluation criteria. Well documented with minor deficiencies and shortcomings resolved with clarification and manageable with minor changes. Referees happy with the respondent/tenderer but report minor shortcomings	<b>70</b>
<b>Some Risk but Acceptable</b> Good response to criteria. Minor innovation and flexibility. Satisfactorily meets the evaluation criteria. Satisfactorily documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with important changes. Referees have reservations about past performance.	<b>60</b>
<b>Risky and Barely Acceptable</b> Acceptable response to criteria, but some non-critical elements are unworkable. Minor innovation and flexibility. Just meets the evaluation criteria. Satisfactorily documented, with important deficiencies and shortcoming not fully resolved with clarification, and manageable only with significant changes. Referees have experienced poor performance in the past.	<b>50</b>
<b>Risky and Unacceptable (Proposal in Non-Compliant)</b> Problematic response to criteria, with some important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criteria. Barely documented, with important deficiencies and shortcomings not resolved by clarification and manageable only with substantial restructuring and extra Contract Manager effort. Referees report past failures.	<b>40</b>
<b>Very Risky and unacceptable (Proposal is non-compliant)</b> Poor response to criteria with many important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criteria. Barely documented, with important flaws not resolved by clarification, and manageable only with a major re-write and excessive effort by the Contract Manager. Referees report past failure.	<b>30</b>
<b>Extremely Risky and Unacceptable (Proposal in non-compliant)</b> Unsatisfactory response to criteria with fundamentals lacking. No innovation and inflexible. Does not meet the evaluation criteria. Poorly documented, the Respondent/Tenderer has provided minimal information even with clarification. The respondent/tenderer has made an effort but possessed minimal capability and experiences. One or more referees are unable to recommend the tenderer	<b>20</b>
<b>Unequivocally Risky (proposal is non-compliant)</b> Incomplete response to criteria. No innovation and inflexible. Does not meet the evaluation criteria. Lacks documentation. Respondent/tenderer has provided some information but the submission/tender is not genuine. Is out of its depth. Is unsuited to the required services. No likelihood of the Respondent/Tenderer making any effort to manage the risk. No referees cited.	<b>10</b>

## ATTACHMENT 2

CRITERIA	Atlantis Group of Companies P/L	Combined Traffic Management P/L	Complete Line Marking P/L	Hunt Civil P/L	Workforce Road Services P/L	Guidance Road Management P/L	Road Management Services P/L	Traffic Facilities Maintenance P/L	Sydney Traffic Services P/L	Inline National Signage and Property Services	Artcraft P/L
<b>MANDATORY CRITERIA</b>											
Submission of all documentation required by the Request for Tender	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	FAIL
Compliance with industrial relations and environmental legislation and requirements	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	
Compliance with work health and safety legislation and requirements	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	FAIL
Ability to meet all elements of the Deed and potential Contracts formed under the Deed	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	FAIL
Compliance with Specifications	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	
Departures and Qualifications	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	
Tenderer's organisation and financial capacity	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	
Insurances	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	PASS	FAIL	

CRITERIA	Atlantis Group of Companies P/L	Combined Traffic Management P/L	Complete Line Marking P/L	Hunt Civil P/L	Workforce Road Services P/L	Guidance Road Management P/L	Road Management Services P/L	Traffic Facilities Maintenance P/L	Sydney Traffic Services P/L	Inline National Signage and Property Services	Artcraft P/L
SCORED CRITERIA											
Demonstrated past experience of the Tenderer in providing services similar to the Services and history of disputes relating to those services	28	28	28	28	25	25		21	21	CULLED - STAGE 1	CULLED - STAGE 1
Qualifications and demonstrated past experience of the Tenderer's Key Personnel including Key Personnel of subcontractors											
Tenderer's resources and staffing levels											
Tenderer's quality assurance system and procedures	9	11	9	11	12	11		9	6 - BELOW MAS		
Tenderer's understanding of the Services and proposed method for performing the Services	9	12	9	11	12	9	6 - BELOW MAS	8 - BELOW MAS	CULLED - STAGE 2		
The rates and prices	26	22	35	35	31	14 - BELOW MAS	CULLED STAGE 2	CULLED STAGE 2			
TOTAL SCORE	72	73	86	84	80	58 - CULLED STAGE 3					

# ATTACHMENT 3

## Pricing Sub-Panel 1 - Line Marking

			ATLANTIS	COMPLETE	WORKFORCE	COMBINED
Code	Item	Type	Bid Price	Bid Price	Bid Price	Bid Price
B1	Separation Line (S1)	Thermo	\$0.56	\$0.44	\$0.48	\$0.65
B3	Barrier Line (BB)	Thermo	\$1.89	\$1.39	\$1.45	\$2.20
B4	Barrier Line (BS)	Thermo	\$1.32	\$1.06	\$1.10	\$1.65
B5	Lane Line (L1)	Thermo	\$0.56	\$0.42	\$0.45	\$0.65
B9	Continuity Line (C1)	Thermo	\$0.85	\$0.89	\$1.26	\$1.20
B11	Parking Restriction Line, No Stopping (C3)	Thermo	\$3.41	\$1.87	\$1.08	\$3.10
B12	Edge Line (E1)	Thermo	\$1.84	\$1.31	\$1.35	\$1.80
B13	Edge Line (E3)	Thermo	\$1.84	\$1.05	\$1.35	\$1.80
B14	Edge Line (E4)	Thermo	\$1.95	\$1.31	\$1.49	\$1.80
B20a	Arrow: UA1	Water Based	\$35.70	\$30.60	\$29.00	\$49.50
B31	Pedestrian Crossing 450mm (each per bar)	Thermo	\$52.06	\$40.50	\$10.05	\$43.00
B32	Pedestrian Crossing 600mm (PX) (each per bar)	Thermo	\$69.40	\$54.00	\$13.50	\$57.50
B33	Pedestrian Crossing Walk Line 150mm (PCW)	Thermo	\$9.36	\$7.85	\$7.50	\$8.00
B34	Pedestrian Crossing Walk Line 300mm (PCW)	Thermo	\$9.90	\$6.12	\$7.50	\$8.00
B35	Zigzag (ZZ)	Water Based	\$4.31	\$7.85	\$4.49	\$6.50
B36	Speed Hump Markings - piano keys	Thermo	\$11.34	\$7.90	\$6.95	\$8.50
B39	"40" SCHOOL ZONE speed marking	2 Part Cold	\$589.00	\$533.50	\$519.00	\$580.00
B40	(REPLACED) Dragons' Teeth (each per triangle)	Water Based	\$13.00	\$16.50	\$8.50	\$9.95
B43	Off-road Bicycle Lane Line (L5)	Water Based	\$1.71	\$1.43	\$0.85	\$1.05
B44	Off-road Bicycle Lane Continuity, (C4)	Water Based	\$1.40	\$1.43	\$0.49	\$0.76
B51	Off-road pavement symbol - bicycle (800mm x 490mm) (PS-3)	Water Based	\$24.15	\$25.50	\$22.80	\$32.00
B52	On-road pavement symbol - bicycle (1800 x 1100mm) (PS-2)	Water Based	\$28.35	\$35.70	\$32.00	\$45.00
B53	Off-road pavement symbol - arrow (1000mm) (PA-1)	Water Based	\$19.95	\$30.60	\$13.00	\$30.00
B54	Off-road pavement symbol - arrow (1000mm) (PA-2)	Water Based	\$23.75	\$35.70	\$13.50	\$30.00
B67	Parking Bay Lines - Remark	Water Based	\$1.71	\$1.95	\$0.89	\$1.10

			ATLANTIS	COMPLETE	WORKFORCE	COMBINED
Code	Item	Type	Bid Price	Bid Price	Bid Price	Bid Price
C1a	Temporary Blackout of Lines (Matt finish) (100mm)		\$1.45	\$2.00	\$1.72	\$1.80
C2a	Grinding of Lines (100mm)		\$4.94	\$3.26	\$3.50	\$3.50
D1	Raised reflection pavement markers, (RRPM), All colours, mono and bi-directional)		\$5.90	\$4.88	\$4.95	\$5.90
G2	Spotting and set out of new works		\$0.45	\$0.22	\$0.10	\$0.20
A1	Minimum Call Out Charge:		\$250.00	\$0.00	\$280.00	\$450.00

# SHOROC RFT 2013-027 Line Marking & Signposting

## Sub-Panel 2 - Sign Posting

Code	Item	Schedule Nr	HUNT Bid Price
A1	Minimum Call Out Charge:		\$360.00
B1	R1-1A (600X600)	installed - exist	\$73.00
B4	R1-2A(750 height)	installed - exist	\$76.00
C1	R2-2A (L or R) (450X450)	installed - new	\$156.00
C3	R2-3A (L or R) (450X600)	installed - exist	\$71.00
C5	R2-4A (450X750)	installed - exist	\$81.00
C12	R2-6A (450X900)	installed - new	\$170.00
C26	R2-14A (600X800)	installed - exist	\$82.00
C29	R2-2A (450X600)	installed - exist	\$78.00
C36	R2-209 (150X1150)	installed - new	\$153.00
D2	R3-1B (750 dia)	installed - exist	\$98.00
D15	R4-6 (600X900)	installed - exist	\$107.00
E1	R5-1-1 9225x450)	installed - new	\$133.00
E9	R5-23 (225X450) LOADING ONE	installed - exist	\$48.00
E14	R5-41 (225X450) NO PARKING (Specified times)	installed - exist	\$54.00
E15	R5-400 (225X450) NO STOPPING	installed - new	\$133.00
F4	R9-231A (450X300)	installed - exist	\$68.00
G1	R7-1-4B (450X600)	installed - exist	\$75.00
G5	R7-2C (600X200)	installed - new	\$154.00
H1	R8-1A (300X400)	installed - exist	\$57.00
J1	R9-1-1A (450X300)	installed - exist	\$57.00
J19	R9-205 (225X165)	installed - new	\$129.00
N1	W1-1A (600X600)	installed - exist	\$72.00
N7	W1-4A (600X600)	installed - exist	\$72.00
N18	W2-3A (600X600)	installed - new	\$157.00
N30	W2-8A (600X600)	installed - exist	\$72.00
N40	W4-3A (600X600)	installed - exist	\$72.00
N61	W5-20A (600X600)	installed - new	\$157.00
N67	W6-2A (600X600)	installed - exist	\$82.00
N90	W8-2A (600X400)	installed - exist	\$66.00
N113	W8-25A (600X400)	installed - new	\$151.00
N118	W6060 (600X600)	installed - exist	\$72.00
P1	G9-18A (600X400)	installed - exist	\$75.00
P4	G9-237 (750X900)	installed - new	\$204.00
P5	G9-9A (1500X750)	installed - exist	\$187.00
P7	G9-57A (900X800)	installed - exist	\$115.00
R1	D4-4-1 (1600X400)	installed - new	\$264.00
R9	D4-6A (600X750)	installed - exist	\$90.00
S2	75mm diameter	installed - exist	\$48.00
	75mm diameter	delivered <20	\$25.00

