

# **Agenda**

## **Council Meeting**

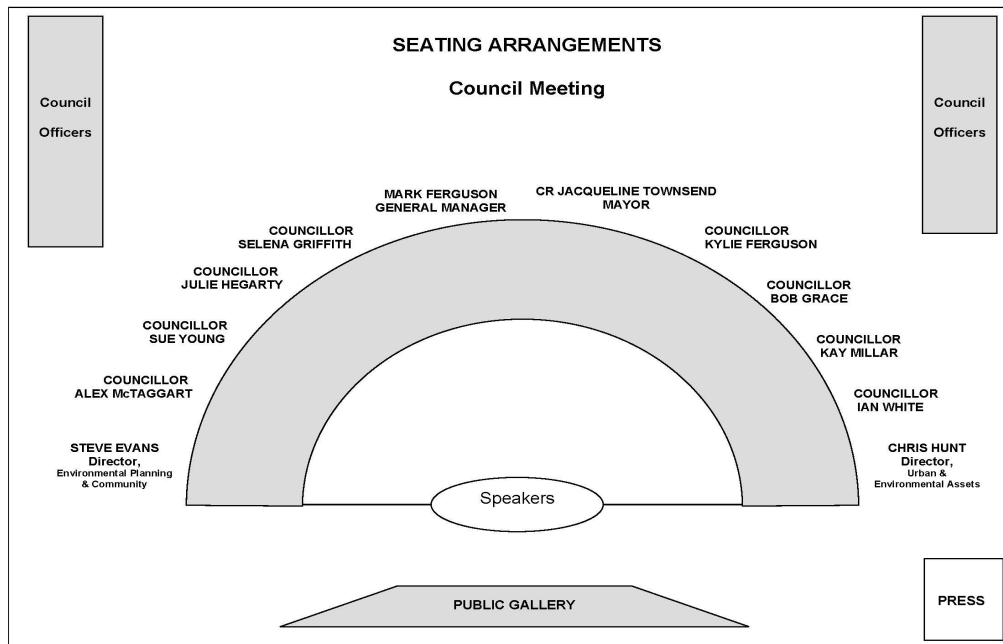
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***4 November 2013***

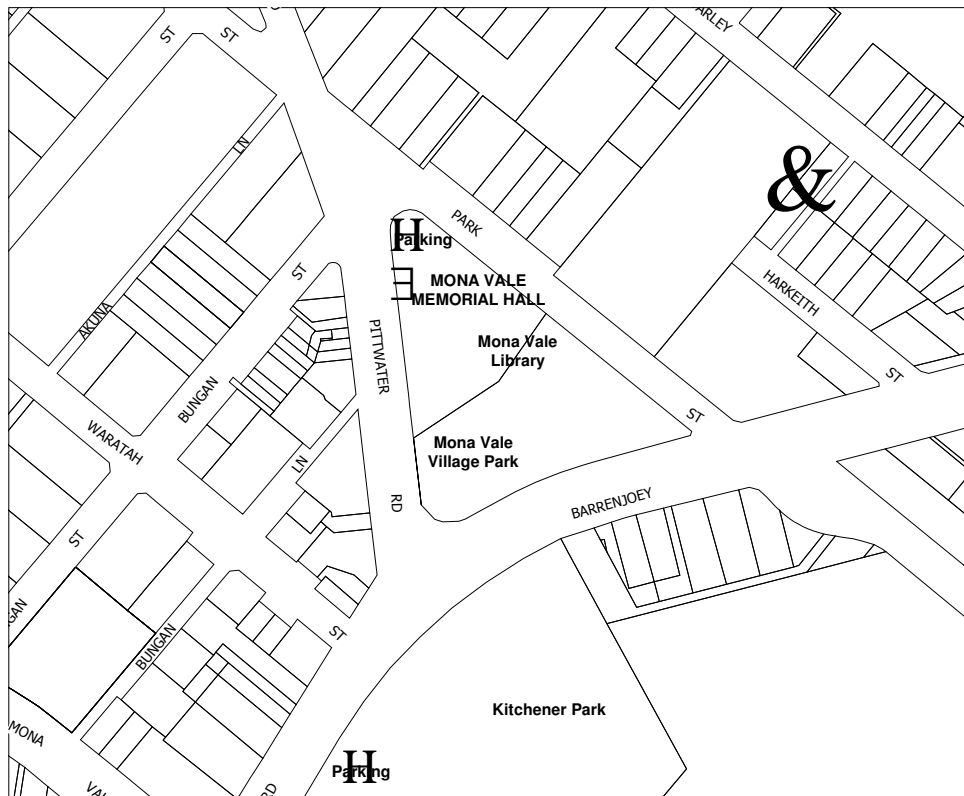
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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)

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## **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.**

# Council Meeting

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

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## Council Meeting

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### 1.0 Apologies

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

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### 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.

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### 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 21 October 2013.

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### 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.*

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<b>5.0</b>	<b>Councillor Questions on Notice</b>
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Nil.

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<b>6.0</b>	<b>Mayoral Minutes</b>
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<b>C6.1</b>	<b>Mayoral Minute - General Manager's Performance Review Policy</b>
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**Meeting:** Council

**Date:** 4 November 2013

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## **MAYORAL MINUTE**

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### **PURPOSE OF REPORT**

The purpose of this policy is to set the framework, delegation and responsibilities for the review of the General Manager's performance by the Council appointed Performance Review Panel.

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### **BACKGROUND**

The General Manager is made accountable to the Council through their contract of employment and is, among other things,

1. To the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time.
2. Carry out the duties and functions imposed by the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Within 3 months after the commencement date of the employment contract, the General Manager and the Council is to sign a performance agreement setting out agreed performance criteria.

Council is to ensure the General Manager's performance is reviewed, and where appropriate, the performance agreement varied, at least annually.

In July 2011 the Division of Local Government published guidelines for the appointment and oversight of General Managers. The guidelines were issued by the Director General pursuant to section 23A of the *Local Government Act 1993* (the guidelines).

### **Establishing the framework for performance management**

The guidelines recommend the whole process of performance management of the General Manager be delegated to a Performance Review Panel established by the governing body. The process should include discussions about performance, any actions that should be taken and the determination of the new performance agreement.

On 19 November 2012 the Council, in accordance of the guidelines, decided to establish a Performance Review Panel for a 2 year term and delegate the Performance Review Panel the following functions:

- (a) the establishment of a framework for Performance Management of the General Manager, including discussions about performance, any actions that should be taken, consideration of the inclusion of an independent observer on the panel and the determination of a new performance agreement;

- (b) the task of undertaking the performance review of the General Manager;
- (c) that the review panel seek input from Councillors in relation to the performance review of the General Manager prior to the final report to Council;
- (d) notification to Council of the relevant dates of the Performance Review cycle and the Panel's findings and recommendations;
- (e) the reporting to Council in closed session on the findings and recommendations of the performance review as soon as practicable following any performance review of the General Manager.

For continuity of the performance review process I recommend that the attached draft Policy which embraces the guidelines be adopted by Council.

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### **Motion**

That the Council adopts the draft General Manager Performance Review policy at **Attachment 1**.

Cr Jacqueline Townsend  
**MAYOR**

<b>Council Policy – No</b>	<b>Adopted:</b>	
	<b>Amended</b>	
<b>Version:</b>		

**TITLE:** General Manager Performance Review

**STRATEGY:**

**BUSINESS UNIT:** General Manager

**RELEVANT LEGISLATION:**

**RELATED POLICIES:**

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## **1. OBJECTIVE**

- 1.1 The purpose of this policy is to set the framework, delegation and responsibilities for the review of the General Manager's performance by the Council appointed Performance Review Panel.

## **2. PRINCIPLES**

- 2.1 Council commits itself to the following principles:
- 2.1.1 Accountability and transparency – The policy provides a framework for transparency and a system of accountability.
  - 2.1.2 Fairness and equity – The policy provides a framework to ensure the interests of both the elected Council and the General Manager are protected.

## **3. POLICY STATEMENT**

- 3.1 The General Manager is made accountable to the Council through their contract of employment and is, among other things,
- 3.1.1 To the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time,
  - 3.1.2 Carry out the duties and functions imposed by the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (Regulations).
- 3.2 Within 3 months after the commencement date of the employment contract, the General Manager and the Council is to sign a performance agreement setting out agreed performance criteria.
- 3.3 Council is to ensure the General Manager's performance is reviewed, and where appropriate, the performance agreement varied, at least annually.
- 3.4 In July 2011 the Division of Local Government published guidelines for the appointment and oversight of General Managers. The guidelines were issued by the Director General pursuant to section 23A of the Local Government Act 1993 (the guidelines).

## **4. FRAMEWORK**

### **4.1 Delegation**

- 4.1.1 The elected body of Council delegates to the Performance Review Panel the authority to undertake the Performance Assessment of the General Manager, at least annually, between October 2012 and September 2016, in accordance with this Policy.
  - a) This delegation is to be exercised in accordance with:
  - b) The requirements of the Act and Regulations;
  - c) The requirements of any other relevant act, law or regulation; and
  - d) Any resolution or policy of Council
- 4.1.2 This delegation is effective from the date of the Council resolution adopting this policy to the completion of the delegated performance management tasks at the end of this term of Council.

### **4.2 The Performance Review panel**

- 4.2.1 The Review Panel will comprise:
  - a) The Mayor.
  - b) The Deputy Mayor.
  - c) Another Councillor nominated by Council.
  - d) A Councillor nominated by the General Manager.
  - e) An independent observer on the panel, although this is optional and at the discretion of the governing body.
- 4.2.2 The Performance Review Panel will be a 2 year appointment.
- 4.2.3 The Performance Review Panel should receive training in the performance management of General Managers, including:
  - a) Conducting performance reviews
  - b) Reporting the findings and recommendations of those reviews to Council
  - c) Development of the performance agreement.

### **4.3 Performance Agreement**

- 4.3.1 The Performance Agreement will be developed at the commencement of the Annual Performance Review Period in consultation with the Performance Review Panel and the General Manager.
- 4.3.2 The Performance Agreement will include clearly defined and measurable performance indicators against which the General Manager's performance will be measured.



- 4.3.3 The Performance Agreement will include key indicators that measure how well the General Manager has met the Council's expectations with respect to:
- a) Strategic items as identified in the Community Strategic Plan;
  - b) Operational items as identified in the Delivery Plan; and
  - c) Behaviours including leadership.
- 4.3.4 The Performance Agreement will be presented to Council in a closed meeting together with the outcomes of the previous Performance Review Period.
- 4.3.5 The Performance Agreement may be varied from time to time during the term of the Performance Agreement by agreement between the General Manager and the Review Panel.

#### **4.4 Annual Performance Review**

- 4.4.1 At least 21 days prior to the Annual Performance Review due date, the General Manager will:
- a) Submit a Self Assessment to the Facilitator; and
  - b) Notify the Elected Council that the Annual Performance Review is due.
- 4.4.2 The General Manager's Self Assessment and the performance agreement assessment will be distributed to Councillors by the Panel.
- 4.4.3 The General Manager will present to the Councillors and the Panel a report on the Perform Agreement.
- 4.4.4 The Councillors will individually and independently, rate the performance of the General Manager against the Performance Agreement using the assessment scale outlined in this policy.
- 4.4.5 The Performance Review Panel will meet to:
- a) Assess the responses received from Councillors; and
  - b) Assign a rating for each part of the Performance Agreement.
- 4.4.6 A meeting between the General Manager and the Review Panel will be held to discuss the ratings and opportunities for future development of the General Manager. The meeting will:
- a) Concentrate on constructive dialogue about the General Manager's performance against all sections of the agreed performance plan;
  - b) Identify any areas of concern and agreed actions to address those concerns; and
  - c) Ensure fairness, natural justice and the laws and principles of antidiscrimination are complied with.
- 4.4.7 The Performance Review Panel will decide on a final assessment for each part of the Performance Agreement using the assessment scale.

## 4.5 Reporting

- 4.5.1 The Review Panel will report the findings and recommendations of the Performance Review to a closed meeting of the elected Council as soon as practicable following the annual Performance Review. This is not an opportunity to debate the results or re-enact the review. The General Manager should not be present when the matter is considered.
- 4.5.2 The performance management report of the Review Panel or any other Councillor or staff member, including the General Manager, should not be released to the public and should be retained on the appropriate confidential council employment file. Release of such personal information to other than the Performance Review Panel, the General Manager and the Councillors in confidence may be a breach of privacy legislation.
- 4.5.3 Within six (6) weeks from the conclusion of the Performance Review, the Mayor will prepare and send to the General Manager a written statement that sets out:
- a) Council's conclusions about the General Manager's Performance during the performance review period;
  - b) Any proposal by Council to vary the performance criteria as a consequence of the performance review, and
  - c) Any directions or recommendations made by Council to the General Manager in relation to the General Manager's future performance of the duties of the position.

## 4.6 Assessment Scale

Score	Rating
5	Significant Strength An outstanding display that brings credit to the General Manager and the organisation. Best practice - a model for others; significantly exceeds expectations
4	Area of Strength Has a reputation and demonstrated ability for achieving in that area. Displays a consistent approach and high performance. Recognised as an expert in that area
3	Area of Ability / Met expectations Sound performance Standards are constantly met and at times exceeded throughout the year. A valued, commendable achievement. What is expected of the General Manager on a consistent basis
2	Development Needed Development needed in this area to consistently reach the standard expected. Often meets standards but not on a consistent basis. Attention is required to achieve objectives
1	Significant Development Needed Performance has an adverse impact on the performance of the organisation. Urgent attention is required and rapid improvement essential

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## **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.

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## **8.0 Council Meeting Business**

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<b>C8.1</b>	<b>Notice of Motion - Grants for Wood Smoke Reduction Program 2014 (Motion submitted by Cr Hegarty)</b>
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**Meeting:** Council

**Date:** 4 November 2013

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## **NOTICE OF MOTION**

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### **BACKGROUND**

The Environmental Protection Authority (EPA) web site notes that smoke from wood heaters is a major cause of air pollution. It states that during winter wood heaters can produce up to seven times as much particle pollution as cars.

The installation of wood fire heaters is not prohibited in Pittwater but regulated by Australian standards.

Occasionally neighbourhood disputes erupt due to non-compliance or irritation irrespective of compliance with standards. Irrespective of the frequency of these individual disputes, the reduction of pollution in Pittwater is an essential component in preserving the lifestyle and amenity of the area.

Through my participation in LGNSW, I became aware of an opportunity for Council to participate in the 2014 Wood Smoke Reduction Program. Up to \$60,000 is available for Councils. The funding is available from the NSW Government via the EPA to assist local communities to address air pollution caused by wood heaters through the following options:

1. Community education programs about the health impacts of wood smoke pollution and how best to operate wood heaters;
2. Smokey chimney surveys by councils and appropriate educational/enforcement action; and
3. Targeted cash incentives to replace old, polluting wood heaters and fireplaces with cleaner alternatives.

Programs that utilise one, two or all of the above options may be proposed by Council.

Expressions of interest close on 11 November 2013.

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### ***Motion***

That Council apply (via the Expression of Interest process) for funding for an improved education program and practical reduction in emissions from wood fire heaters in Pittwater.

**Cr Julie Hegarty**

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<b>C8.2</b>	<b>Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors</b>
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**Meeting:** Council

**Date:** 4 November 2013

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**STRATEGY:** Corporate Management

**ACTION:** To effectively manage Council's corporate governance responsibilities

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**PURPOSE OF REPORT**

To review and adopt Council's Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

**1.0 BACKGROUND**

- 1.1 Section 252 of the Local Government Act 1993, requires Council to annually review and adopt a Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors, within 5 months of the end of each financial year, for submission to the NSW Division of Local Government.
- 1.2 In making this Policy Council has taken into consideration the requirements of the amended "Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008".
- 1.3 Council last reviewed this policy at its meeting held on 3 December 2012 with amendments to the dispute resolution process and a procedural outline of the processing of claims.
- 1.4 The current Policy was presented to Council on 16 September 2013 (see **Attachment 1**) with no suggested changes.
- 1.5 The Policy has been exhibited from 23 September 2013 to 21 October 2013.
- 1.6 No public submissions were received.

**2.0 ISSUES**

- 2.1 Adoption of the policy in its current format.
- 2.2 Referral to the Division of Local Government by 30 November 2013.

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**3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 **Supporting & Connecting our Community (Social)**  
The report has no affect on this assessment
- 3.2 **Valuing & Caring for our Natural Environment (Environmental)**  
The report has no affect on this assessment
- 3.3 **Enhancing our Working & Learning (Economic)**  
The report has no affect on this assessment

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

This policy ensures accountability and transparency in the reimbursement of expenses incurred by Councillors while undertaking their civic responsibilities, and that such facilities and expenses are acceptable to the public. The policy also ensures the facilities provided to assist Councillors are reasonable. Only expenses identified within this Policy will be authorised for reimbursement to Councillors.

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

The report has no affect on this assessment

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**4.0 EXECUTIVE SUMMARY**

- 4.1 Section 252 of the Local Government Act 1993, requires Council to annually review and adopt a Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors, for submission to the NSW Division of Local Government.
- 4.2 Amendments are recommended to include a dispute resolution process and a claims procedure.
- 4.3 Council is required to provide a copy of the adopted policy to the Department of Local Government.
- 4.4 The Policy (refer **Attachment 1**) in its current format is considered appropriate.

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**RECOMMENDATION**

- 1. That the information provided in the report be noted.
- 2. That the attached "Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors" be adopted.
- 3. That Council's Policy Register be updated to include the new Policy.
- 4. That a copy of the adopted Policy be provided to the Division of Local Government.

Report prepared by  
Gabrielle Angles - Principal Officer Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**



<b>Council Policy – No 145</b>  <b>Version: 18</b>	<b>Adopted:</b>	OM04.07.94
	<b>Amended</b>	OM17.10.94, OM24.07.95, OM25.11.96, OM07.04.97, OM08.09.97, OM23.10.00, OM14.04.03, OM21.06.04, OM09.08.04, OM13.12.04, OM14.02.05, OM09.10.06, OM20.11.06, OM07.04.08 OM15.12.08, 21.09.09 OM06.12.10, OM17.10.11 OM03.12.12

**TITLE:** POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

**STRATEGY:** Business Management

**BUSINESS UNIT:** Administration and Governance

**RELEVANT LEGISLATION:** Local Government Act 1993 (Section 252)

**RELATED POLICIES:** None

### **Objective**

To ensure that the details and range of benefits provided to Councillors by the Council is clearly stated and fully transparent and acceptable to the local community.

### **Policy Statement**

The purpose of this Policy is to ensure accountability and transparency in the reimbursement of expenses incurred by councillors and that the facilities provided to assist councillors to carry out their civic duties are reasonable.

## **TABLE OF PROVISIONS**

### **PART 1 – INTRODUCTION**

- Title, commencement of the Policy**
- Purpose of the Policy**
- Objectives and coverage of the Policy**
- Making and adoption of the Policy**
- Reporting requirements**
- Reporting of equipment and facilities costs**
- Legislative provisions**
- Other Government Policy Provisions**
- Approval arrangements**

### **PART 2 – PAYMENT OF EXPENSES**

#### **GENERAL PROVISIONS**

##### **Payment of expenses generally**

- Allowances and Expenses
- Reimbursements and Reconciliation of Expenses
- Payment in Advance

##### **Establishment of monetary limits and standards**

##### **Spouse and partner expenses**

##### **Payment of annual Councillor fee into a complying superannuation fund**

#### **SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS**

##### **Attendance at seminars and conferences**

- Who May Attend Conferences
- What Conferences May Be Attended
- Registration
- Categories of Payment or Reimbursement

##### **Training and educational expenses**

##### **Local travel arrangements and expenses**

- Travel Outside the LGA Including Interstate Travel
- Telephone Costs and Expenses
- Internet
- Care and Other Related Expenses
- Insurance Expenses and Obligations
- Legal Expenses and Obligations

### **PART 3 – PROVISION OF FACILITIES**

#### **GENERAL PROVISIONS**

- Provision of Facilities and Equipment for Councillors
- Private Use of Equipment and Facilities

#### **PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR**

### **PART 4 – OTHER MATTERS**

- Acquisition and Returning of Facilities and Equipment by Councillors
- Payment of Councillor Fees Into a Complying Superannuation Fund
- Status of the Policy



## **PART 1 – INTRODUCTION**

- **Title, commencement of the Policy**

The title of this policy is “Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors”. This policy takes effect from 4 December 2006.

- **Purpose of the Policy**

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. This policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

- **Objectives and coverage of the Policy**

The objective of this policy is to ensure that the details and range of benefits provided to Councillors by the Council is clearly stated and fully transparent and acceptable to the local community.

This policy covers the specific expenses for which Councillors are entitled to receive reimbursement. Councillors can only receive reimbursement for expenses when the expense is identified in this policy.

- **Making and adoption of the Policy**

This policy is made in accordance with the requirements of the Local Government Act 1993 and as adopted by Pittwater Council. Any substantial amendments to this policy will not take effect unless the proposed amendment has been placed on public notice and at least 28 days provided for public submissions. Before adopting or amending the policy, the Council will consider any submission made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

- **Reporting requirements**

Section 428 of the Local Government Act 1993 requires councils to include in their annual report:

- The council’s policy on the provision of facilities for, and the payment of expenses to, mayors and councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses
- Additional information as required by the Local Government (General) Regulation 2005.

Clause 217 of the Local Government (General) Regulation 2005 requires councils to include additional reporting information in their annual reports.

The additional reporting information required is for the purposes of transparency and accountability and should not be seen as a disincentive for the payment of appropriate expenses to councillors.

Councils are required to report separately on:

- the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

- **Expenses**

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services.
- Spouse/ partner/ accompanying person expenses
- Conference and seminar expenses
- Training and skill development expenses
- Interstate travel expenses
- Overseas travel expenses
- Care and other related expenses

- **Provision of facilities**

- The cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the councillors' homes. This item does not include the costs of using this equipment, such as calls.

- **Reporting of equipment and facilities costs**

In addition to the statutory reporting requirements, Council will report other costs where these are significant. For example, the cost of the provision of facilities and equipment where such provision is above what would normally be required for the day-to-day running of the council.

- **Legislative provisions**

**Provisions under the *Local Government Act 1993***

Recent changes to sections 252(5) and 253 of the *Local Government Act 1993*, made by the *Local Government Amendment Act 2005*, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the *Local Government Act 1993* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the *Local Government Act 1993*) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

**Section 252 states:**

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

*Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.*

**Section 253 states:**

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
  - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

The public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2) (f) requires a council to include in its annual report:

*The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition Section 428 (r) requires that councils must report on any other information required by the regulations.

### **Provisions under the *Local Government (General) Regulation 2005***

***Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.***

**Clause 217 (Additional information for inclusion in annual reports) states in part:**

- (1) *For the purposes of section 428(2) (r) of the Act, an annual report of a council is to include the following information:*
  - (a) *Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

**Clause 403 (Payment of expenses and provision of facilities) states:**

*A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:*

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

- **Other Government Policy Provisions**

#### **Department of Local Government Guidelines**

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

## **Department of Local Government Circulars to Councils**

The policy must take into account the following Circulars.

- Circular 05/08 *Legal assistance for councillors and council employees.*
- Circular 02/34 *Unauthorised use of council resources.*

## **The Model Code of Conduct for Local Councils in NSW**

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008*. The following parts of the code are particularly relevant to s252 policies:

### **Use of Council Resources (Pages 20-21)**

- 10.12 *You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 10.14 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 10.15. *You must avoid any action or situation which could create the appearance that council property, official services or public facilities are being improperly used for your own benefit or the benefit of any other person or body.*
- 10.16 *the interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, council crests and other information that could give the impression it is official council material for these purposes.*
- 10.17 *You must not convert any property of the council to your own use unless properly authorised.*
- 10.18 *You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.*

### **ICAC Publication – No Excuse for Misuse, Preventing the Misuse of Council Resources**

Councils should also be aware of and take account of the Independent Commission against corruption (ICAC) publication *No Excuse for Misuse, Preventing the Misuse of Council Resources (Guidelines 2) November 2002*. This publication is available on the ICAC website in at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

- **Approval arrangements**

The following delegation of authority approval arrangements apply to the Mayor for the attendance by Councillors at conferences, seminars and meetings:

- (i) With the General Manager, authorise attendance at conferences which either have been included in Council's annual program of Conferences or for which attendance by Councillors has been authorised by resolution of Council.
- (ii) With the General Manager, authorise attendance on a study tour involving domestic travel where the study forms part of a task force / project plan and funds are available in the Task Force / Budget Project.
- (iii) With the General Manager, authorise attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved.

**(OM 13.12.04)**

## PART 2 – PAYMENT OF EXPENSES

### GENERAL PROVISIONS

- **Payment of expenses generally**

- **ALLOWANCES AND EXPENSES**

- No provision will be made for the payment of an allowance in the nature of a general expense allowance.

- **REIMBURSEMENTS AND RECONCILIATION OF EXPENSES**

- This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. It is not appropriate or lawful to pay a general allowance unrelated to actual expenses incurred or designed to supplement Councillors' annual fees payable under the Local Government Act 1993.

- **PAYMENT IN ADVANCE**

- Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. However, Councillors must fully reconcile all expenses against the costs of the advance when they return within 10 days of the close of the conference, seminar or training etc.

- **Establishment of monetary limits and standards**

- This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where Councillors incur costs that are unforeseen or considered unreasonable by other Councillors and the public.

- **Spouse and partner expenses**

- Where the attendee is accompanied by his or her spouse/partner to a conference, seminar or training course, the Council will not reimburse any expenses incurred by the spouse/partner.

- (OM14.02.05)**

- **Payment of annual Councillor fee into a complying superannuation fund**

- "In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an agreement with a Councillor under which the Councillor agrees to forgo all or part of their annual Councillor fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively".*

- (OM04.02.08)**

- **Procedure for processing of expenses incurred**

- Claim forms will be supplied by the Executive Assistant to Mayor and Councillors on a quarterly basis (forms may be supplied monthly upon request).
  - Forms must be submitted to the Principal Officer, Administration, for checking and approval.
  - All original supporting documents should be attached.
  - Claims must be made within 3 months of the expense being incurred.

- (OM03.12.12)**

- **Dispute resolution**

In the event of a Councillor disagreeing with a decision of the Principal Officer, Administration regarding a claim lodged, the Councillor may seek a review of the decision by the General Manager. Such a review must be sought within 20 working days of the claim being rejected. **(OM03.12.12)**

## **SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS**

- **Attendance at seminars and conferences**

In this part Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events, etc. related to the industry of local government.

- **WHO MAY ATTEND CONFERENCES:**

Councillors may be nominated to attend conferences by:

- ✓ the Council, by resolution duly taken;
- ✓ the Mayor and General Manager acting within his/her delegated authority.

In addition the Mayor may nominate a substitute Councillor in his or her absence to attend functions within the Council area or general Sydney Metropolitan Area on those occasions where the Mayor is unable to be in attendance.

- **WHAT CONFERENCES MAY BE ATTENDED:**

The conferences to which this policy applies shall generally be confined to:-

- ✓ Local Government Association (LGA) and Australian Local Government Association (ALGA) Conferences.
- ✓ Special "one-off" conferences called or sponsored by the LGA and/or ALGA on important issues.
- ✓ Annual conferences of the major Professions in Local Government.
- ✓ Australian Sister Cities Conferences.
- ✓ Regional Organisation of Councils Conferences.
- ✓ Annual Coastal Conference.
- ✓ Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- ✓ Any Meetings or Conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or the L.G.A.

- **REGISTRATION:**

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.



## **- CATEGORIES OF PAYMENT OR REIMBURSEMENT:**

### **Travel:**

All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train.

Councillors using private vehicles will be paid the kilometre allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.

Payment or reimbursement of travel expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business;
- (b) the travel is undertaken with all due expedition, and by the shortest practicable route;
- (c) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (d) the claim is made not later than three (3) months after the expenses were incurred, and upon copies of all relevant dockets, receipts and the like being attached to a written claim for payment/reimbursement.

### **Accommodation:**

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

### **Out-of-Pocket Expenses:**

Reasonable out-of-pocket or incidental expenses will be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms for costs associated with attending the conference, seminars or training courses, excluding expenses of a normal private nature. Incidental expenses are taken to include items such as:

- (i) refreshments;
- (ii) telephone, internet or facsimile charges;
- (iii) laundry and dry cleaning;
- (iv) taxi fares and parking fees;
- (v) newspapers.

In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation up to a daily limit of \$100.

**Conference Reporting:**

Following attendance at a Conference authorised under this Policy, the relevant Councillor/s is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater. **(OM13.12.04)**

- **Training and educational expenses**

Provision is made in the Council's budget for training and educational expenses incurred by Councillors. These expenses support and encourage an active learning process and skills development in addition to attending seminars and conferences related to Council functions. Payment of these expenses must be directly related to the Councillors civic functions and responsibilities.

- **Local travel arrangements and expenses**

Mayor and Councillors:

1. Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence within Pittwater\* and:
  - (a) to attend Council or Committee meetings and appointments involving Council business;
  - (b) inspections within the Council's area undertaken in compliance with a resolution of the Council;
  - (c) attending public meetings convened by Council.

*\* Councillors whose place of residence is outside the Pittwater Local Government area, may claim a kilometre allowance for use of private vehicles under this clause, as follows:*

- (a) from the nearest road boundary of the Pittwater Local Government area, to the location of the meeting, appointment, inspection etc held within the Pittwater area;*
- (b) for meetings, appointments etc held outside the Pittwater Local Government area, the maximum kilometre claim per meeting, appointment etc shall be 60 kilometres (including return).*

Kilometre rates for such travel will be paid at the rate set by the appropriate Local Government Industrial Award, as at the date of travel.

Payment is subject to a formal claim form being lodged not later than three (3) months after the travel occurred. **(OM14.04.2003)**

2. Councillors may claim reimbursement for Public Transport fares to and from official Council meetings/ functions/offices and taxi fares for meetings that conclude after 8.30pm. **(OM09.08.04)**

## **- TRAVEL OUTSIDE THE LGA INCLUDING INTERSTATE TRAVEL**

### **Interstate Travel:**

The prior approval of the elected Council is required for interstate travel on Council business. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

### **Overseas Travel:**

Councillors should avoid international visits unless direct and tangible benefits can be established for the Council and the local community.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained. Travel proposals shall be included in the Council business papers.

After returning from overseas, Councillors, must provide a detailed written account to Council on the aspects of the trip relevant to Council business and/or the local community.

Details of overseas travel must also be included in the Council's Annual Report.

## **- TELEPHONE COSTS AND EXPENSES**

- The cost of telephone rental and all calls associated with duties as a Councillor at each Councillors principal place of residence will be paid for by council subject to a maximum reimbursement of \$250/month and such calls being identified on the Councillor's telephone account **(OM14.02.05)**.
- Reimbursement of all mobile telephone calls associated with their duties as a councillor will be made subject to a maximum reimbursement of \$200/month or 50% of the contract cap fee per month and such calls being identified on the Councillor's mobile telephone account. **(OM15.12.08)**.

## **- INTERNET**

The Council will provide Internet access/broadband communication line / wireless connection at each Councillor's principal place of residence upon request. The use of the Internet shall be in accordance with the Council's email guidelines and protocols on the use of email and Internet facilities.

## **- CARE AND OTHER RELATED EXPENSES**

The Council will provide for reimbursement of reasonable dependent care expenses incurred as a result of undertaking official scheduled Council inspections and attending ordinary meetings of Council. The maximum entitlement for such expenses is \$2,400.00 per annum per Councillor **(OM15.12.08)**

## **- INSURANCE EXPENSES AND OBLIGATIONS**

Councillors are to receive the benefit of insurance cover for:

### **(a) Personal injury**

Personal injury whilst ever on Council business, worldwide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of \$500,000. Such insurance shall also cover permanent disablement, temporary total disability and temporary partial disability. The cover includes medical expenses not covered by Medicare or any private health fund. Full details of Council's personal accident insurance are set out in Council's Insurance Policy. **(OM15.12.2008)**

### **(b) Professional Indemnity**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance.

### **(c) Public Liability**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, subject to any limitations or conditions as set out in the Council's policy of insurance. **(OM17.10.94)**

## **- LEGAL EXPENSES AND OBLIGATIONS**

In the event of:

### **1. An enquiry, investigation or hearing by any of:**

- The Independent Commission Against Corruption;
- The Office of the Ombudsman;
- Department of Local Government;
- The Police;
- The Director of Public Prosecutions; or
- The Local Government Pecuniary Interest Tribunal;
- Other legally constituted investigatory bodies having proper jurisdiction.

into the conduct of a Councillor, or

### **2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall determine whether or not it will reimburse such Councillor, prior to the commencement of the enquiry, investigation, hearing or proceeding, for legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis provided that:**

- (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis, and
- (b) the Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and

- (c) the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Solicitors will be paid, i.e. any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitors will not be reimbursed.
  - (d) Any payment for reimbursement of any legal expenses properly incurred is subject to the approval of the Governance Committee and the Council prior to payment.
  - (e) The Council may at its discretion, set a limit to the total amount of reimbursement it is prepared to approve in respect of any enquiry, investigation, hearing or proceedings being taken against a Councillor(s).
- (OM15.12.08)**

## **PART 3 – PROVISION OF FACILITIES**

### **GENERAL PROVISIONS**

Unless otherwise provided, the facilities which may be provided to the Mayor, Deputy Mayor and Councillors under this policy shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Sections 248-254 inclusive of the Local Government Act.

The Councillors, including the Mayor and Deputy Mayor, to assist them in carrying out the duties of their office are if they request such entitled to receive the benefit of the following facilities without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act:-

### **PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS**

The Council will provide the following facilities to all Councillors for Council related business purposes only:

- Furnished Councillors office;
- One only dedicated parking space at Council's Warriewood offices.
- Typing of official correspondence; including supply of Dictaphone if required.  
**(OM21.06.04)**
- Postage of official correspondence – all mail is to be directed through the Council's own mailing system. Reimbursement of expenses will only be made where expenses can be verified;
- Meals on evenings of Council and Principal Committee Meetings and Briefings;
- Secretarial service including typing, photocopying, printing and postage for the following purposes:-
  - (a) Initiating correspondence to, and answering correspondence received from, residents/ratepayers, Members of Parliament, Government Departments, statutory authorities/bodies, other local authorities, other Councillors, local government related bodies and organisations, the media or the general public in relation to the business of the Council or local government;
  - (b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
  - (c) Communications to Councillors and Council's staff on official business; provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material/ letters.
- Personal Computer at place of residence (laptop, PC or equivalent) which shall include Internet access / Broadband communication line / wireless connection;  
**(OM21.06.04)**
- Access to a printer at place of residence; **(OM09.08.04)**
- Four (4) shelf bookcase;
- Four (4) drawer filing cabinet;
- Telephone answering machine/facsimile machine in place of residence;  
**(OM21.06.04)**
- Councillor business cards;
- Christmas cards subject to a maximum of \$50 per annum; **(OM25.11.96).**
- Mobile phone and hands free car kit; **(OM15.12.08).**
- I-Pad with mobile internet access **(OM06.12.10).**

## **PRIVATE USE OF EQUIPMENT AND FACILITIES**

Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their public and civic duties, and must not use them for private purposes.

Councillors must be scrupulous in the use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

Councillors must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for their own private benefit or gain.

The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead and other information that could give the impression that it is official Council material must not be used for these purposes.

## **PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR**

The Mayor shall, in carrying out the duties of that office, be entitled to receive the benefit of the following additional equipment and facilities without reduction of the fees payable under Section 248 and/or 249 of the Act.

- Suitable furnished office accommodation within Council's Warriewood offices.
- A dedicated car parking space at Council's Warriewood offices.
- A mobile telephone, including all charges for calls, etc. associated therewith, subject to a maximum reimbursement of \$200/month. **(OM14.02.05)**

## **PART 4 – OTHER MATTERS**

### **ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS**

Councillors must return all equipment and other facilities to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The Council will consider the sale of such items to the Councillor at the cessation of their civic duties at an agreed fair market price or written down value. The General Manager is authorised to approve all such requests.

### **PAYMENT OF COUNCILLOR FEES INTO A COMPLYING SUPERANNUATION FUND**

In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an agreement with a Councillor under which the Councillor agrees to forgo all or part of their annual Councillor fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively. **(OM07.04.08)**

### **STATUS OF THE POLICY**

This policy is current and is scheduled for further review in September 2014.



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## **C8.3            General Review of Council Policies**

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**Meeting:**            Council

**Date:**    4 November 2013

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**STRATEGY:**    **Corporate Management**

**ACTION:**            To effectively manage Council's Corporate Governance responsibilities

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### **PURPOSE OF REPORT**

To formally adopt Council's draft Policies following the exhibition process.

#### **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    On 23 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. Working groups were formed comprising the chair of the appropriate committee and reference group, the Mayor, a Director and other staff members. Copies of those policies falling into the corresponding committee were provided to the working group.

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

1.4    Initial workshops discussed whether the policy should be retained without alteration, revoked or amended, the nature of any proposed amendments and any new policies that should be adopted.

1.5    Subsequent workshops analysed the policy proposals.

1.6    Council considered four (4) reports regarding the policies considered and recommended whether to revoke, amend, retain or adopt a new policy as follows:

- Policies considered by Governance Committee – 3 June 2013
- Policies considered by Planning an Integrated Built Environment Committee – 24 June 2013
- Policies considered by the Natural Environment Committee – 15 July 2013
- Policies considered by the Community, Recreation and Economic Development Committee – 5 August 2013

- 1.7 Council also considered the Privacy Management Plan at the meeting of 15 April 2013 and resolved to place on public exhibition the proposed Privacy Management Plan as part of the overall policy review process.
- 1.8 The following policies are still under review as they were deferred by Council for further consideration and will be considered at a different time:
- Policy 43 – Clothing Recycling Bins on Council Controlled Land
  - Policy 88 – Beach and Rockpool Management
  - Policy 169 – Open Air Cinema Events on Council Controlled Land

## **2.0 ISSUES**

- 2.1 The draft policies were placed on public exhibition between 9 September 2013 and 7 October 2013 and submissions invited during that period.
- 2.3 The public exhibition of the Draft Policies was advertised in the Manly Daily Community Noticeboard and made available on Council's website.
- 2.4 Copies were also available at Council's Customer Service Centres and Libraries.
- 2.5 No submissions to the exhibition were received.
- 2.6 Staff have made further recommendations regarding Policy 26 – Storage of Water Craft. These changes are recommended to align dates with financial periods and allow boat owners, many of whom are away over the winter months, time to comply with the permit charges. These changes are considered minor and are not substantial enough to require the policy go back out on public exhibition. Amendments are highlighted in yellow in the tabled document.

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## **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.

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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 A comprehensive review of Policies was undertaken in response to Council's decision of 15 October 2012.
- 4.2 Council considered four (4) reports from each Committee over the period June, July and August 2013 and the Privacy Management Plan in April 2013.
- 4.3 The draft Policies were placed on public exhibition between 9 September 2013 and 7 October 2013.
- 4.4 No submissions to the exhibition were received.
- 4.5 The Policies as placed on public exhibition are recommended for adoption apart from minor changes recommended for Policy 26 – Storage of Water Craft.

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#### **RECOMMENDATION**

That the Council Policies, as tabled, be adopted.

Report prepared by  
Gabrielle Angles, Principal Officer Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

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## **C8.4 Council Meeting Dates for 2014**

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**Meeting:** Council

**Date:** 4 November 2014

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**STRATEGY:** Corporate Management

**ACTION:** To maintain and service Council's range of Committees

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### **PURPOSE OF REPORT**

To confirm Council meeting dates for 2014.

#### **1.0 BACKGROUND**

- 1.1 Section 365 of the Local Government Act requires Councils to meet at least 10 times per year.
- 1.2 Pittwater Council meetings are generally scheduled for the first and third Monday of each month of the year apart from January when Council is in recess.

#### **2.0 ISSUES**

- 2.1 The proposed Council meeting schedule for 2014 is attached (refer **Attachment 1**).
- 2.2 As is Council practice meetings are proposed for the first and third Monday of each month apart from January.
- 2.3 Public holidays in 2014 fall on Monday 21 April (Easter Monday) and Monday 6 October (Labour Day). It is therefore proposed that only one meeting be held in April (Council/CC/NE on 7 April 2014) and one meeting in October (Council/LL/STV on 20 October 2014), thus ensuring that other scheduled meetings and appointments are not interrupted and Council meetings do not coincide with traditional holiday periods.
- 2.4 If the attached schedule is adopted Council will have twenty (20) Ordinary meetings in 2014.

#### **3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 A sustainability assessment is not required for this report.

#### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council meetings for 2014 are scheduled for the first and third Mondays of each month apart from January.
  - 4.2 April and October 2014 each have a public holiday on a relevant Monday and it is proposed to limit meetings to one during each of these months.
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#### **RECOMMENDATION**

That the attached 2014 Council meeting schedule be confirmed.

Report prepared by  
Gabrielle Angles – Principal Officer, Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**Proposed Council Meeting Dates 2014****February 2014**

Monday 3 February – CC/NE  
Monday 17 February – LL/STV

**March 2014**

Monday 3 March – CC/NE  
Monday 17 March - LL/STV

**April 2014**

Monday 7 April – CC/NE

**May 2014**

Monday 5 May – CC/NE  
Monday 19 May - LL/STV

**June 2014**

Monday 2 June – CC/NE  
Monday 16 June - LL/STV

**July 2014**

Monday 7 July – CC/NE  
Monday 21 July - LL/STV

**August 2014**

Monday 4 August – CC/NE  
Monday 18 August - LL/STV

**September 2014**

Monday 1 September – CC/NE  
Monday 15 September - LL/STV

**October 2014**

Monday 20 October – LL/STV

**November 2014**

Monday 3 November – CC/NE  
Monday 17 November - LL/STV

**December 2014**

Monday 1 December - CC/NE  
Monday 15 December – LL/STV

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## **Connecting Communities Committee**

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### **9.0 Connecting Communities Committee Business**

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## C9.1 Mona Vale General Cemetery - Proposed Changes to Fees and Charges

**Meeting:** Connecting Communities Committee

**Date:** 4 November 2013

**STRATEGY:** Corporate Management

**ACTION:** Managing Council's Commercial Activities

## PURPOSE OF REPORT

To recommend to Council changes to the fees and charges at Mona Vale General Cemetery.

## 1.0 BACKGROUND

- 1.1 Council has recently commissioned the supply and installation of a new columbarium wall for the placement of cremated ash remains at the cemetery. Although the anticipated fee for the wall was included in the 2013/2014 Delivery Plan, changes to the design and layout of the wall have necessitated a review and the recommended fees are detailed in **Attachment 1**. The installation of the wall is expected to be completed in November 2013.
- 1.2 In calculating the fees, the following factors have been considered:
- Economic climate
  - Current fees and charges for competing products at the cemetery
  - Current fees and charges for competing products at other cemeteries
  - Perceived demand and future supply
  - Industry trends
  - Yields achieved

## 2.0 ISSUES

### 2.1 Rates for various positions and types of niche.

Purchase single or double niche with ashes placement and plaque

Each face of the new wall will have a different purpose – the inner faces will be used for either single or double ashes placement with a bronze memorial plaque. The pricing structure will divide the available positions into three tiers, with the top two rows priced the highest. Council has not had a pricing structure like this before but it is commonplace at many other memorial parks. Unlike the existing wall which can only take a small container of ashes, the new wall will accommodate a full box of Ash Remains. This is comparable to the garden memorial which is priced from \$1920.00 for immediate use.

Purchase Memorial Plaque on wall with or without ashes in vault

The outer face of the wall will be made available for a memorial plaque commemoration either without ashes or with ashes placed in a communal vault located in the garden immediately behind the wall. These are to be offered at a lower price point to capture the market for customers who have scattered ash remains elsewhere. The pricing will also be set to three tiers so that the top two rows are priced the highest.



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### **3.0 SUSTAINABILITY ASSESSMENT**

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

Mona Vale Cemetery provides an important role for the community. The new columbarium wall at the Cemetery provides further options to cater for the placement of cremated ash remains.

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

No impact

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

No impact

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

These revised rates will, if adopted, result in increased revenue and sales for Mona Vale General Cemetery

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

No impact

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 This report provides a fee structure for the new memorial wall at Mona Vale Cemetery.

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### **RECOMMENDATION**

That the recommended fees and charges for Mona Vale General Cemetery as set out in **Attachment 1** of this report be adopted

Report prepared by  
Nadine Phipps, Cemetery Supervisor

Mark Shaw  
**MANAGER, URBAN INFRASTRUCTURE**

# ATTACHMENT 1

MONA VALE GENERAL CEMETERY - NEW GRANITE WALL NICHE			
Current Pricing		Proposed Change	
Purchase of licence for single niche in granite wall for northern face - immediate use	\$ 2,345.00	Purchase of licence for single niche in granite wall for top rows 1 and 2 - immediate use	\$2,490.00
Purchase of licence for single niche in granite wall for southern face - immediate use	\$ 2,845.00	Purchase of licence for single niche in granite wall for middle rows 3 and 4 - immediate use	\$2,190.00
New item		Purchase of licence for single niche in granite wall for bottom rows 5 and 6 - immediate use	\$1,890.00
Pre-purchase licence for single niche in granite wall for southern face	\$ 1,795.00	Purchase of licence for single niche in granite wall - Rows 1 & 2	\$ 1,595.00
Pre-purchase licence for single niche in granite wall for northern face	\$ 1,295.00	Purchase of licence for single niche in granite wall - Rows 3 & 4	\$ 1,295.00
New item		Purchase of licence for single niche in granite wall - Rows 5 & 6	\$ 995.00
Supply plaque and place ashes in granite wall with design border plaque 240mm x 240mm	\$ 595.00	Supply plaque 160mm x 150mm incl. 10 lines and place ashes in granite wall	\$ 895.00
New item		Purchase of licence for position on memorial wall including plaque 110mm x 110mm (no ash remains) - Rows 1 & 2	\$ 545.00
New item		Purchase of licence for position on memorial wall including plaque 110mm x 110mm (no ash remains) - Rows 3 & 4	\$ 445.00
New item		Purchase of licence for position on memorial wall including plaque 110mm x 110mm (no ash remains) - Rows 5 & 6	\$ 345.00
New item		Place Ashes in Vault behind wall - small container - 190mmW x 110mmD x 90mmH	\$ 150.00
New item		Place Ashes Container in Vault behind wall - large container - 250mmW x 120mmD x 150mmH	\$ 300.00

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## **C9.2            Adoption of Community Engagement Policy**

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**Meeting:**            Connecting Communities Committee

**Date:**            4 November 2013

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**STRATEGY:**    **Corporate Management**

**Objective:**        To engage proactively with the community in a way that is consistent and appropriate and effective

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### **PURPOSE OF REPORT**

To formally adopt Council's revised Community Engagement Policy following the exhibition process conducted earlier this year.

#### **1.0      BACKGROUND**

- 1.1    A Committee of Review, involving Councillors, community members and staff was established to review the existing Community Engagement policy and mechanisms used to engage and inform the community. The Committee met over a number of months in 2012/13 to identify gaps and ways to strengthen the existing policy.
  - 1.1.2    After consideration by this committee a revised draft policy was returned to Council and placed on public exhibition. See **Attachment 1**.
  - 1.1.3    The policy was placed on public exhibition during March 2013. Comment was sought from reference group members, registered community groups and the broader community.
- 1.2    Council chose to delay the final adoption of this policy while significant legislative changes to the NSW Planning legislation concerning community consultation was being progressed by the NSW State government.
  - 1.2.1    The proposed planning legislation creates a community participation charter with principles such as partnership, accessibility, early involvement, right to be informed, proportionate, inclusiveness and transparency. The Charter will apply to all planning authorities in NSW including Councils. Council's will be required to prepare community participation plans based on the above principles.
  - 1.2.2    The Community Participation Plan will describe how the community will be given the opportunity to participate in the decision making processes about planning issues at a strategic level. An expert Panel will be established to audit community participation plans.
  - 1.2.3    The key outcomes of the planning legislation will be robust consultation at an early stage with the broadest cross section of the community. The use of information technology and resources for enhanced communication and participation will be critical.

## 2.0 ISSUES RAISED IN PERIOD OF PUBLIC EXHIBITION

### 2.1 Submissions

A total of 5 submissions were received during the public exhibition period which is outlined as follows:

No.	Issues raised	Council response
1	Policy appears logical, sufficiently expansive yet not confusingly detailed. It would be constructive if a proforma of a community engagement plan template could be made readily available so that the public can be aware of expectations for their input.	<p>The community engagement plan proforma assists Council staff in the planning stages where consultation is required for various Council projects.</p> <p>A proforma is now available on the community engagement page of Council's website. As this is a document that will be revised periodically it will remain as a separate attachment from the policy and be available to the public.</p>
2	<p>Criticism that further consultation should have been undertaken in moving the bus stop in Newport. Only shopkeepers were consulted rather than users of buses.</p> <p>Should have capacity to email submissions to night time meetings where they can be read out.</p> <p>Suggestions for ward meetings to be held on a 6 monthly basis to promote direct interaction between Councillors and the community.</p>	<p>The community engagement policy incorporates the principle of "inclusive" which promotes development of community engagement strategies that involve the broadest cross-section of the community. Staff are expected to include all stakeholders in consultation.</p> <p>Consultation with the community has shown that the community have a preference for meetings to be held at night. Submissions for all projects are encouraged and taken into consideration in determining outcomes.</p> <p>Councillors are invited to all consultation activities initiated by Council staff. Councillors are able to directly hear the views of residents and stakeholders and there are opportunities for the community to converse with Councillors at such meetings if they wish.</p> <p>Resident Association Design Group meetings have been held throughout 2013 to encourage communication of ideas/concerns between elected representatives and the community.</p>

No.	Issues raised	Council response
	Size of submission sheet is too small.	The submission sheet is a template. There is no constraint placed on the size of submissions. Members are welcome to attach further documentation if desired.
3	Concern that the term “stakeholders” and “key stakeholder” means that the response from a small number of residents can be deemed legitimate. Suggestion to insert the term “statistically significant number of those affected” should be inserted into the policy rather than “stakeholders”	<p>In any consultation the views of all are considered. The number of people affected by any proposal is just one element that is taken into consideration in reaching outcomes.</p> <p>Principles in this policy encourage the consideration of the entirety of community concerns/opinions.</p>
4	Resident group meetings initiated by the Mayor have been a useful forum to air issues of common concern to resident groups. Concern about follow through from issues raised at these meetings. Would like the agenda and time allocated to each agenda item agreed in advance between the parties.	Resident Association Design Group meetings have been convened by the Mayor and Councillors throughout 2013. Attendees receive minutes from meetings and actions are discussed.
5	<p>Made reference to Section 96 modification applications – that community engagement policy does not require any notification of these applications to the original objectors</p> <p>Building certificate applications – that community engagement policy does not require publication of these in Manly Daily or on Council’s website</p>	<p>The Act nor Council's policy/DCP requires objectors to a development application to be notified when a modification application is submitted. It is treated as a ‘new’ application. A standard notification is carried out with individual discretion by the Planner to expand the notification if it is considered that the modification is of wider consequence.</p> <p>There is no legislative obligation to do this. It is a compliance matter whereby Council determines that the building conforms to the original approval specifications. In a minority of certificate applications Council may contact a neighbour to seek their opinion as to the works to which the application applies.</p> <p>Significant changes are proposed to the planning legislation and will be outlined in the <i>Planning Act 2013</i> to be introduced to NSW parliament later this year. This Act will prioritise community involvement at the strategic planning level. Such suggestions proposed by this submission can only be dealt with in respect to the new legislation.</p>

- 2.1.2 The submissions identified above provide useful feedback. However, they relate to general practice considerations not amendments that can be made to the policy. They do reinforce the need for a strong set of principles within the policy that will guide consultation activities with the community.

### **3.0 KEY ELEMENTS OF POLICY FOR ADOPTION**

The following provides detail about elements of the current policy that have been revised or have been added.

#### **3.1 Definitions**

A set of definitions (page 2) has been introduced to provide clarity concerning terms used throughout the policy.

#### **3.2 Core values**

The Core values have been updated to be consistent with the more recently adopted framework of core values which are:

- Service
- Respect
- Leadership
- Communication
- Wellbeing
- Integrity

#### **3.3 Guiding Principles**

A set of community engagement “principles” (page 3-4) has been introduced to ensure that Council officers devise engagement that seeks to inform and engage at an early stage with the broadest cross-section of the community to be affected by any project or policy consideration. These principles give prominence to organisational expectations that consultation will be open and transparent and that there will be a genuine commitment to seeking valuable community input.

#### **3.4 Legislative Requirements**

3.4.1 As referred to earlier legislative change will occur in relation to planning legislation. Council is confident that the community engagement policy now proposed for final adoption is consistent with the principles and charter identified in the draft planning legislation. Staff will be informed of any obligations concerning community engagement as soon as the Planning Act 2013 is passed into legislation.

3.4.2 With such change in mind, an amendment to the existing policy under “Legislative Requirements” (page 5) is proposed. It is proposed that reference to specific legislation such as the Local Government Act 1993, Planning and Reporting legislation and the Environmental Planning and Assessment Act 1979 be deleted. This will ensure that this policy does not require amendment each time legislation changes. The policy will now read under the heading “Legislative Requirements”:

There will be occasions when community engagement practices must comply with statutory requirements within legislation. This may include:

- Minimum periods of time for public exhibition (usually 28 days, not including public holidays)
- Statutory obligations to consult the community

- Requirements for consultation to be conducted in a way that is consistent with social justice and broad engagement principles such as equity, access, participation and rights
- Specification about who should be consulted
- Requirement for documentation that sets out the how consultation will be undertaken

Staff should ensure that they are familiar with any statutory requirements concerning consultation.

- 3.4.3 Through its normal processes Council ensures that staff are compliant with legislative regulations and will continue to do so in relation to community engagement processes.

### **3.5 Clarity about decision making**

- 3.5.1 Throughout the policy reference is made to the role that the community will have in decision making. This has been done to provide clarity about the scope and process of a project as well as how final decisions will be made. Importantly, the policy provides examples (page 6) demonstrating the scope of influence the community will have in relation to specific types of projects. Every effort will be made to obtain feedback from the community that will inform final decisions.

- 3.5.2 The importance of providing feedback to the community throughout the decision making process has been highlighted during the review of this policy. Strategies to ensure that the community is well informed about how their input has influenced decision making have been implemented including the development of submission reports for large projects and enhancements to online communication and Council's website. This will continue to be an area of focus for Council's community engagement practice.

### **3.6 Planning for Community Engagement**

Thorough planning for community engagement is expected. This policy stipulates that a community engagement plan will be developed and endorsed by Management (page 7). This will assist with the development of appropriately targeted consultation strategies and communication outputs. The plan will specify an engagement strategy in the early planning stages so that Managers can allocate the appropriate level of resources.

### **3.7 Reporting Requirements**

Staff will be required to include details about community engagement in any reports to Senior Management Team meetings or to Council meetings (page 7).

### **3.8 Evaluation**

A series of performance measures of indicators have been introduced. These are intended for staff to consider in the planning stages of consultation projects as well as measure that can be evaluated at the conclusion of projects.

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## **4.0 SUSTAINABILITY ASSESSMENT**

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

This policy reiterates Council's commitment to engaging the community on matters of importance to Pittwater residents. This policy recognises the enormous value of engaging the community, seeking their input and shaping decisions that are in the best interests of the Pittwater community.

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

There is no environmental impact.

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

There is no economic impact.

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

This policy emphasises the importance of involving members of the community in decision making processes. A key element of the policy is accountability and transparency. It is anticipated that as a result there will be further confidence in Council's ability to plan and make decisions that that will respond to the present and future needs of the community.

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

There is no infrastructure impact.

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### 5.0 **EXECUTIVE SUMMARY**

- 5.1 Council has conducted a period of public exhibition to encourage community feedback regarding this policy. Five submissions were received and noted for their implications for improved community engagement practice.
- 5.2 Extensive changes are proposed for community consultation regarding state government planning matters. This policy has taken account of these changes when finalising this policy.
- 5.3 It is proposed that an amendment be made under the heading "legislative requirements" so that this policy does not require amendment each time legislation changes.
- 5.4 A revised policy has been finalised (see **Attachment 2**) for Council to adopt.

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### **RECOMMENDATION**

- 1. That Council note the comments from the period of public exhibition.
- 2. That the revised Community Engagement Policy (at **Attachment 2**) be adopted.

Report prepared by  
Jane Mulroney, Principal Officer – Community Engagement

Paul Reid  
**MANAGER, CORPORATE STRATEGY AND COMMERCIAL**



**Draft policy placed on public exhibition**

<b>Council Policy – No 170</b>	<b>Adopted:</b>	<b>22.10.2007</b>
	<b>Amended:</b>	<b>20. 6. 2011</b>
<b>Version:</b>		

<b>TITLE:</b>	<b>Community Engagement Policy</b>
<b>STRATEGY:</b> <b>Awareness</b>	<b>Community Engagement, Education and</b>
<b>BUSINESS UNIT:</b>	<b>Corporate Strategy and Commercial</b>
<b>RELEVANT LEGISLATION:</b>	Local Government Act 1993 Environmental Planning and Assessment Act 1979 Privacy and Personal Information Protection Act 1998 Government Information (Public Access) Act 2009
<b>RELATED POLICIES:</b>	Privacy Management Plan (Policy 134)

**PURPOSE OF POLICY**

To outline the approach to community engagement that will be undertaken by staff, consultants and elected representatives of Pittwater Council.

**POLICY OBJECTIVES**

- To confirm Council's commitment to conducting quality consultation and its willingness to actively engage the community in its decision making processes.
- To clarify the role that Council will take to engage residents in decision making.
- To ensure that Council meets its obligations concerning community engagement processes specified by relevant legislation.
- To develop a framework that ensures a consistent approach is undertaken by Council staff in relation to proposals and projects requiring community consultation.
- To create an organisational culture in which community engagement processes are seen in a context of best practice and good governance.
- To provide clarity for staff undertaking consultation and increase their capacity to effectively engage with residents.

## **POLICY STATEMENT**

Pittwater Council is committed to informing the community and involving them in decision making processes on issues that are important and that affect them. This policy recognises the enormous value of engaging the community and involving them in a dialogue which shapes and influences outcomes which the community supports.

An ultimate goal of community engagement is to strengthen trust between Council and the community and build confidence in Council's ability to plan and make decisions that will respond to present and future needs of the community.

Community engagement is always multifaceted and requires a standard of consultation that appropriately responds to the nature, complexity and impact of the issue/s involved. The range of methodologies utilised may be dependent on the resources that are available.

This policy emphasises that the community should be kept informed throughout the consultation process and receive feedback that demonstrates how their input has influenced decisions. It also recognises that the community also has the responsibility to avail themselves of the information and opportunities for input provided by Council if they wish to do so.

## **POLICY DIRECTION**

This policy identifies fundamental principles and core values that will guide Council's approach to community engagement. It provides clarity about the level of the community's participation in decision making and the processes that will be utilised to achieve this. It sets out the planning and reporting requirements when undertaking this work.

## **DEFINITIONS**

### **Community Engagement**

"Any process that involves the community in problem-solving or decision making and uses the community input to make better decisions" International Association for Public Participation (IAP2).

### **Consultation**

The act of discussing something with somebody or with a group of people before making a decision about it (Oxford Dictionary).

### **Community**

Community is a broad term used to define a group of people; whether they are stakeholders, interest groups or residents. A community may be a geographic location (community of place), a community of similar interest (community of practice) or a community of affiliation or identity (such as business or sporting clubs).

### **Level of impact**

The degree to which a community is affected by a decision.

### **Participation**

The degree to which a community is involved in decision making.

## COMMUNITY ENGAGEMENT FRAMEWORK

This policy forms part of Council's community engagement framework described as follows:

**Community Engagement Policy** - This policy provides the foundation upon which all community engagement processes will be developed.

**Community Engagement Procedures** – The procedures provide a step by step guide to completing community engagement plans which outline the consultation approach to be implemented.

**Community Engagement Toolkit** - The Toolkit provides guidance to staff about appropriate methodologies and identifies expected practice standards to be incorporated into all consultation activities.

Staff are expected to be familiar with the contents of each of these documents.

## CORE VALUES

Staff will conduct community consultation with Council's core values of Service, Respect, Leadership, Communication, Wellbeing and Integrity at the forefront of the community engagement process.

Council's 'Statement of Respect' promotes the collaborative relationship that Council aspires to have with its community:

*"Pittwater Council promotes and strives to achieve a climate of respect for others and civic pride; valuing and protecting our unique environment, both natural and built, for current and future generations".*

## PRINCIPLES UNDERPINNING COUNCIL'S APPROACH TO COMMUNITY ENGAGEMENT

The following principles will underpin Council's approach to all community engagement activities:

### *Commitment*

Community engagement will be conducted in a way that demonstrates a genuine commitment to quality consultation with the community and a desire to hear the community's views and aspirations.

### *Coordinated*

Community engagement strategies will be well planned and directed towards getting a better understanding of the community's views on issues of importance to them.

### *Timely*

Community engagement must seek to engage stakeholders at the earliest stage possible and continue to keep them informed and involved throughout the process.

### *Inclusive*

Community engagement will be designed so that the broadest cross-section of the community is involved, especially those that are hardest to reach. Particular strategies may be required to gain involvement of those where barriers exist to their participation (e.g. young people, Aboriginal and Torres Strait Islander people, people from a culturally and linguistically diverse background or people with a disability).

#### *Clarity*

Consultation objectives should be well defined from the outset. The role of the community in the decision making process should be made clear and there should be recognition of the ultimate decision making responsibilities of elected representatives.

#### *Transparent*

Information provided to the community will be comprehensive and provide objective, balanced content about the issue/s involved with any particular project.

#### *Engaging*

Different methodologies will be utilised and delivered in a way that engages those participating. Innovative methodologies including electronic and on-line technologies will be implemented where possible to encourage participation and engagement of the community.

#### *Meaningful*

Consultation activities will provide opportunities for meaningful dialogue and input from key stakeholders.

#### *Accountable*

Strategies should be incorporated into community engagement plans to ensure that Council staff provide feedback to the community about the progress of the project or plan and which also demonstrate how their input has influenced the decision-making process.

#### *Evaluation*

Planning for community engagement will also include steps to evaluate the effectiveness of the engagement process and its outcomes.

Council's principles are consistent with the social justice principles of equity, access, participation and rights as prescribed by the Local Government Act 1993.

### **BENEFITS OF ENGAGEMENT**

There are numerous benefits that result from engaging the community to shape Council decisions. These include:

- A better understanding of the community needs, wants and concerns
- A strengthening of the relationship between Council and its community
- Further transparency in decision making
- Better outcomes which match community aspirations
- Increased trust in public administration

### **WHEN TO ENGAGE?**

A range of triggers will necessitate engagement of the community in decision making processes.

These may include:

- A need to inform a community about matters that will affect them
- Legislative requirements
- Complex issues and multiple stakeholders
- Issues of significant importance across the Local Government Area (LGA)
- A difficult history related to a project and a need to build trust and respect
- A need to involve the community in seeking solutions
- A desire for the community to be part of a vision for the Pittwater area

## **LEGISLATIVE REQUIREMENTS**

At times there will be projects where there is a statutory requirement for consultation. Staff should ensure that they are familiar with any statutory requirements concerning consultation especially those identified within the legislation below:

*Local Government Act 1993 (NSW)* - sets out in a number of sections the obligation of Council to consult with the community and promotes consultation as a necessary part of delivering services to the community.

*Local Government Amendment (Planning and Reporting) Act 2009* requires Council to establish and implement a community engagement strategy when developing and reviewing the community strategic plan. This strategy must be based on the social justice principles of equity, access, participation and rights.

*Environmental Planning and Assessment Act 1979* - specifies that nearby neighbours and interested community groups shall be notified in respect to Development Applications.

## **WHAT DETERMINES THE LEVEL OF PUBLIC PARTICIPATION?**

The community's involvement in decision making will vary greatly according to the nature of the project. For most matters the final decision will be made by Council's elected representatives. Community members and key stakeholders however, have a vital role in voicing concerns, shaping ideas and concepts within projects and informing the final decision.

The Public Participation Spectrum outlined as follows, clearly sets out the level of public participation according to the role the community will have in shaping decisions.

## **PUBLIC PARTICIPATION SPECTRUM**

Pittwater Council's approach to community engagement is informed by the internationally recognised "Public Participation Spectrum" developed by the International Association for Public Participation (IAP2) which outlines five levels of public participation. When planning for community engagement Council staff will need to determine the most appropriate level of participation depending on the nature and complexity of the project/issue.

The following provides a description of the entire public participation model but it must be recognised that Council performs a specific role. Many decisions whilst informed by community input will ultimately rest with Councillors, the community's elected representatives. Accordingly, Council will most commonly conduct community engagement processes at the Inform, Consult and Involve levels of participation.

## IAP2 Spectrum

Level of Participation	Public Participation Goal	Examples of projects requiring participation
Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	<ul style="list-style-type: none"> <li>• Inform about a change to legislation.</li> <li>• Raise public awareness of a situation or proposal</li> <li>• Advise about a decision or direction</li> </ul>
Consult	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	<ul style="list-style-type: none"> <li>• Seek feedback about a service</li> <li>• Seek comment on a proposal or issue</li> <li>• Identify needs and concerns</li> <li>• Collect data or technical information</li> </ul>
Involve	To obtain feedback public on analysis, alternatives and/or decisions.	<ul style="list-style-type: none"> <li>• Involve community to generate discussion</li> <li>• Seek views about proposal options</li> <li>• Identify solutions to difficult problems</li> </ul>
Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	<ul style="list-style-type: none"> <li>• Establish a working group to define options and make recommendations</li> <li>• Share responsibility for achieving outcomes</li> </ul>
Empowerment	To place final decision making in the hands of the public.	<ul style="list-style-type: none"> <li>• Elected representatives will make the final decision</li> </ul>

## PLANNING FOR COMMUNITY ENGAGEMENT

A Community Engagement Plan must be completed for every project requiring community participation and consultation. Council's *Community Engagement Procedures* provides a step by step process to follow when planning for community engagement. Key elements of this process include:

Stages of Planning	
Defining the issues	What are the project objectives and desired outcomes?
Identify the level of impact a project may have on the community	Will it impact on a section of the community or the entire LGA?
Be clear about the scope of the community's input	What is the community to decide on?
Identify stakeholders	Who should be involved in the consultation process?
Decide on appropriate methods for consultation and communication	What will assist the community to be informed and have input?

The combination of all the steps undertaken in planning will determine the nature of consultation to be implemented. The design of consultation will be influenced by the level of participation required.

The development of a community engagement plan is intended to clarify the purpose and objectives of consultation and result in the development of a strategy that incorporates appropriate engagement techniques to maximise participation.

All community engagement plans will be reviewed by the relevant Business Unit Manager, or their delegate, to ensure that the consultation design meets the project objectives and to ensure that sufficient resources are provided for community engagement activities.

A completed copy of the plan must be forwarded to the Community Engagement Officer. The project team staff will also save a copy of the community engagement plan in the "Community Engagement Plan" folder within Council's electronic content management system.

A community engagement plan must be finalised in a timely manner so that appropriate resources can be allocated and communication strategies can be maximised.

Notice of any consultation activities will be given to the Office of the General Manager and Office of the Mayor and Councillors at the earliest opportunity.

## **REPORTING REQUIREMENTS**

All reports to Council where consultation is a desired outcome must incorporate detail about the intended methods of engagement with the community. This may include a copy of the completed community engagement plan as an attachment.

Details about plans for community engagement must also be included in any briefing to Senior Management where community consultation is intended.

## **PRIVACY IN COMMUNITY CONSULTATION**

It is likely that Council will collect personal information during the course of consultation efforts. Consequently, it is important to adhere to Council's Privacy Management Plan (Policy 134) which states that:

*"Council will advise the public in letters, on website, in advertising and at public meetings how any personal information that is collected will be handled".*

Unless indicated otherwise such personal information will generally be dealt with as follows:-

*Public Meetings:* Personal information collected at public meetings (e.g. contact details on an attendance list) will only be collected for the purpose of ongoing consultation on the issue by Council officers. Such information will not be made available for release to the public.

*Submissions:* All submissions received as part of a community engagement process will be considered in the public arena and as such the content of any submission will be made available in its entirety if so requested, unless confidentiality is requested in accordance with the provisions of Section 739 of the Local Government Act. Individual's personal details will not be handed on to a third party.

This process is in accordance with the principles outlined in the *Privacy and Personal Information Protection Act 1998 (2000)*.

## EVALUATION

Effort is required to measure the effectiveness of community engagement practices.

Stage of engagement	Performance Measures
Planning	Adequate resources and expertise have been provided to implement consultation outlined in the community engagement plan.
Consultation	Participants have a clear understanding of the objectives of engagement and their level of involvement in decision making.
	There is a variety of means by which the community can have a say
Analysis	The mix of methods used in consultation have engaged key stakeholders
	Participation of stakeholders reflects the demographic profile of the community of interest
Results	Stakeholders have been informed about the results of consultation and can observe how their input has been considered

Evaluation of this policy should be undertaken every two years.



**Policy for Adoption**

<b>Council Policy – No 170</b>	<b>Adopted:</b>	<b>22.10.2007</b>
	<b>Amended:</b>	<b>20. 6. 2011</b>
<b>Version:</b>		

<b>TITLE:</b>	<b>Community Engagement Policy</b>
<b>STRATEGY:</b> <b>Awareness</b>	<b>Community Engagement, Education and</b>
<b>BUSINESS UNIT:</b>	<b>Corporate Strategy and Commercial</b>
<b>RELEVANT LEGISLATION:</b>	Local Government Act 1993 Environmental Planning and Assessment Act 1979 Privacy and Personal Information Protection Act 1998 Government Information (Public Access) Act 2009
<b>RELATED POLICIES:</b>	Privacy Management Plan (Policy 134)

**PURPOSE OF POLICY**

To outline the approach to community engagement that will be undertaken by staff, consultants and elected representatives of Pittwater Council.

**POLICY OBJECTIVES**

- To confirm Council's commitment to conducting quality consultation and its willingness to actively engage the community in its decision making processes.
- To clarify the role that Council will take to engage residents in decision making.
- To ensure that Council meets its obligations concerning community engagement processes specified by relevant legislation.
- To develop a framework that ensures a consistent approach is undertaken by Council staff in relation to proposals and projects requiring community consultation.
- To create an organisational culture in which community engagement processes are seen in a context of best practice and good governance.
- To provide clarity for staff undertaking consultation and increase their capacity to effectively engage with residents.

## **POLICY STATEMENT**

Pittwater Council is committed to informing the community and involving them in decision making processes on issues that are important and that affect them. This policy recognises the enormous value of engaging the community and involving them in a dialogue which shapes and influences outcomes which the community supports.

An ultimate goal of community engagement is to strengthen trust between Council and the community and build confidence in Council's ability to plan and make decisions that will respond to present and future needs of the community.

Community engagement is always multifaceted and requires a standard of consultation that appropriately responds to the nature, complexity and impact of the issue/s involved. The range of methodologies utilised may be dependent on the resources that are available.

This policy emphasises that the community should be kept informed throughout the consultation process and receive feedback that demonstrates how their input has influenced decisions. It also recognises that the community also has the responsibility to avail themselves of the information and opportunities for input provided by Council if they wish to do so.

## **POLICY DIRECTION**

This policy identifies fundamental principles and core values that will guide Council's approach to community engagement. It provides clarity about the level of the community's participation in decision making and the processes that will be utilised to achieve this. It sets out the planning and reporting requirements when undertaking this work.

## **DEFINITIONS**

### **Community Engagement**

"Any process that involves the community in problem-solving or decision making and uses the community input to make better decisions" International Association for Public Participation (IAP2).

### **Consultation**

The act of discussing something with somebody or with a group of people before making a decision about it (Oxford Dictionary).

### **Community**

Community is a broad term used to define a group of people; whether they are stakeholders, interest groups or residents. A community may be a geographic location (community of place), a community of similar interest (community of practice) or a community of affiliation or identity (such as business or sporting clubs).

### **Level of impact**

The degree to which a community is affected by a decision.

### **Participation**

The degree to which a community is involved in decision making.

## COMMUNITY ENGAGEMENT FRAMEWORK

This policy forms part of Council's community engagement framework described as follows:

**Community Engagement Policy** - This policy provides the foundation upon which all community engagement processes will be developed.

**Community Engagement Procedures** – The procedures provide a step by step guide to completing community engagement plans which outline the consultation approach to be implemented.

**Community Engagement Toolkit** - The Toolkit provides guidance to staff about appropriate methodologies and identifies expected practice standards to be incorporated into all consultation activities.

Staff are expected to be familiar with the contents of each of these documents.

## CORE VALUES

Staff will conduct community consultation with Council's core values of Service, Respect, Leadership, Communication, Wellbeing and Integrity at the forefront of the community engagement process.

Council's 'Statement of Respect' promotes the collaborative relationship that Council aspires to have with its community:

*"Pittwater Council promotes and strives to achieve a climate of respect for others and civic pride; valuing and protecting our unique environment, both natural and built, for current and future generations".*

## PRINCIPLES UNDERPINNING COUNCIL'S APPROACH TO COMMUNITY ENGAGEMENT

The following principles will underpin Council's approach to all community engagement activities:

### *Commitment*

Community engagement will be conducted in a way that demonstrates a genuine commitment to quality consultation with the community and a desire to hear the community's views and aspirations.

### *Coordinated*

Community engagement strategies will be well planned and directed towards getting a better understanding of the community's views on issues of importance to them.

### *Timely*

Community engagement must seek to engage stakeholders at the earliest stage possible and continue to keep them informed and involved throughout the process.

### *Inclusive*

Community engagement will be designed so that the broadest cross-section of the community is involved, especially those that are hardest to reach. Particular strategies may be required to gain involvement of those where barriers exist to their participation (e.g. young people, Aboriginal and Torres Strait Islander people, people from a culturally and linguistically diverse background or people with a disability).

#### *Clarity*

Consultation objectives should be well defined from the outset. The role of the community in the decision making process should be made clear and there should be recognition of the ultimate decision making responsibilities of elected representatives.

#### *Transparent*

Information provided to the community will be comprehensive and provide objective, balanced content about the issue/s involved with any particular project.

#### *Engaging*

Different methodologies will be utilised and delivered in a way that engages those participating. Innovative methodologies including electronic and on-line technologies will be implemented where possible to encourage participation and engagement of the community.

#### *Meaningful*

Consultation activities will provide opportunities for meaningful dialogue and input from key stakeholders.

#### *Accountable*

Strategies should be incorporated into community engagement plans to ensure that Council staff provide feedback to the community about the progress of the project or plan and which also demonstrate how their input has influenced the decision-making process.

#### *Evaluation*

Planning for community engagement will also include steps to evaluate the effectiveness of the engagement process and its outcomes.

Council's principles are consistent with the social justice principles of equity, access, participation and rights as prescribed by the Local Government Act 1993.

### **BENEFITS OF ENGAGEMENT**

There are numerous benefits that result from engaging the community to shape Council decisions. These include:

- A better understanding of the community needs, wants and concerns
- A strengthening of the relationship between Council and its community
- Further transparency in decision making
- Better outcomes which match community aspirations
- Increased trust in public administration

### **WHEN TO ENGAGE?**

A range of triggers will necessitate engagement of the community in decision making processes.

These may include:

- A need to inform a community about matters that will affect them
- Legislative requirements
- Complex issues and multiple stakeholders
- Issues of significant importance across the Local Government Area (LGA)
- A difficult history related to a project and a need to build trust and respect
- A need to involve the community in seeking solutions
- A desire for the community to be part of a vision for the Pittwater area

## **LEGISLATIVE REQUIREMENTS**

There will be occasions when community engagement practices must comply with statutory requirements within legislation. This may include:

- Minimum periods of time for public exhibition (usually 28 days, not including public holidays)
- Statutory obligations to consult the community
- Requirements for consultation to be conducted in a way that is consistent with social justice and broad engagement principles such as equity, access, participation and rights
- Specification about who should be consulted
- Requirement for documentation that sets out the how consultation will be undertaken

Staff should ensure that they are familiar with any statutory requirements concerning consultation.

## **WHAT DETERMINES THE LEVEL OF PUBLIC PARTICIPATION?**

The community's involvement in decision making will vary greatly according to the nature of the project. For most matters the final decision will be made by Council's elected representatives. Community members and key stakeholders however, have a vital role in voicing concerns, shaping ideas and concepts within projects and informing the final decision.

The Public Participation Spectrum outlined as follows, clearly sets out the level of public participation according to the role the community will have in shaping decisions.

## **PUBLIC PARTICIPATION SPECTRUM**

Pittwater Council's approach to community engagement is informed by the internationally recognised "Public Participation Spectrum" developed by the International Association for Public Participation (IAP2) which outlines five levels of public participation. When planning for community engagement Council staff will need to determine the most appropriate level of participation depending on the nature and complexity of the project/issue.

The following provides a description of the entire public participation model but it must be recognised that Council performs a specific role. Many decisions whilst informed by community input will ultimately rest with Councillors, the community's elected representatives. Accordingly, Council will most commonly conduct community engagement processes at the Inform, Consult and Involve levels of participation.

## IAP2 Spectrum

Level of Participation	Public Participation Goal	Examples of projects requiring participation
Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	<ul style="list-style-type: none"> <li>• Inform about a change to legislation.</li> <li>• Raise public awareness of a situation or proposal</li> <li>• Advise about a decision or direction</li> </ul>
Consult	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	<ul style="list-style-type: none"> <li>• Seek feedback about a service</li> <li>• Seek comment on a proposal or issue</li> <li>• Identify needs and concerns</li> <li>• Collect data or technical information</li> </ul>
Involve	To obtain feedback public on analysis, alternatives and/or decisions.	<ul style="list-style-type: none"> <li>• Involve community to generate discussion</li> <li>• Seek views about proposal options</li> <li>• Identify solutions to difficult problems</li> </ul>
Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	<ul style="list-style-type: none"> <li>• Establish a working group to define options and make recommendations</li> <li>• Share responsibility for achieving outcomes</li> </ul>
Empowerment	To place final decision making in the hands of the public.	<ul style="list-style-type: none"> <li>• Elected representatives will make the final decision</li> </ul>

## PLANNING FOR COMMUNITY ENGAGEMENT

A Community Engagement Plan must be completed for every project requiring community participation and consultation. Council's *Community Engagement Procedures* provides a step by step process to follow when planning for community engagement. Key elements of this process include:

Stages of Planning	
Defining the issues	What are the project objectives and desired outcomes?
Identify the level of impact a project may have on the community	Will it impact on a section of the community or the entire LGA?
Be clear about the scope of the community's input	What is the community to decide on?
Identify stakeholders	Who should be involved in the consultation process?
Decide on appropriate methods for consultation and communication	What will assist the community to be informed and have input?

The combination of all the steps undertaken in planning will determine the nature of consultation to be implemented. The design of consultation will be influenced by the level of participation required.

The development of a community engagement plan is intended to clarify the purpose and objectives of consultation and result in the development of a strategy that incorporates appropriate engagement techniques to maximise participation.

All community engagement plans will be reviewed by the relevant Business Unit Manager, or their delegate, to ensure that the consultation design meets the project objectives and to ensure that sufficient resources are provided for community engagement activities.

A completed copy of the plan must be forwarded to the Community Engagement Officer. The project team staff will also save a copy of the community engagement plan in the "Community Engagement Plan" folder within Council's electronic content management system.

A community engagement plan must be finalised in a timely manner so that appropriate resources can be allocated and communication strategies can be maximised.

Notice of any consultation activities will be given to the Office of the General Manager and Office of the Mayor and Councillors at the earliest opportunity.

## **REPORTING REQUIREMENTS**

All reports to Council where consultation is a desired outcome must incorporate detail about the intended methods of engagement with the community. This may include a copy of the completed community engagement plan as an attachment.

Details about plans for community engagement must also be included in any briefing to Senior Management where community consultation is intended.

## **PRIVACY IN COMMUNITY CONSULTATION**

It is likely that Council will collect personal information during the course of consultation efforts. Consequently, it is important to adhere to Council's Privacy Management Plan (Policy 134) which states that:

*"Council will advise the public in letters, on website, in advertising and at public meetings how any personal information that is collected will be handled".*

Unless indicated otherwise such personal information will generally be dealt with as follows:-

*Public Meetings:* Personal information collected at public meetings (e.g. contact details on an attendance list) will only be collected for the purpose of ongoing consultation on the issue by Council officers. Such information will not be made available for release to the public.

*Submissions:* All submissions received as part of a community engagement process will be considered in the public arena and as such the content of any submission will be made available in its entirety if so requested, unless confidentiality is requested in accordance with the provisions of Section 739 of the Local Government Act. Individual's personal details will not be handed on to a third party.

This process is in accordance with the principles outlined in the *Privacy and Personal Information Protection Act 1998 (2000)*.

## EVALUATION

Effort is required to measure the effectiveness of community engagement practices.

Stage of engagement	Performance Measures
Planning	Adequate resources and expertise have been provided to implement consultation outlined in the community engagement plan.
Consultation	Participants have a clear understanding of the objectives of engagement and their level of involvement in decision making.
	There is a variety of means by which the community can have a say
Analysis	The mix of methods used in consultation have engaged key stakeholders
	Participation of stakeholders reflects the demographic profile of the community of interest
Results	Stakeholders have been informed about the results of consultation and can observe how their input has been considered

Evaluation of this policy should be undertaken every two years.



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<b>C9.3</b>	<b>Policy 169 - Open Air Cinema Events on Council Controlled Land</b>
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**Meeting:** Connecting Communities Committee

**Date:** 4 November 2013

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**STRATEGY:** Corporate Management

**ACTION:** To effectively manage Council's Governance responsibilities.

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## **PURPOSE OF REPORT**

To review Policy 169 – Open Air Cinema Events on Council Controlled Land.

### **1.0 BACKGROUND**

- 1.1 At the Committee meeting of 5 August 2013, Council deferred review of this Policy for further consideration.

### **2.0 ISSUES**

- 2.1 Appended at **Attachment 1** is the current policy.
- 2.2 At the Council meeting on August 5, 2013, Councillors debated as to whether films permitted should be 'M' rated or be constrained to 'PG' to reinforce the 'family friendly' approach. Councillors also debated as to whether limiting the number of commercial events was appropriate.
- 2.3 Following the deferral, the sub-committee of Cr Ferguson, Cr Millar and Senior Staff further reviewed the Draft Policy.
- 2.4 Appended at **Attachment 2** is the further reviewed Draft Policy.
- 2.5 The sub-committee made changes to the Policy to provide latitude for community-based and commercial cinema events. This was seen as supporting future outdoor 'Enliven' events and enhancing opportunities for diversity of activities. It was acknowledged that in all likelihood commercial outdoor cinema events will, due to physical constraints, be limited to certain locations. The Plans of Management govern permissibility and duration of events. The Draft Policy requires compliance with relevant legislation and Plans of Management.

The Draft Policy recognises that it is reasonable to not allow major commercial new release movies for 6 (six) weeks after release.

The sub-committee agreed that it is acceptable to allow 'P', 'PG' and 'M' rated movies in community and commercial events but that 'M' rated should only be allowed after 8pm.

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### **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.

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**RECOMMENDATION**

1. That Council adopt draft Policy 169 'Open Air Cinema Events on Council Controlled Land' as shown at **Attachment 2** for the purpose of public exhibition.
2. That draft Policy 169 'Open Air Cinema Events on Council Controlled Land' be placed on public exhibition for a period of 28 days.
3. That on completion of the public exhibition period, a further report be provided to Council addressing any public submissions received.

Report prepared by

Lindsay Godfrey

**MANAGER, COMMUNITY, LIBRARY & ECONOMIC DEVELOPMENT**



<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 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.

### **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.

### **Conditions of Operation**

- Open air cinema events will 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 8.00pm.

- That major commercial new release motion pictures be restricted from being shown on Council controlled public reserves for the first six weeks after their Australian release date.
- Open air cinema events will be conducted in strict accordance with the provisions of the conditions set down in the relevant legislation and plans of management.
- All Councillors and the Senior Management Team will be advised of open air cinema event bookings prior to final approval being granted.

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## **Natural Environment Committee**

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### **10.0      Natural Environment Committee Business**

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<b>C10.1</b>	<b>Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 - 2 &amp; 18 Macpherson Street &amp; 23, 25 &amp; 27 Warriewood Road Warriewood</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 November 2013

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**STRATEGY:** Land Use & Development

**ACTION:** To establish land uses that respond to environmental, cultural, social and economic need in a sustainable manner.

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## **PURPOSE OF REPORT**

To inform Council of a request for Pre-Gateway Review of Council's determination of PP0002/13 by the proponent. This request is before the Department of Planning and Infrastructure (DP&I), who have requested Council's views and comments in relation to the application.

This matter is being reported to Council as Council's comments need to be forwarded to the DP&I by 7 November 2013.

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## **1.0 BACKGROUND**

- 1.1 A Planning Proposal Application, PP0002/13, was submitted on 7 June 2013 for five properties in Warriewood Valley – 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road. The Planning Proposal application sought to amend the provisions of *Pittwater Local Environmental Plan 1993* (LEP 1993) to allow high density residential development up to 98 dwellings per developable hectare. The application also sought to amend the DCP to allow building heights up to 4 storeys (although the concept drawings indicate building heights up to 5 storeys). The application also proposed that Council and the proponent enter into a Voluntary Planning Agreement for the funding and provision of infrastructure.
- 1.2 The subject sites were recently investigated as part of the Warriewood Valley Strategic Review. It was determined by Council and the Director of DoPI, as part of the Strategic Review process, that four of the sites, 18 Macpherson Street and 23, 25 and 27 Warriewood Road, have capacity for residential development up to a maximum density of 32 dwellings per hectare and building heights up to 3 storeys. The remaining site, 2 Macpherson Street, was determined to have no capacity for development due to significant flood constraints .
- 1.3 The *Warriewood Valley Strategic Review Report 2012* was endorsed by the Director-General in May 2013 and adopted by the Council on 12 June 2013.
- 1.4 The Council Officer's assessment of PP0002/13 recommended refusal of the application as the proposal did not satisfy the DP&I's assessment criteria as outlined in its publication *A Guide to Preparing Local Environmental Plans* (April 2013), as the proposal was unable to demonstrate strategic merit or site specific merit.



- 1.5 Council on 2 September 2013 considered the assessment of the application and resolved to refuse to progress the Planning Proposal to the DP&I for a Gateway Determination. On 3 September 2013 the applicant and landowner were advised in writing of Council's determination of the application.
- 1.6 Council at its meeting of 2 September 2013 also resolved inter alia:
- 'That Council request the Local Member the Hon. Rob Stokes to urgently request a meeting with the Minister for Planning and Infrastructure to seek his commitment to support the Council decision for refusal and that the Minister will not use his powers under section 54 of the Environmental Planning and Assessment Act to overturn Council's refusal of the Planning Proposal.'*

Council wrote to the Local Member for Pittwater on 4 September 2013 requesting a meeting, however to date, no meeting has been scheduled. Council also wrote to the Minister advising that the proposal had no strategic merit and should not be the subject of review. The Minister responded noting the correspondence.

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## **2.0 PRE-GATEWAY REVIEW PROCESS**

- 2.1 A pre-gateway review is enabled under Section 56(5) of the *Environmental Planning and Assessment Act 1979* and allows the Minister to arrange for a review of a Planning Proposal by the Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).
- 2.2 The DP&I's *A Guide to Preparing Local Environmental Plans* (April 2013) outlines that a proponent *'must lodge a request to prepare a planning proposal with council before a review request can be made'*.
- 2.3 The DP&I's Guide stipulates that a request for a pre-gateway review can only be made in circumstances where:
- a. the council has notified the proponent that the request to prepare a planning proposal is not supported; or*
  - b. the council has failed to indicate its support 90 days after the proponent submitted a request, accompanies by the required information.*
- 2.4 Where the council has notified the proponent that their request to prepare a planning proposal is not supported, the DP&I's Guide outlines that *'the proponent of the proposed instrument has 40 days from notification to request a review of the council's decision'*. Once a request for a pre-gateway review is received, the DP&I will notify the relevant council of a proponent's request *'if it is confirmed to be eligible and complete'*.
- 2.5 Once a request for a pre-gateway review is confirmed to be eligible and complete, the DP&I will undertake an assessment of the proposal to determine whether the application meets the assessment criteria outlined in their Guide. The criteria against which the DP&I will conduct their assessment are as follows:
- a. 'Has strategic merit as it:*
    - Is consistent with the relevant local strategic endorsed by the Director-General or*
    - Is consistent with the relevant regional strategy or Metropolitan Plan or*
    - Can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)*

b. *Has site specific merit and is it compatible with the surrounding land uses, having regard to the following:*

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision'.*

- 2.6 The flowchart of the pre-gateway review process is contained in **Attachment 1**.
- 2.7 Proposals that do not meet the assessment criteria above will generally not proceed to the review by the JRPP/PAC. A decision of the Director-General that a planning proposal does not qualify for review is final.
- 2.8 If a decision is made that the proposal is to be referred to the JRPP/PAC for review, these bodies may meet with the DP&I, Council and proponent to clarify any issues before completing their review. The JRPP/PAC's advice will be based on the merits of the proposal and will recommend to the Minister whether the proposal should be submitted for determination under Section 56 of the EPA&A Act.

The Minister (or delegate) will make the final decision concerning whether the proposal should proceed to a Gateway Determination.

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### **3.0 CHRONOLOGY TO THE PROPONENT'S PRE-GATEWAY REVIEW REQUEST**

- 3.1 On 17 October 2013, the DP&I wrote to Council advising that the DP&I had received a pre-gateway review request regarding the subject application (letter contained in **Attachment 2**). Council has been requested to provide its *'views about the proposal and/or provide a response detailing why the original request to council was not progressed'*. Council's comments on the application are due with the DP&I within 21 days of receipt of the notification letter, that is, by 7 November 2013.
- 3.2 The proponent's completed Pre-Gateway Review Application Form available on the DP&I's online Pre-Gateway Review Tracking System indicates that the proponent's review request was submitted on 18 September 2013.
- 3.3 The documentation submitted to the DP&I and available on the DP&I's tracking system was not the Planning Proposal application which was lodged, assessed and subsequently refused by Council. The Planning Proposal Application was dated April 2013 and varies in a number of aspects from the Planning Proposal document assessed by Council (dated June 2013).
- 3.4 On 17 October 2013 Council advised the DP&I that the documentation appearing to be relied upon by the proponent and available on the DP&I's website was not the Planning Proposal lodged and refused by Council.
- 3.5 On 23 October 2013 the DP&I confirmed that the incorrect Planning Proposal had been submitted to the DP&I for review and that the correct documentation had now been submitted by the Proponent (this email is contained in **Attachment 3**).

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## 4.0 ISSUES

### 4.1 Planning Proposal documents originally submitted for Pre-Gateway Review

- 4.1.1 The Planning Proposal Application lodged and refused by Council, known as PP0002/13, is dated June 2012. This application was lodged with several supporting documents, including:
- Preliminary Transport Assessment, GTA Consultants, dated 6 June 2013
  - Vegetation Mapping Report, Total Earth Care, dated 6 June 2013
  - Preliminary Urban Design Study, Urbis, June 2013
- 4.1.2 The Planning Proposal originally submitted to the DP&I for review is dated April 2013 and varies in a number of aspects from the document which was lodged and assessed by Council. The proponent's request was also absent of all of the additional documentation which ultimately formed part of the Planning Proposal lodged with Council.
- 4.1.3 The Planning Proposal originally submitted to the DP&I was never lodged with Council and therefore fails meet the DP&I's own eligibility criteria for a pre-gateway review, as outlined at Section 2.2 and 2.3 above. The DP&I's acceptance of the proponent's initial application for a pre-gateway review request is a significant administrative error and only corrected after the 40 day deadline.. In accepting the proponent's application for review, it appears that no checking of the documentation was undertaken before the review request was forwarded to Council for comment.

### 4.2 Revised Planning Proposal documents submitted for Pre-Gateway Review

- 4.2.1 Following confirmation 24 October 2013 by the DP&I that incorrect documentation had been submitted by the proponent for review, revised documentation was uploaded onto the DP&I's online Pre-Gateway Review Tracking System.
- 4.2.2 The revised documentation submitted is consistent with the Planning Proposal lodged and assessed by Council with the exception of a number of additional maps which did not form part of the original application to Council. Of significance is the Height Control Map which has been submitted with this revised documentation. The Height Control Map (Attachment 4) indicates maximum building heights up to 21 metres for all five properties (see **Attachment 4**).
- 4.2.3 The Planning Proposal assessed and determined by Council, proposed maximum building heights of 4 and 5 storeys, however this new Height Control Map would potentially allow buildings up to 7 storeys. This map contradicts a number of statements made within the proponents own supporting documentation which refer to a building heights of 4 and 5 storeys and should not be included within documents now subject to the pre-gateway review request.
- 4.2.4 Once again the DP&I appear to have undertaken no check of the documentation before accepting the proponent's revised Planning Proposal. For the DP&I to accept documentation now which is inconsistent and goes beyond the original application considered by Council completely undermines the pre-gateway review process.

- 4.3 **Timeframe within which a request for a Pre-Gateway Review can be made**
- 4.3.1 As outlined in Sector 2.4 above, the DP&I's Guide stipulates that a proponent has 40 days from notification of Council's determination of a Planning Proposal to submit a request for a pre-gateway review.
  - 4.3.2 The applicant and landowner were notified of Council's determination of the Planning Proposal PP0002/13 on 3 September 2013. The 40-day window within which the proponent may request a pre-gateway review ended on 13 October 2013.
  - 4.3.3 The proponent's request for a pre-gateway review was submitted to the DP&I on 18 September 2013. As outlined above, the application lodged with the DP&I for review was never accepted or determined by Council and does not meet the DP&I's eligibility criteria for a pre-gateway review.
  - 4.3.4 The revised documentation appeared on the DP&I's online Pre-Gateway Review Tracking System on 24 October 2013, well outside of the 40-day review request period.
  - 4.3.5 There is a clear expectation by the Community and Council that the DP&I would adhere to their own guidelines in assessing any review request. Failure to respect the procedure makes a mockery of the Department's ambition for a clear and accountable community engagement.
- 4.4 **Council's assessment and determination of Planning Proposal PP0002/13**
- 4.4.1 Council's determination of PP0002/13 in the strongest terms refused the Planning Proposal application as the proposal did not satisfy the DP&I's assessment criteria as outlined in its publication *A Guide to Preparing Local Environmental Plans* (April 2013), as the proposal was unable to demonstrate strategic merit or site specific merit.
  - 4.4.2 Among other things, the Planning Proposal grossly exceeded the density and building heights within the adopted *Warriewood Valley Strategic Review Report 2012* endorsed by Council and the Director General of DoPI. The *Warriewood Valley Strategic Review Report 2012* a joint undertaking between Council and the DP&I and was informed by several expert consultant studies and the subject of extensive community consultation as well as consultation with state and servicing agencies. The Planning Proposal departed significantly from the outcomes and standards agreed to by the joint Council and DP&I team who undertook the review, the community and the elected Council.
  - 4.4.3 Council on 2 September 2013 considered the Officer's assessment of the application and resolved to refuse to progress the Planning Proposal to the DP&I for a Gateway Determination. Council's resolution of 2 September 2013 is contained in **Attachment 5**.
  - 4.4.4 This Planning Proposal, if now progressed via the review process, would convey inconsistency and distrust in the strategic planning system, undermining the credibility of the Government and in particular its ambitions under the Planning Reform and recent Bill introduced into Parliament to strengthen strategic planning and community engagement.

#### **4.5 Availability of Council submission to DP&I**

At the time of writing this report, Council's submission to the DP&I has not been finalised in time to be included in the Council Agenda. Council's submission will be tabled and circulated separately to Councillors and made available on the Council's website, Customer Service Centres and libraries no later than 5pm Thursday 31 October 2013.

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### **5.0 SUSTAINABILITY ASSESSMENT**

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

The Planning Proposal refused by Council and now subject to a pre-gateway review seeks a development that will unacceptably increase flood risk to life and property. The application proposes unacceptable and unsafe access arrangements. The application has not considered bushfire risk. The applicant's premise in their original application that public transport will provide adequate connection to centres and services is unacceptable as no commitment has been given to substantially increase bus services in region.

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

The Planning Proposal refused by Council and now subject to a pre-gateway review seeks to narrow the creek line corridor on the subject sites which is likely to have a number of detrimental impacts on the environment. Further studies would be required to assess the impact of the proposed development on the existing vegetation.

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

The Planning Proposal refused by Council and now subject to a pre-gateway review does not provide any economic justification to support the inordinate increase in density sought.

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

The Planning Proposal refused by Council and now subject to a pre-gateway review was assessed by Council was been notified in accordance with Council's notification policy. The assessment of the original application as well as Council's response to the proponent's pre-gateway review request has been transparent.

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

The Planning Proposal refused by Council and now subject to a pre-gateway review would result in additional infrastructure demands above what Council has already planned to provide within the release area. It is uncertain whether any additional infrastructure could be accommodated within the release area.

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### **6.0 EXECUTIVE SUMMARY**

6.1 On 7 June 2013 a Planning Proposal Application, known as PP0002/13, was received by Council for five properties in Warriewood Valley – 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road. The application sought to amend the provisions of *Pittwater Local Environmental Plan 1993* (LEP 1993) to allow high density residential development up to 98 dwellings per developable hectare.

6.2 Council on 2 September 2013 resolved to refuse to progress the Planning Proposal PP0002/12 to the DP&I for Gateway Determination.

- 6.3 On 17 October 2013 the DP&I wrote to Council advising that the proponent has sought a pre-gateway review, seeking Council's views on the application within 21 days. The documentation appearing to be relied upon by the proponent and available on the DP&I's online Pre-Gateway Review Tracking System was not the Planning Proposal lodged and refused by Council.
- 6.4 On 23 October 2013 the DP&I confirmed that the incorrect Planning Proposal had been submitted for review and advised that the correct documentation was now DP&I's online Pre-Gateway Review Tracking System. A review of this documentation has revealed that it was also inconsistent with the Planning Proposal lodged and assessed by Council. The revised documentation has also been submitted outside of the 40-day window within which the proponent may request a pre-gateway review.
- 6.5 At the time of writing this report, Council's submission to the DP&I has not been finalised in time to be included in the Council Agenda. Council's submission will be tabled and circulated separately to this report and will be made available on the Council's website, Customer Service Centres and libraries no later than 5pm Thursday 31 October 2013.

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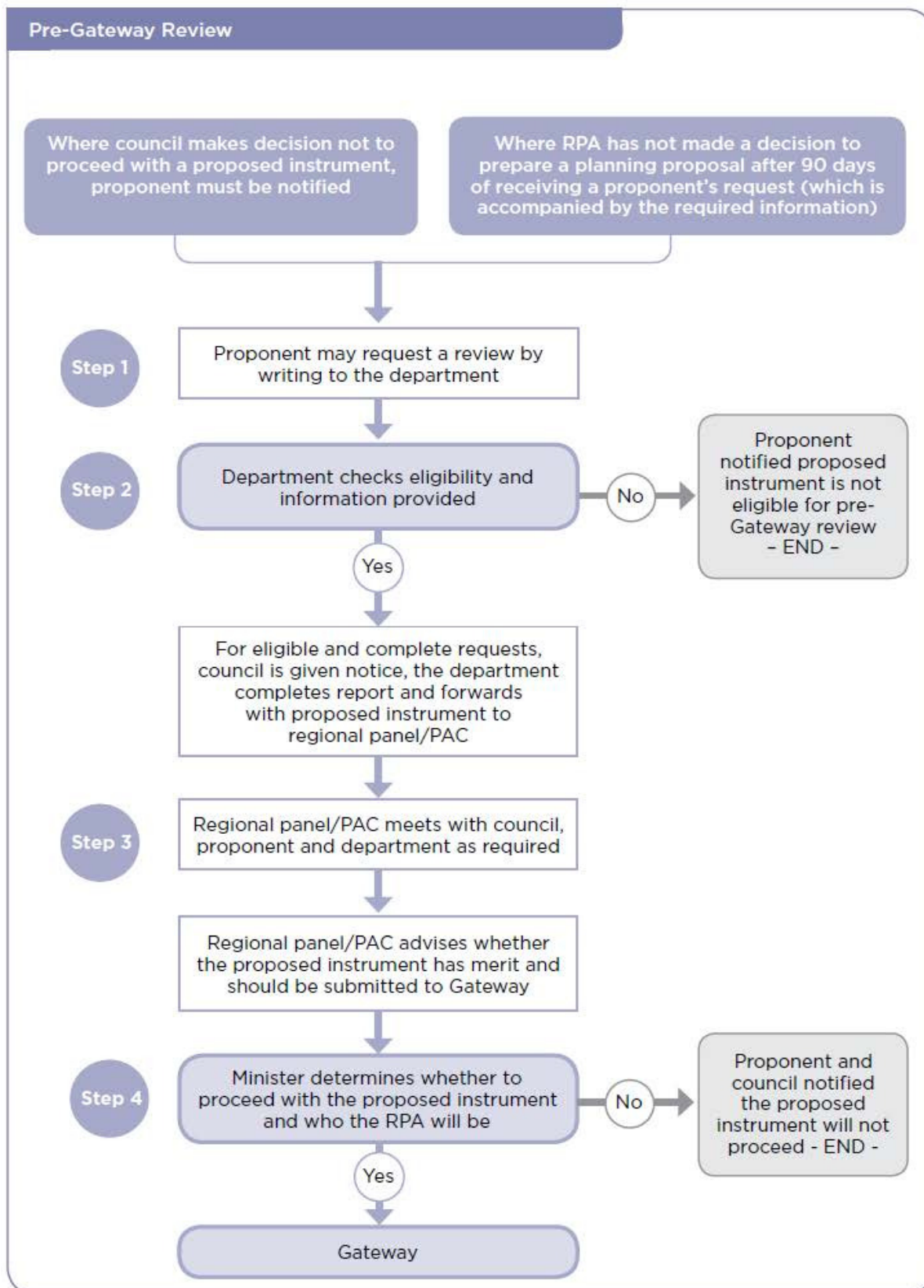
## **RECOMMENDATION**

That Council note the contents of this report and:-

- Advise the Minister and the Director General in the strongest terms that the request by the proponent to seek a review of the Planning Proposal is invalid as the application was not made within the 40 day time frame stipulated by the Department's procedure. The Minister be further advised that failure to reject the proponent's application on this basis would undermine the Government's credibility and community relations, particularly given the Government's stated ambition, reflected in the current Bill before Parliament, of accountability, reliance on strategic planning, community trust and engagement.
- Forward to the Department of Planning & Infrastructure the tabled submission that highlights the total lack of strategic merit of the Planning Proposal and its gross inconsistency with the Warriewood Valley Strategic Review adopted by the Director General of the Department of Planning and Infrastructure and Council.

Report prepared by,  
Tija Stagni, Senior Planner – Land Release

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**





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

Ref: 13/16979

Dear Mr Ferguson

**Re: Request for Pre-Gateway Review – PGR\_2013\_PITTW\_002\_00**

I am writing to notify council that a pre-gateway review request has been submitted to the Minister for Planning and Infrastructure for consideration.

The review request relates to a proposal by Karimbla Constructions Services (NSW) Pty Ltd to amend the Pittwater Local Environmental Plan 1993 for sites located at 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road, Warriewood. The proponent is seeking to amend the LEP by increasing the FSR for higher density residential development on the subject lands.

The request states that the proponent is seeking a pre-Gateway review as Pittwater Council have confirmed in writing that the request to prepare a planning proposal is not supported.

Council is invited to provide its views about the proposal and/or provide a response detailing why the original request to council was not progressed. A response must be submitted within 21 days from the date of this letter to the Sydney East Regional Office of the Department of Planning and Infrastructure.

The views of council will be taken into consideration by the Department and the Joint Regional Planning Panel when considering whether to recommend if the proposal should be supported and proceed to Gateway as a planning proposal.

Council can check the progress and status of the review on the department's LEP Tracking System, at <http://pgrtracking.planning.nsw.gov.au/PublicList.aspx>.

Should you have any further enquiries about this matter, I have arranged for Ms Lee McCourt the Department of Planning and Infrastructure's Sydney Region East Planning Team, to assist. Ms McCourt may be contacted on (02) 8575 4129.

Yours sincerely

  
17.10.13  
**For Regional Director  
Sydney Region East  
Planning Operations & Regional Delivery**



From: "Tim Archer" <Tim.Archer@planning.nsw.gov.au>  
To: Andrew\_Pigott@pittwater.nsw.gov.au  
Cc: "Lee McCourt" <Lee.McCourt@planning.nsw.gov.au>, "Megan Hollingsworth" <Megan.Hollingsworth@planning.nsw.gov.au>  
Date: 23/10/2013 05:34 PM  
Subject: Warriewood pre-gateway review

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Andrew,

The Department has confirmed that the incorrect planning proposal was submitted to us for pre-gateway review. Thank you for bringing this to the Department's attention.

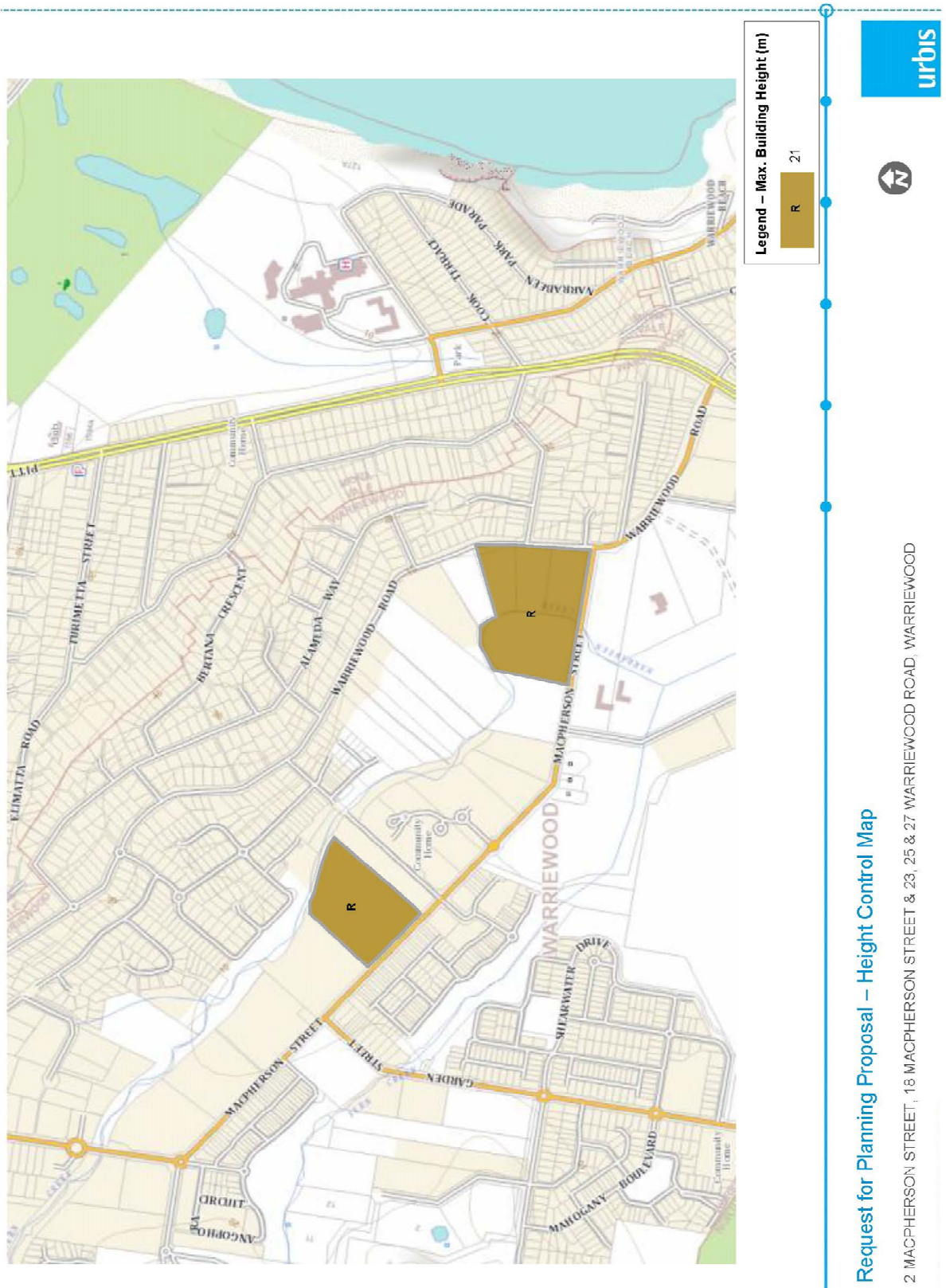
Meriton has now submitted the correct proposal. As such, please find attached the correct proposal for Council's review and comment (2 more emails to follow).

Happy to discuss.

Tim

**Tim Archer**

A/ Manager Metropolitan Delivery  
Planning Operations & Regional Delivery  
NSW Department of Planning & Infrastructure  
GPO Box 39 | 4-6 Bligh Street | SYDNEY NSW 2001  
T 02 8575 4120 M 0416 190742  
E [tim.archer@planning.nsw.gov.au](mailto:tim.archer@planning.nsw.gov.au)





## **Minute Item**

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<b>C10.1</b>	<b>Assessment of Planning Proposal Application PP0002/13 - 2 &amp; 18 Macpherson Street and 23, 25 &amp; 27 Warriewood Road Warriewood</b>
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**Meeting:** Natural Environment Committee

**Date:** 2 September 2013

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### **COMMITTEE RECOMMENDATION**

- a. That Council refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood to initiate the process to amend *Pittwater Local Environmental Plan 1993* for the reasons outlined below:
  1. The proposal fails to meet the objects of the *Environmental Planning and Assessment Act 1979*, particularly as it substantially deviates from s5(a)(ii) to encourage the promotion and co-ordination of the orderly and economic use and development of land.
  2. The proposal departs significantly from the outcomes and standards recommended in the *Warriewood Valley Strategic Review Report 2012* recently adopted by the Director General of Planning and Infrastructure and Council.
  3. The proposal disregards the community engagement process conducted by Council and the Department of Planning and Infrastructure leading to the adoption of the *Warriewood Valley Strategic Review Report 2012* and would result in a development that severely undermines community expectations and public confidence.
  4. The proposal has not demonstrated changes to current and known constraints, opportunities and economic conditions to justify a departure from the outcomes and standards of the adopted *Warriewood Valley Strategic Review Report 2012*.
  5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.

6. The proposal will result in a development of a density and scale that is not in keeping with the desired future character of the area as expressed in A4.16 of *Pittwater 21 Development Control Plan* and envisaged by the *Warriewood Valley Strategic Review Report 2012*, as adopted by the Director General of Planning and Infrastructure and Council.
7. The Planning Proposal is inconsistent with Local Planning Direction 4.3 – Flood Prone Land, issued under s117 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
  - i. The proposal would significantly increase residential development on flood prone land, in a known floodway and is likely to result in significant flood impacts to other properties.
  - ii. The proposal will result in development that increases the number of future flood affected occupants of the floodplain, thereby putting more people and assets at flood risk as well as burdening the response efforts of emergency services.
  - iii. The Planning Proposal has not relied on the latest available flood information contained within the Draft Narrabeen Lagoon Flood Study 2013. The findings of the Brown Consulting Flood Management Statement are based on superseded data which is likely to have resulted in an underestimation of flood depths and velocities across the subject sites.
  - iv. The recommendations of the Brown Consulting Flood Management Statement in relation engineering solutions to enable development of 2 Macpherson Street and 23, 25 & 27 Warriewood Road are flawed and cannot be relied upon.
  - v. The proposal relies on deliberate isolation or sheltering in buildings during times of flood which is not considered an acceptable solution and is inconsistent with the requirements of the NSW State Emergency Service and the NSW Floodplain Development Manual.
  - vi. The proposal is inconsistent with the requirements of B3.22 of *Pittwater 21 Development Control Plan*.
8. The Planning Proposal is inconsistent with Local Planning Direction 4.4 – Planning for Bushfire Protection, issued under s117 of the *Environmental Planning and Assessment Act 1979*, as it has not had regard for Planning for Bushfire Protection 2006 and will place inappropriate development in a hazardous area.
9. The Planning Proposal does not achieve the requirements of C6.7 of *Pittwater 21 Development Control* as it does not adequately address issues related to water cycle management issues, including water quality management, watercourse and corridor management.
10. No investigation has been undertaken in regard to potential land contamination of the sites (in particular 2 Macpherson Street), as required by *State Environmental Planning Policy No 55 – Remediation of Land*.
11. The proposal fails to demonstrate the traffic and transport implications resulting from this proposal are satisfactory, as confirmed by the Roads and Maritime Services' request that a detailed traffic assessment of the impacts of the proposal on local and state roads be undertaken prior to a Gateway Determination.

12. The proposal fails to demonstrate that the increase in density proposed with resultant population increase substantially greater than planned for, will be able to be provided with additional infrastructure, particularly open space in reasonable vicinity to the release area.
  13. The Department of Education & Communities have identified that in order to address the additional demand created by the Planning Proposal, additional classrooms will be required at local schools. The Department requests that provision be made to seek contribution from the developer. As no mechanism exists to address this issue the proposal is not supported.
  14. It is recognised that the application is a Planning Proposal however the cumulative impacts resulting from this density has not been accounted for, namely:
    - i. The proposed building heights of up to 5 storeys within an area characterised by low-rise, low to medium density housing.
    - ii. The proposed building layout is not sympathetic with the surrounding area.
    - iii. The proposed car parking rate of 1.5 spaces per 2 bedroom unit which is inconsistent with the requirements of B6.6 of *Pittwater 21 Development Control Plan* and the rate accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. The reduced parking rate proposed will result in an undersupply of car parking.
    - iv. A traffic generation rate lower than the rate utilised in the *Warriewood Valley Strategic Transport Study* (AECOM 2011) and accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. This is likely to have underestimated the traffic impacts of the development.
    - v. The unsafe access arrangements proposed from the subject sites onto Macpherson Street and Warriewood Road.
    - vi. The internal road layout which is inconsistent with the requirements of the *Warriewood Valley Roads Masterplan 2006* and C6.24 of *Pittwater 21 Development Control Plan*.
  15. The proposal is not in the public interest, provides no net community benefit, is inconsistent with the principals of orderly planning and, if approved, would undermine confidence in evidence based planning, the community engagement process and decision making.
- b. That Council not support the proposed Voluntary Planning Agreement, as it would be in- consistent with the methodologies used for the calculation of developer contributions in the Warriewood Valley Release Area and will not deliver the essential infrastructure as planned by the Warriewood Valley Section 94 Contributions Plan.
  - c. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application, advising them of Council's decision.

(Cr Millar / Cr Young)

**Notes:**

1. Cr Townsend left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Townsend was:

*“As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest.”*

2. Cr Hegarty left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Hegarty was:

*“I sit on the JRPP as Council’s delegate and this subject land may be before the Committee.”*

3. A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	

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<b>C10.2</b>	<b>Narrabeen Lagoon Flood Study Final Report for Adoption (BMT WBM, 2013)</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 November 2013

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**STRATEGY:** Disaster, Emergency and Risk Management

**ACTION:** Develop and implement a program to undertake natural hazard risk management studies in accordance with Risk Management Guidelines.

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### **PURPOSE OF REPORT**

To present the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013) (version 4) and seek recommendation from Council that this report is adopted and used in the preparation of the Narrabeen Lagoon Floodplain Risk Management Study & Plan in partnership with Warringah Council.

The Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013) is comprised of three separate documents, namely:

- 1) Narrabeen Lagoon Flood Study Final Report (BMT WBM, September 2013, revision number 4)
- 2) Narrabeen Lagoon Flood Study Final Mapping Compendium (BMT WBM, September 2013)
- 3) Narrabeen Lagoon Flood Study Flood Planning Levels and Categories – Pittwater Council Final Report (BMT WBM, September 2013, revision number 2).

These will be tabled at the meeting.

### **1.0 BACKGROUND**

- 1.1 In May 2010, Pittwater Council entered into a project agreement with Warringah Council to undertake an updated Floodplain Risk Management Plan for the Narrabeen Lagoon catchment. The first stage of this process was to update the Flood Study. In February 2011, BMT WBM was engaged by Warringah Council to update the original 1990 Narrabeen Lagoon Flood Study. The updated Flood Study will supersede existing flood studies for the catchment, including Narrabeen Lagoon Flood Study (1990), Nareen Creek Flood Study (1996) and the mainstream areas of the Warriewood Valley Flood Study and Flood Study Addendum (2005).
- 1.2 In total approximately 3867 properties have been identified within the Narrabeen Lagoon floodplain. The Final Narrabeen Lagoon Flood Study shows there are approximately 2250 properties within Pittwater LGA that have been highlighted by this Flood Study as being affected by the Probable Maximum Flood (PMF).
- 1.3 The Final Draft Narrabeen Lagoon Flood Study (BMT WBM, May 2013) was placed on public exhibition in July 2013 for 4 weeks. A total of 11 submissions were received from Pittwater residents.
- 1.4 Several minor changes were made to the report and mapping and the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013) was presented to the Narrabeen Lagoon Floodplain Risk Management Working Group on 10 October 2013. The Working Group has recommended that this Final Report is to be presented to Council and is suitable for use in preparing a Narrabeen Lagoon Floodplain Risk Management Study and Plan.

## **2.0 ISSUES**

### **2.1 Public Exhibition & Community Consultation**

The Final Draft Narrabeen Lagoon Flood Study (BMT WBM, May 2013) was placed on public exhibition from 15 July 2013 to 12 August 2013. The public exhibition was undertaken in partnership with Warringah Council and included the following activities:

- Updates to the project webpage and both Councils' webpages.
- Media Release resulting in a Manly Daily article on 17 July 2013.
- Details of the public exhibition in the Pittwater Council Community Noticeboard and Warringah Update (Manly Daily).
- Two community brochures: one for Pittwater and one for Warringah residents.
- Posters advertising public exhibition of the Narrabeen Lagoon Flood Study at Council libraries, Customer Service Centres and Coastal Environment Centre
- Individually addressed letters to residents affected by predicted Probable Maximum Flood (PMF) extent.
- One on one individual information sessions.
- Letters to community interest groups and State Government Members of Parliament.

A total of 48 Pittwater residents attended the information sessions. Pittwater Council also sent approximately 40 emails to residents with maps specific to their property and spoke to approximately 30 residents regarding the impact of this study on their property.

Pittwater Council received 11 formal submissions as a result of this public exhibition. Each submission has been forwarded to BMT WBM for their consideration in the finalisation of the Flood Study document.

### **2.2 Changes to Narrabeen Lagoon Flood Study**

There have been several minor changes made to the Final Narrabeen Lagoon Flood Study report. These changes are detailed below:

- Review of levee at Fern Creek and Garden Street.
- Smoothing of model outputs.
- Addition of public exhibition material and outcomes (Section 3.5, 3.6 and Appendix B).
- Additional text relating to the verification of Warriewood Valley flood levels (Section 7.4 and Appendix C).
- Colour representing Recreational Land and Creeks & Tributaries have been amended (Figure 4-3).

Approximately 50 properties have been removed in the Final Narrabeen Lagoon Flood Study, mainly due to the review of the levee at Fern Creek. The public exhibition version showed the levee was not continuous in height along Fern Creek southern bank. This was reviewed by BMT WBM and the model was amended accordingly. The difference in the flood extents are shown in Figure 1.



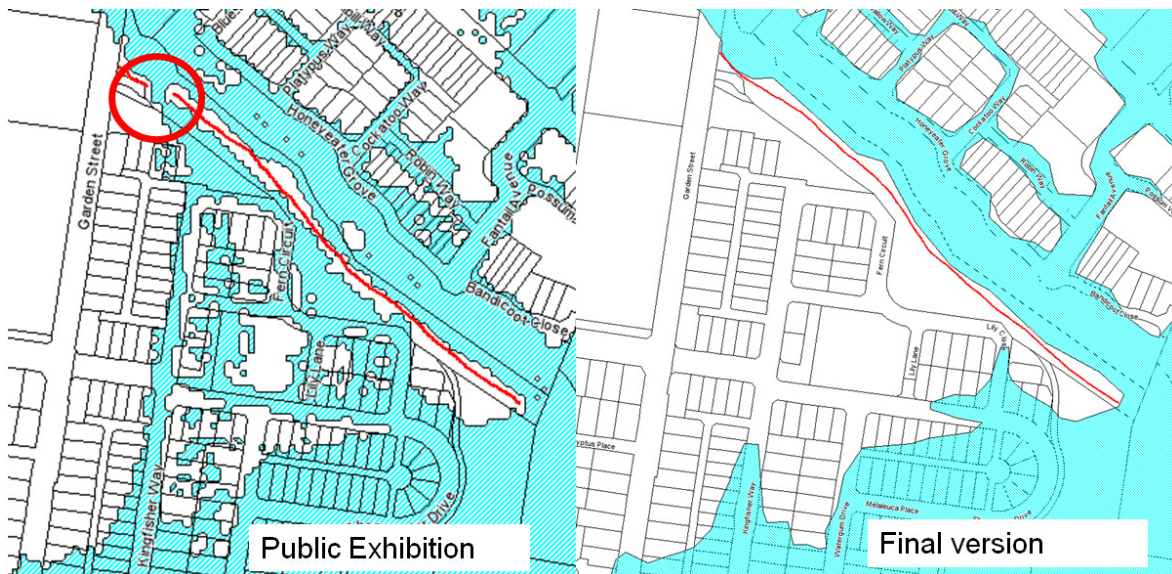


Figure 1: Change in PMF Extents between Public Exhibition and Final Report.

### 2.3 Development Controls

Properties affected by the Flood Planning Area, as shown in the Narrabeen Lagoon Flood Study Flood Planning Levels and Categories – Pittwater Council Final Report (BMT WBM, September 2013, revision number 2) will be impacted by the flood related development controls within the Pittwater 21 Development Control Plan.

It should be noted that whilst only approximately 183 properties are newly affected by this Flood Study, the majority of these are residential properties within the Probable Maximum Flood (PMF) extent and therefore do not have any flood related development controls.

However, the minimum levels for floor levels are likely to have changed as a result of the Narrabeen Lagoon Flood Study. Generally, the predicted flood levels have increased by approximately 0.1m, which results in the required minimum floor levels now being an additional 0.1m higher, to ensure compliance with Council's Draft Pittwater Local Environmental Plan 2013.

Once adopted, the maps within the Final Narrabeen Lagoon Flood Study (September 2013) will be added to the Pittwater 21 Development Control Plan in order for this information to be used in assessing Development Applications within the Flood Planning Area and therefore used in updating the Section 149 Certificate notations.

There are also flood related development controls specific to the Warriewood Valley Land Release Area, as specified in C6.4, C6.5 and C6.7. It is proposed to update these development controls in order to ensure applicants refer to the latest available flood information as detailed in the Narrabeen Lagoon Flood Study (September 2013). This is to be achieved by amending the development control C6.4, C6.5 and C6.7 to read:

*"A Water Management Report is to be prepared for each sector of the land release in accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001), **and Narrabeen Lagoon Flood Study (September 2013)** or as amended. The report must incorporate water cycle management, water quality management, watercourse and corridor management, and floodplain management. A copy of the specification **and Flood Study** can be obtained from Council."*

In accordance with the requirements to update the Development Control Plan, these amendments will be placed on public exhibition for 4 weeks. This will include a notice within the Manly Daily and details of the changes placed in Council's Customer Service Centres and Libraries.

## 2.4 Section 149 Certificates

An interim Section 149 (5) planning notation was added to all properties within the PMF extent as presented in the Final Draft Narrabeen Lagoon Flood Study (BMT WBM, May 2013). This notation stated:

*"Pittwater Council is in receipt of updated flood information for Narrabeen Lagoon catchment. The Final Draft Narrabeen Lagoon Flood Study (BMT WBM, May 2013) is currently considered the best available information for flood information for the suburbs of North Narrabeen, Elanora Heights, Warriewood and parts of Ingleside. This information is considered to be draft however, it may be used for development assessment purposes. Please contact Council's Climate Change & Catchment Management department for further information."*

Following the finalisation of the Narrabeen Lagoon Flood Study, it is now proposed to remove this interim Section 149 (5) notation and update the Section 149 (2) notations for all properties as identified in the Final Narrabeen Lagoon Flood Study (BMT WBM, 2013), using Council's existing flood category notations [Note: Council's existing Section 149 (2) notation wordings are not being changed. Properties affected by the Flood Study will fall into the existing flood categories.]

## 2.5 Sea Level Rise Investigation Area

At the Council meeting of 7 February 2011, it was resolved to formulate a Sea Level Rise Investigation Area in accordance with NSW Sea Level Rise Policy Statement (2009). The area covered included land at or below 4.0m AHD, as shown in Figure 2.

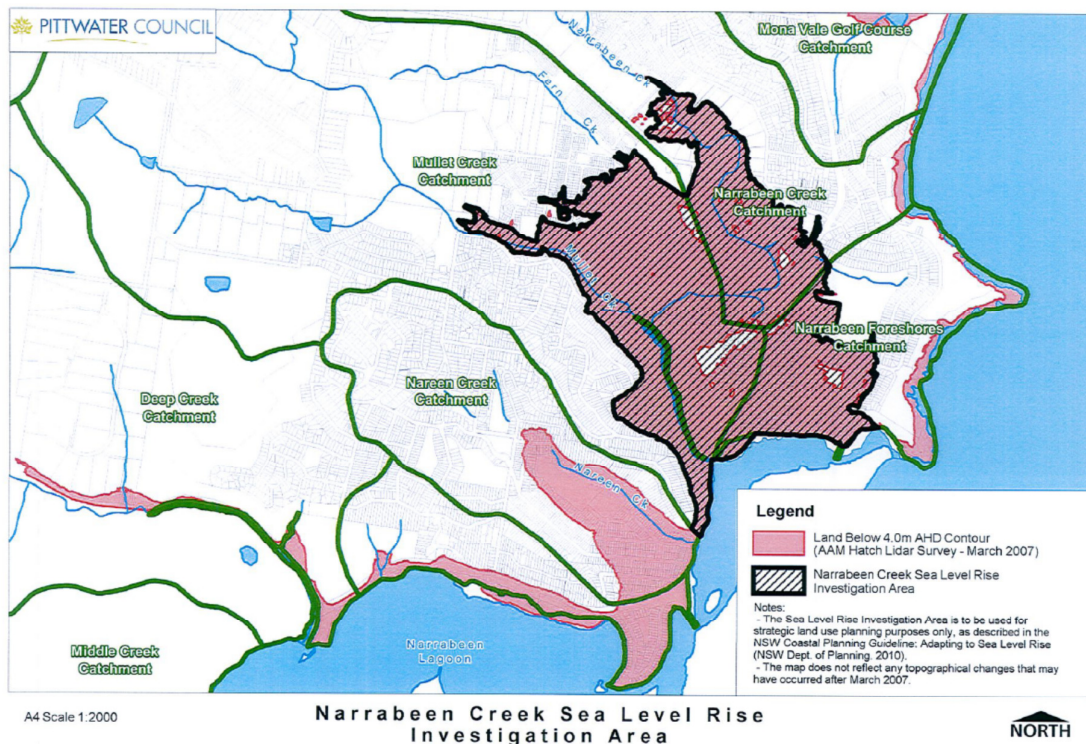


Figure 2: Sea Level Rise Investigation Area

The aim of the sea level rise investigation area was to highlight those areas that maybe affected by sea level rise but that have not been fully identified or assessed through a Flood Study. In addition, the NSW Sea Level Rise Policy was rescinded in September 2012.

The Final Narrabeen Lagoon Flood Study details the impact of climate change on the flood behaviour of the lagoon (see chapter 8 of the report). As such, the flood extents in the Narrabeen Lagoon Flood Study will supersede the sea level rise investigation area and will be used in conjunction with the Pittwater 21 Development Control Plan.

Therefore, there is no requirement for councils to declare these areas and it is proposed that the Narrabeen Creek Sea Level Rise Investigation Area be removed.

## **2.6 Narrabeen Lagoon Floodplain Risk Management Study & Plan (FRMS&P)**

The next stage in the Floodplain Management process is to undertake a Floodplain Risk Management Study and Plan for Narrabeen Lagoon using the data within the Flood Study.

It is proposed that Pittwater Council and Warringah Council will work in partnership to undertake this FRMS&P. Warringah Council applied for financial assistance from NSW Government Floodplain Management Program 2013 to undertake this project. To date both Councils are awaiting information on the outcome of this grant application.

It is proposed that the Narrabeen Lagoon FRMS&P will be undertaken as a catchment wide assessment of proposed management options. As such this report is likely to supersede the existing South Creek FRMS&P and the Draft Nareen Creek FRMS&P. Consequently, Pittwater Council will not finalise the Draft Nareen Creek FRMS&P. However, a further report will be provided to Council following the opportunity to consider the findings of the current Flood Study on the proposed North Narrabeen Master Plan area and its implication on land use planning and flood emergency response.

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## **3.0 SUSTAINABILITY ASSESSMENT**

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

The Narrabeen Lagoon Flood Study provides technical details on the risks and hazards that may occur during heavy rain. This will facilitate residents in being aware of risks and subsequently adapting their behaviour accordingly to reduce the risk to life and property.

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

There are no new works on the ground as a result of the updated Narrabeen Lagoon Flood Study. The upcoming stage in the Floodplain Management process will propose suitable management options for reducing and managing the risk to life, property and the environment.

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

The catchment based approach results in Pittwater Council working in partnership with Warringah Council in management of flood risks within the Narrabeen Lagoon catchment. This approach ensures economies of scale occur and financial costs are shared between the two Councils.

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

The Narrabeen Lagoon Flood Study is the first step in the Floodplain Management process to ensure compliance with the requirements of the NSW Government's *Flood Prone Land Policy* and accompanying *Floodplain Development Manual* (2005). This may provide Council with indemnity under Section 733 of the *Local Government Act*.

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

The Final Narrabeen Lagoon Flood Study will advise residents of the likelihood and hazards associated with inundation from Narrabeen Lagoon and its tributaries. In identifying these hazardous areas, suitable management options to provide critical infrastructure will be identified in the upcoming Floodplain Risk Management Study and Plan.

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## 4.0 **EXECUTIVE SUMMARY**

- 4.1 Pittwater Council in partnership with Warringah Council has undertaken an update to Narrabeen Lagoon Flood Study (1990). A Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013) has been produced and is recommended for adoption.
- 4.2 The Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013) is comprised of three separate documents that will be tabled at the meeting, namely:
  - 1) Narrabeen Lagoon Flood Study Final Report (BMT WBM, September 2013, revision number 4)
  - 2) Narrabeen Lagoon Flood Study Final Mapping Compendium (BMT WBM, September 2013)
  - 3) Narrabeen Lagoon Flood Study Flood Planning Levels and Categories – Pittwater Council Final Report (BMT WBM, September 2013, revision number 2).
- 4.3 The Final Draft Narrabeen Lagoon Flood Study (BMT WBM, May 2013) was placed on public exhibition in July 2013 for 4 weeks. A total of 11 submissions were received from Pittwater residents. These were considered by BMT WBM and several changes have been made to the Final Flood Study report, where appropriate.
- 4.4 The Final Narrabeen Lagoon Flood Study will result in minor amendments of Council's planning documents, including the Pittwater 21 Development Control Plan, relevant Section 149 (2) notations and the Narrabeen Creek Sea Level Rise Investigation Area.

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## RECOMMENDATION

That:

- 1. The Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4) be adopted.
- 2. Pittwater Council undertake the Narrabeen Lagoon Floodplain Risk Management Study and Plan in partnership with Warringah Council.

3. The maps as presented in the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4) are included in the Flood Hazard Maps of the Pittwater 21 Development Control Plan.
4. The Section 149 (2) Certificate notations are updated with the flood extents as presented in the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4).
5. The interim Section 149 (5) Certificate notation relating to the Draft Narrabeen Lagoon Flood Study is removed.
6. The Narrabeen Creek Sea Level Rise Investigation Area is removed.
7. The following proposed amendments to Pittwater 21 DCP C6.4, C6.5 and C6.7 be placed on statutory public exhibition for a minimum 28 days with submissions invited from the community:

*"A Water Management Report is to be prepared for each sector of the land release in accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001), **and Narrabeen Lagoon Flood Study (September 2013)** or as amended. The report must incorporate water cycle management, water quality management, watercourse and corridor management, and floodplain management. A copy of the specification **and Flood Study** can be obtained from Council."*

8. That a public notice be placed in the Manly Daily detailing the proposed amendments to the Pittwater 21 DCP C6.4, C6.5 and C6.7, specifying the period during which submissions may be made to Council as well as places for inspection of the amendment.

Report prepared by  
Deborah Millener – Principal Officer Floodplain Management

Jennifer Pang  
**MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE**



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<b>C10.3</b>	<b>Minutes of the Sydney Coastal Councils Group Annual General Meeting of 21 September 2013</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 November 2013

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**STRATEGY:** Beach & Coastal Management

**ACTION:** Strategic Initiative - Partner with other councils, SCCG and Catchment Management Authorities to integrate and complement regional initiatives

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## **PURPOSE OF REPORT**

To advise Council of the Minutes of the Sydney Coastal Councils Group (SCCG) Annual General Meeting held on 21 September 2013 and hosted by Manly 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 – Annual Elections**

The annual election of an executive committee for the SCCG was conducted at the AGM with the following results:

<b>Position</b>	<b>Name</b>	<b>Council</b>
Chairperson	Cr Cathy Griffin	Manly
Vice Chairperson (Estuarine Council)	Cr Wendy Norton	Willoughby
Vice Chairperson (Ocean Council)	Cr Geoff Stevenson	Randwick
Treasurer (Honorary)	Cr Peter Towell	Sutherland
Secretary (Honorary)	Cr Jacqueline Townsend	Pittwater
Member	Cr Lynne Saville	Willoughby
Member	Cr Irene Doutney	City of Sydney
Member	Cr Leon Goltsman	Waverley

#### **2.2 Item 9 – Presentation – Office of Boating Safety and Maritime Affairs**

Delegates received a presentation from Mr Howard Glenn, General Manager of the Office of Boating Safety and Maritime Affairs (OBS&MA) regarding the roles and responsibilities of OBS&MA as well as the various programs and projects undertaken by the agency.

A number of concerns were raised by delegates including the ongoing problems caused by on-street storage of trailer boats, the increasing demand for moorings, dinghy storage and associated parking as well as the consequent environmental impacts and the need for additional services and infrastructure that become the responsibility of local government. The absence of a strategic approach to the management of the demands of recreational watercraft users was seen as a particular failing of the existing system of waterways management.

Mr Glenn agreed to provide the SCCG with the links to recent activities, policies and time lines for future consultation with councils and the community.

**2.3 Item 10.3 – Review of redevelopment of the SCCG Strategic Plan (2010-2014)**

The SCCG Strategic Plan (2010-2014) will be reviewed and updated over the next six to eight months. Cr Griffith was nominated as a member of the SCCG Directional Committee to assist in overseeing the review.

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**3.0 SUSTAINABILITY ASSESSMENT**

No sustainability assessment required

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**4.0 EXECUTIVE SUMMARY**

The minutes of each Sydney Coastal Councils Group meeting are reported for the information of Council at the request of the SCCG Executive Committee.

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**RECOMMENDATION**

That the Minutes of the SCCG Annual General Meeting of 21 September 2013 (appended as **Attachment 1**) be noted.

Report prepared by  
Paul Hardie, Principal Officer – Coast & Estuary

Jennifer Pang  
**MANAGER – CATCHMENT MANAGEMENT & CLIMATE CHANGE**



**SYDNEY COASTAL  
COUNCILS GROUP**



**MEMORANDUM**

**MEMO TO:** General Manager

**SUBJECT:** SCCG Minutes from Annual General Meeting – 21 September 2013

**DATE OF MEMO:** 25 September 2013 Memo3-13

Dear General Manager,

Please find attached a hard copy of the Minutes and Actions from the SCCG Annual General Meeting held on Saturday 21 September, hosted by Manly Council.

Please note that the SCCG Chairperson's and Executive Officer's Annual Reports 2012-2013 have been forwarded to you as part of separate correspondence.

A per the SCCG Constitution and SCCG Strategic Plan, Member Councils are asked to table these minutes from the quarterly SCCG 'Full Group' meetings at an appropriate Council meeting for the information of Councillors, Executives and relevant staff.

If you would like an electronic copy of these Minutes and attachments, please email me on: [geoff@sydneycoastalcouncils.com.au](mailto:geoff@sydneycoastalcouncils.com.au). Thank you for your assistance with this matter.

Your sincerely,

Geoff Withycombe  
**Regional Coastal Environment Officer / Executive Officer**

**Sydney Coastal Councils Group Inc.**  
Level 14, 456 Kent Street  
SYDNEY NSW 2001  
DX 1251 Sydney  
Ph: +61 2 9246 7791  
Fax: +61 2 9265 9660  
Email: [geoff@sydneycoastalcouncils.com.au](mailto:geoff@sydneycoastalcouncils.com.au)



**SYDNEY COASTAL COUNCILS GROUP Inc.  
MEMORANDUM**

**MEMO TO:**

Councillor Brian Troy  
Councillor Mark Castle  
Ms Judith Betts  
Ms Cathy McMahon  
Councillor Anthony Anisse  
Councillor Michael Hutchence  
Dr Ross McPherson  
Mayor Councillor Darcy Byrne  
Councillor Linda Kelly  
Councillor Daniel Kogoy  
Mr Jon Stiebel  
Councillor Barbara Aird  
Councillor Cathy Griffin  
Mr Stephen Clements  
Councillor Tom Sherlock  
Councillor Roy Bendall  
Ms Belinda Atkins  
Councillor Tony Carr  
Mr Peter Massey  
Mayor Councillor Jacqueline Townsend  
Councillor Selena Griffith  
Mr Paul Hardie  
Councillor Lindsay Shurey  
Councillor Geoff Stevenson  
Ms Bronwyn Englaro  
Mayor Shane O'Brian  
Ms Alexandria Vandine / Ms Madeline Hourihan  
Councillor Peter Towell  
Mr Ian Drinnan / Dr Guy Amos  
Councillor John Mant  
Councillor Irene Doutney  
Councillor Linda Scott  
Mr Chris Derksema  
Councillor Vanessa Moskal  
Councillor Sue Heins  
Ms Denise Regan  
Mayor Councillor Sally Betts  
Councillor Leon Goltsman  
Councillor Bill Mouroukas  
Ms Emily Scott / Mr Corey Fox  
Councillor Wendy Norton  
Councillor Lynne Saville  
Ms Nicola Faith  
Councillor Greg Levenston  
Councillor Elena Kirillova  
Mr Chris Munro / Mr Sam Badalati  
Emeritus Prof. Bruce Thom AM  
Mr Phil Colman  
Mr George Cotis  
Mr George Copeland  
Dr Judy Lambert AM  
Ms Wendy McMurdo

Botany Bay Council  
Botany Bay Council  
Botany Bay Council  
Botany Bay Council  
Hornsby Council  
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Leichhardt Council  
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Willoughby Council  
Willoughby Council  
Willoughby Council  
Woollahra Council  
Woollahra Council  
Woollahra Council  
Honorary Member  
Honorary Member  
Honorary Member  
Honorary Member  
Honorary Member

**SUBJECT:** Please find attached the Minutes and Actions from the SCCG Annual General Meeting hosted by Manly Council on Saturday 21 September.

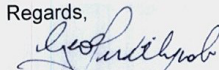
MemoM3-13

**DATE OF MEMO:** 25 September 2013

Please find attached the Minutes and Actions from the SCCG Annual General Meeting hosted by Manly Council on 21 September.

**NB** the next SCCG Full Group meeting will held on 7 December hosted by the City of Sydney Council (pending confirmation). **(Please mark this in your diary).**

Regards,

  
Geoff Withycombe  
Executive Officer

## LIST OF ACTIONS FROM THE ORDINARY MEETING 21 September 2013

The table below is intended to provide delegates with a summary of the meeting. Actions for delegates to complete prior to the next meeting have been highlighted in bold

Item	Action	By whom	Due By
5.0	<b>Business Arising</b>  • <b>SCCG Water Recycling Handbook for Councils</b>  The final draft Handbook will now be table at the December meeting.	SCPO	7 Dec
7.	<b>Annual Elections - SCCG Executive Committee 2013-2014</b>  <b>Chairperson</b> Cr. Cathy Griffin Manly <b>Vice Chairperson (Estuarine)</b> Cr. Wendy Norton Willoughby <b>Vice Chairperson (Ocean)</b> Cr. Geoff Stevenson Randwick <b>Treasurer (Honorary)</b> Cr. Peter Towell Sutherland <b>Secretary (Honorary)</b> Cr. Jacqueline Townsend Pittwater <b>Members</b> Cr. Lynne Saville Willoughby Cr. Irene Doutney City of Sydney Cr. Leon Goltsman Waverley		
7.6	<b>Nominations for SCCG Honorary Members</b>  • E/Prof. Bruce Thom AM • Dr Judy Lambert AM • Mr Phil Colman • Mr George Cotis • Mr George Copeland • Ms Wendy McMurdo  The Secretariat write to nominees inviting them to consider becoming Honorary Members.	EO	11 Oct
10.1	<b>New staff for the SCCG Secretariat</b>  1) <b>Emma Norrie be welcomed to the Group.</b> 2) <b>Rachael Buzio be thanked for her contributions.</b>	ALL	21 Sept
10.2	<b>SCCG Strategic Plan (2010 – 2014) Implementation Monitoring Report (July 2012 – June 2013).</b>  1) <b>SCCG delegates are requested to identify any issues and needs and areas for further focus in 2013-14.</b> 2) The SCCG Strategic Plan 2012 – 2013 Implementation Monitoring report also be sent to Member Councils Mayors and GMs with the Chair's and EO Annual Reports.	ALL EO	Oct / Nov
10.3	<b>Review / redevelopment of the SCCG Strategic Plan (2010 – 2014)</b>  SCCG Strategic Plan - Directional Committee: Cr. Irene Doutney City of Sydney Cr. John Mant City of Sydney Cr. Cathy Griffin Manly Council Cr. Tom Sherlock Mosman Council Cr. Selena Griffith Pittwater Council Cr. Geoff Stevenson Randwick Council Cr. Leon Gottsman Waverley Council Cr. Wendy Norton Willoughby Cr. Lynne Saville Willoughby Cr. Greg Levenston Woollahra Council Dr. Judy Lambert AM Honorary Member Ms. Wendy McMurdo Honorary Member Emeritus Professor Bruce Thom AM Honorary Member	EO	Oct



Item	Action	By whom	Due By
	<p>Expert Advisors to be invited:</p> <p>Mr Gary James (General Manager)      Woollahra  Mr Nick Tobin (General Manager)      Willoughby  Mr Doug Lord      Coastal Env P/T  Ms Kate Harris (CEO)      CFSL)  Prof. Lesley Hughes / Will Steffan  The Hon. Peter Garrett AM</p> <p>1. <b>Other SCCG delegates consider nomination for representation on the SCCG Strategic Plan Directional Committee.</b>  2. Outcomes of the initial delegate's workshop be incorporated into the review process and presented to the first Directional committee workshop.</p>	<p>ALL</p> <p>EO</p>	<p>18 Oct</p> <p>November</p>
11.1	<p><b>National Coastal Advocacy Campaigns for the 2013 Federal Election</b></p> <p>1) The SCCG write to the Prime Minister and Minister for Environment congratulating them on their appointment and including information on the SCCG and its 'National Coastal Management Issues' document for their information and inviting them to address a future meeting of the SCCG.</p>	EO / Chairperson	25 Oct
11.2	<p><b>SCCG Emergency Management Planning - a Health Check for Local Government.</b></p> <p>1. <b>SCCG delegates assist with Member Council promotion and participation in the project.</b></p>	ALL	Ongoing
11.4	<p><b>Sydney's Salty Communities – Turning the Tide on Blue-Green Carbon</b></p> <p>1. SCCG delegates assist with Member Council promotion and participation in the project.  2. The Secretariat formally write to Member Councils informing them of the project.</p>	<p>ALL</p> <p>Secretariat</p>	Ongoing
	<p><b>DELEGATE WORKSHOP</b>  <b>"MEMBER COUNCILS ROUND TABLE UPDATES &amp; ISSUES DISCUSSION"</b></p> <ul style="list-style-type: none"> <li>• Send letter to new Mayors (Cr. Levenston - Woollahra)</li> <li>• College of Studies - submission suggesting to contact SCCG re marine environment issues because these haven't been picked up enough (CoS) (raise at TC)</li> <li>• Research hydrology of catchments (Cr. Saville - Willoughby)</li> <li>• Cr. Griffiths seeks to establish a workshop with Sydney water, IPART and EPA to end ocean outfalls - SCCG to submit item at December meeting)</li> <li>• Cr. Townsend to send response from Sydney Water to SCCG &amp; Sydney metropolitan mayors</li> <li>• Look at container deposit legislation and management of Sydney waterways (Cr. Townsend - Pittwater)</li> <li>• Environmentally friendly pesticides (Cr. Gottsman - Waverley)</li> </ul>	<p>EO / Chair</p> <p>Chairperson</p> <p>Cr Townsend</p>	<p>25 Oct</p> <p>7 Dec</p> <p>ASAP</p>
12.2	<p><b>General Business meeting</b>  <b>The next meeting of the Group be held on 7 December at City of Sydney Council (pending confirmation).</b></p>	ALL	7 Dec

**SYDNEY COASTAL COUNCILS GROUP Inc.**  
**MINUTES FOR THE ANNUAL GENERAL MEETING**  
**HELD ON SATURDAY 21 SEPTEMBER, 2013**  
**AT MANLY COUNCIL,**

**IN ATTENDANCE**

Cr. Brian Troy	City of Botany Bay Council
Cr. Irene Doutney	City of Sydney Council
Cr. John Mant	City of Sydney Council
Cr. Cathy Griffin	Manly Council
Cr. Barbara Aird	Manly Council
Cr. Tom Sherlock	Mosman Council
Mr. Peter Massey	North Sydney Council
Cr. Jacqueline Townsend (Mayor)	Pittwater Council
Cr. Selena Griffith	Pittwater Council
Cr. Geoff Stevenson	Randwick Council
Cr. Leon Gottsman	Waverley Council
Cr. Bill Mouroukas	Waverley Council
Cr. Wendy Norton	Willoughby Council
Cr. Lynne Saville	Willoughby Council
Cr. Greg Levenston	Woollahra Council
Mr. Phil Colman	Honorary Member
Dr. Judy Lambert AM	Honorary Member
Ms. Wendy McMurdo	Honorary Member
Mr. Geoff Withycombe	SCCG (EO)
Mr. Stephen Summerhayes	SCCG (SCPO)
Ms. Emma Norrie	SCCG (CPO)
Dr. Ian Armstrong	SCCG (POSP)

**1. OPENING**

The meeting opened at 12.30pm. Cr. Griffin (Chairperson) provided a acknowledgement of country and welcomed delegates to Manly.

**2. APOLOGIES**

Cr. Mark Castle	City of Botany Bay Council
Cr. Darcy Byrne (Mayor)	Leichhardt Council
Mr. Paul Hardie	Pittwater Council
Cr. Lindsay Shurey	Randwick Council
Cr. Shane O'Brian	Rockdale Council
Cr. Peter Towell	Sutherland Council
Cr. Sally Betts (Mayor)	Waverley Council
Cr. Elena Kirillova	Woollahra Council
Mr. George Copeland	Honorary Member
Mr. George Cotis	Honorary Member
Emeritus Professor Bruce Thom AM	Honorary Member

**Resolved** that the apologies be received and noted.

**Councils not represented at the meeting**  
Hornsby, Leichhardt, Rockdale, Warringah



### 3. DECLARATION OF PECUNIARY INTERESTS

**Resolved that** the there was no declaration of pecuniary interests.

### 4. CONFIRMATION OF MINUTES

#### 4.1 Minutes of the Ordinary Meeting of the SCCG held on 15 June 2013 at the City of Sydney.

**Resolved that** the Minutes of the Ordinary Meeting of the SCCG held on 15 June 2013 at the City of Sydney Council be confirmed.

#### 4.2 Minutes of the Executive Committee of the SCCG held on 15 June 2013 at the City of Sydney

**Resolved that** the Minutes of the Executive Committee Meeting of the SCCG held on 15 June 2013 hosted by the City of Sydney be received and noted.

#### 4.3 Minutes of the Technical Committee Meeting of the SCCG held on 2 May 2013 hosted by the City of Sydney.

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 2 May 2013 hosted by the City of Sydney be received and noted.

#### 4.4 Minutes of the Technical Committee Meeting of the SCCG held on 25 July 2013 hosted by Mosman Council.

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 25 July 2013 at Mosman Council be received and noted.

### 5. BUSINESS ARISING

Business arising from Minutes other than those items listed below in Reports.

- **SCCG Water Recycling Handbook for Councils**

The EO noted that due to other commitments and priorities the final draft Handbook will now be tabled at the December meeting.

All others action completed and or addressed in business papers.

### 6. ANNUAL REPORTS

#### 6.1 Chairperson's Annual Report

*Report distributed at meeting and attached*

**Resolved that** the Chairperson's Annual Report be received, considered and adopted as part of the 2012/2013 Annual Report.

#### 6.2 Executive Officer's Annual Report

*Report distributed at meeting and attached  
Presentations slides attached*

The Executive Officer, Geoff Withycombe tabled his full annual report and provided delegates with a summary presentation. This focused on:

- Key Areas of Focus
- The Year in Review – 'Facts and Figures'

- SCCG Internal Activities
- Key SCCG Program Outcomes
- SCCG Grant Applications
- Financial Position
- Conclusions and Thanks

**Resolved that** the Executive Officer's (public officer) Annual Report be received, considered and adopted as part of the 2012/2013 Annual Report.

## 7. ANNUAL ELECTIONS

### Proceedings in Brief

The Chairperson introduced the procedures for the Annual Executive Committee elections. The Executive Committee consists of the Chairperson, two Vice Chairpersons, Treasurer and Secretary and up to three other committee members who are delegates of financial Member Councils.

Cr. Griffin handed over the Chair to the EO as returning officer for the purposes of the election of Chairperson.

### 7.1 Chairperson

Cr. Cathy Griffin (Manly Council) was nominated and elected as Chairperson.

### 7.2 Vice Chairpersons

#### (i) *Vice Chairperson (ocean council)*

Cr. Geoff Stevenson (Randwick Council) was nominated and elected as Vice Chairperson (Ocean Council).

#### (ii) *Vice Chairperson (estuarine council)*

Cr. Wendy Norton (Willoughby Council) was nominated and elected Vice Chairperson (Estuarine Council).

### 7.3 Treasurer (Honorary)

Cr. Peter Towell (Sutherland Council) was nominated and elected Treasurer.

### 7.4 Secretary (Honorary)

Cr. Jacqueline Townsend (Pittwater Council) was nominated and elected Secretary.

### 7.5 Executive Members

The following delegates were nominated and elected

- |                      |                        |
|----------------------|------------------------|
| 1) Cr. Lynne Saville | Willoughby Council     |
| 2) Cr. Irene Doutney | City of Sydney Council |
| 3) Cr. Leon Goltsman | Waverley Council       |

The 2013 - 2014 Sydney Coastal Councils Group Inc. Executive Committee consists of:

<b>Chairperson</b>	Cr. Cathy Griffin	Manly
<b>Vice Chairperson (Estuarine Council)</b>	Cr. Wendy Norton	Willoughby
<b>Vice Chairperson (Ocean council)</b>	Cr. Geoff Stevenson	Randwick
<b>Treasurer (Honorary)</b>	Cr. Peter Towell	Sutherland

<b>Secretary (Honorary)</b>	Cr. Jacqueline Townsend	Pittwater
<b>Member</b>	Cr. Lynne Saville	Willoughby
<b>Member</b>	Cr. Irene Doutney	City of Sydney
<b>Member</b>	Cr. Leon Goltsman	Waverley

Cr. Griffin thanked delegates for their support. Cr Griffin noted that it was a great honour to be elected as Chairperson and looked forward to working with delegates over the next 12 months.

## 7.6 Nominations for SCCG Honorary Members

Nominations for honorary membership for 2013/2014 to include but not limited to:

- E/Prof. Bruce Thom AM
- Dr Judy Lambert AM
- Mr Phil Colman
- Mr George Cotis
- Mr George Copeland
- Ms Wendy McMurdo

### Resolved that:

- 1) The SCCG Honorary members nominations be endorsed.
- 2) The Secretariat write to nominees inviting them to consider becoming Honorary Members.

## 7.7 Nominations for External Committees (if required)

The members of external committees are appointed by the relevant State Government agencies or Ministers. Nominations for the committees are not identified at this time.

**Resolved that** External Committee representation not required at this time.

## 8. CORRESPONDENCE

### 8.1 Sent and Received Correspondence

**Resolved that** the circulated "sent" and "received" correspondence be received and noted.

## 9. PRESENTATION – Office of Boating Safety & Maritime Affairs

(Slides attached)

### Proceedings in brief

Mr Howard Glenn, General Manager of the Office of Boating Safety and Maritime Affairs, provided a presentation to the Group.

The presentation included details of:

- Maritime Roles and Responsibilities
- Maritime Policy Agenda
- Boat Storage and Safe Waterways Access Strategy
  - Boat Trailer working group
- Boating Infrastructure Partnership Program
- Sydney Harbour Boating Destination Plan
- Reducing Red Tape
  - Planning Review
  - Maritime Property Policies and Procedures review
- Marine Estate Management Authority
- Moorings Review

**Questions / comments:**



- parking impacts of increased moorings (potentially within scope of moorings review)
- rock fishing deaths (working with police and emergency services)
- managing demand (no existing strategy - pursuing strategic approach through current / upcoming reviews)
- will changes to the definition of designated development affect approvals of new marinas (part of planning review)
- illegal storage of dinghies (MMC co-funding removal with councils – will address better management of boat storage / moorings through moorings review)
- demand management - pressures on councils to expand moorings and parking facilities due to more and larger boats
- sea grass friendly moorings (will be addressed in moorings review)
- personal watercraft (kayaks, paddle boards etc) & ocean swimming – storage / access and safety issues (addressing first through safety, but currently no formal interaction – no registration of personal watercraft makes enforcement difficult)
- stakeholder engagement
- cross promotions with Summerama (open to participation)
- decline of boat repairs facilities

**Resolved that:**

- 1) The presentation be heard and considered at the meeting.
- 2) Mr Glenn provide the SCCG with links to recent activities, policies and time lines for future consultations with Councils and the community.
- 3) Mr Glenn be thanked for his presentation and be invited back to address a future meeting of the SCCG.

## 10. ADMINISTRATIVE MATTERS

### 10.1 New staff for the SCCG Secretariat

Proceedings in brief

SCCG EO congratulated and welcomed Emma Norrie, the Group's new Coastal Projects Officer. The EO noted that the selection process was extremely competitive with 51 applications and the interview panel interviewing 7 very strong candidates. Emma started with the Group on 17 September.

The EO noted that Rachael Buzio had resigned from the position of SCCG Coastal Projects Officer on 12 July to pursue her interests with further study in relation to natural resource management. We have been fortunate to be able to keep Rachael on in a one day / week 'Office Support' position via a 12 month contract.

**Resolved that:**

- 1) The EO's report be received and noted.
- 2) Emma Norrie be welcomed to the Group.
- 3) Rachael Buzio be thanked for her contributions.

### 10.2 SCCG Strategic Plan (2010 – 2014) Implementation Monitoring Report (July 2012 – June 2013).

Proceedings in brief

SCCG Strategic Plan (2010 – 2014) implementation is to be reviewed annually and reported to the Annual General Meeting. The EO noted that the process aims to assess the pursuit towards achievement of 'Outcomes Statements' by evaluating implementation of 'SCCG Objectives' through performance indicators for associated 'SCCG Activities'.

Delegates were referred to the report in the Business Papers. It was noted that the results are



presented in tables listing key outcomes and a rating of implementation success for each key theme. An overall rating is then provided for each outcome statement together with a brief written summary. Overall via the self assessment the outcomes achieved were the highest rating of "Good".

**Resolved that:**

- 1) The report be received and considered.
- 2) SCCG delegates are requested to identify any issues and needs and areas for further focus in 2013-14.
- 3) The SCCG Strategic Plan 2012 – 2013 Implementation Monitoring report also be sent to Member Councils Mayors and GMs with the Chair's and EO Annual Reports.

### 10.3 Review / redevelopment of the SCCG Strategic Plan (2010 – 2014)

#### Proceedings in brief

The EO noted that the SCCG Strategic Plan (2010 – 2014) now requires review and redevelopment over the next six to eight months.

It is proposed to again establish a "SCCG Directional Committee" made up of Councillors, professional staff and expert advisors. This committee will review and draft a new SCCG Strategic Plan in close collaboration with SCCG delegates and Member Councils more broadly. Nominations were sort for representation.

Cr. Irene Doutney  
Cr. John Mant  
Cr. Cathy Griffin  
Cr. Tom Sherlock  
Cr. Selena Griffith  
Cr. Geoff Stevenson  
Cr. Leon Gottsman  
Cr. Wendy Norton  
Cr. Lynne Saville  
Cr. Greg Levenston  
Dr. Judy Lambert AM  
Ms. Wendy McMurdo  
Emeritus Professor Bruce Thom AM

City of Sydney Council  
City of Sydney Council  
Manly Council  
Mosman Council  
Pittwater Council  
Randwick Council  
Waverley Council  
Willoughby Council  
Willoughby Council  
Woollahra Council  
Honorary Member  
Honorary Member  
Honorary Member

#### Expert Advisors to be invited:

Mr Gary James (General Manager)  
Mr Nick Tobin (General Manager)  
Mr Doug Lord  
Ms Kate Harris (CEO)  
Prof. Lesley Hughes / Will Steffan  
The Hon. Peter Garrett AM

Woollahra Council  
Willoughby Council  
Coastal Environment Pty Ltd  
Centre for Sustainability Leadership  
(former Australian Climate Commission)

The EO noted that it is envisaged that this Committee will meet twice face to face for scoping, review and direction setting workshops (one full day and one ½ day workshop). Committee delegates will also play an integral role in providing comment and input throughout the draft development process and throughout the Member Council consultation phases. A final Plan will be tabled at the September 2014 SCCG AGM for endorsement.

#### **Workshop – Reviewing the SCCG Strategic Plan (2010-2014)**

After the meeting break delegates participated in a brief workshop. This included two elements:

##### *i. ACTIVITY 1: OUTCOME STATEMENTS*

*Delegates were asked to provide comments on the six SCCG Outcome Statements, and rank the statements in order of priority based on their views of the role of the SCCG.*

ii. **ACTIVITY 2: 2018 VISION**

*Delegates were asked to identify their vision for the SCCG over the next four years in the areas including: i) enhancing leadership; ii) business models and enterprises; iii) roles and buy-in from Member Councils; iv) staffing and; Others.*

Outcomes of this preliminary workshop will be collated and presented to the first meeting of the Directional Committee.

**Resolved that:**

1. The report be received and considered.
2. Other SCCG delegates consider nomination for representation on the SCCG Strategic Plan Directional Committee.
3. Outcomes of the initial delegate's workshop be incorporated into the review process and presented to the first Directional committee workshop.

## 11. REPORTS

### Reports 11.1 - 11.6 FOR CONSIDERATION

#### 11.1 National Coastal Advocacy Campaigns for the 2013 Federal Election

Proceedings in brief

○ **KEY COASTAL MANAGEMENT ISSUES FOR FEDERAL ELECTION THE 2013**

The EO noted that, in preparation for the 2013 Federal Election, the SCCG resolved to request all relevant political parties contesting the election to outline their policy positions on seven key issues. The SCCG received responses and published a review document for information of Member Councils and other state and national stakeholders just prior to the election.

The EO noted that the responses from the major parties were disappointing with the Greens the only party to individually address each of the 7 SCCG policy positions.

○ **AUSTRALIAN COASTAL ADVOCACY ALLIANCE (ACAA)**

The EO noted the ACAA campaign for three key national issues:

- A collaborative national response to coastal planning and management involving all three tiers of government.
- An intergovernmental agreement defining the roles and responsibilities of each tier of government in relation to the coastal zone.
- A national coastal policy that addresses the challenges facing the coastal zone through a national coastal commission and accompanying Act.

The dedicated web page and facebook page had mixed success.

**Resolved that:**

- 1) The report be received and considered
- 2) The SCCG EO review outcomes of the two campaigns.
- 3) The SCCG write to the Prime Minister and Minister for Environment congratulating them on their appointment including information on the SCCG and its 'National Coastal Management Issues' document for their information and inviting them to address a future meeting of the SCCG.



## 11.2 SCCG Emergency Management Planning - a Health Check for Local Government

### Proceedings in Brief

SCCG in partnership with ANU, and supported by UNSW, NSW SES, MPES, and LGSA, secured funding under the Natural Disaster Resilience Program, NSW State Emergency Management Projects 2012-2013.

The project manager Dr Ian Armstrong reviewed the project and progress to date including:

- The results of the earlier "*Climate Change Adaptation in the SCCG 2012*", indicated emergency management is poorly resourced in Member Councils.
- There is difficulty in ascertaining a clear statement of the responsibilities of Local Government from the legislation.
- Evidence that many functions and activities in Local Government apply to Emergency Management, although are often not recognised in this way due to perceptions of "emergency management" ("silos").
- The preliminary survey of Local Government emergency management staff reinforced this approach and emphasised the lack of resources and support from State Government.
- The project has adopted a more holistic approach of beginning with what Local Government does now and then looking at how emergencies impact on those functions and how those functions can be utilised in emergency management.
- The view that emergency management organisations can progress from "Developing" to "Advancing" to "Mature" as they progress from a minimal *civil defence* model to a holistic *community safety* practice.
- The proposed consultation/conversations based on the impacts of hazards on Council functional areas, and how Council functional areas contribute to emergency management, to break down expectations of what is, and who does, emergency management.
- The conceptual outline of the Health Check as having three levels: an overview to communicate the overall status of emergency management in the organisation; a more detailed evaluation of key areas of Council activities and emergency management; and a more technical review of risk assessment and management for individual hazards.

The Project Team is preparing for more detailed consultation over the next few weeks leading to a draft Health Check for review by the Advisory Committee (AC) on 28 November. The AC review will provide a revised tool for presentation to a Forum/workshop on 11 December. The project will conclude end of March 2014.

#### **Resolved that:**

1. The report be received and noted.
2. SCCG delegates assist with Member Council promotion and participation in the project.

## 11.3 Becoming Social – SCCG Social Media Project

### Proceedings in Brief

The project manager, Stephen Summerhayes, provided a review of the project and progress to date. Delegates were informed that the project will develop tools and strategies that facilitate greater understanding, use, monitoring and evaluation of social media platforms to engage, inform, consult and collaborate with residents on environmental issues, policies and programs.

Progress to date includes:

- **Stage 1 Member Council Survey:** exploring Councils' current understanding and use of social media. **(completed)**

- **Stage 2 Literature Review:** review investigated, summarised and synthesised social media and its use in Government engagement, education and policy development. **(completed)**
- **Stage 3 Tools Development:**
  - Develop user-friendly tools to assist councils know what form of social media to use, how and when.
  - Pilot test the tools with a relevant case study.
  - Monitor and evaluate social media activity to identify how it influenced the development of an environmental policy or initiative. **(Contract now let)**

**Resolved that:**

- 1) The report be received and noted.
- 2) SCPO update be heard and considered.

#### 11.4 Sydney's Salty Communities – Turning the Tide on Blue-Green Carbon

Proceedings in Brief

The EO highlighted that the SCCG has just secured \$1.9M from the national "Caring for Country – Biodiversity Program" to undertake "Sydney's Salty Communities – Turning the Tide on Blue-Green Carbon".

Delegates were informed that the project includes 5 key elements:

1. Identify, assess, map and prioritise areas of valuable foreshore biodiversity and their associated condition, exposure and resilience
2. Develop necessary information, methods and tools to minimise loss of environmental values resulting from current and future population and climate impacts on foreshore and intertidal lands;
3. Establish a targeted, responsive and accountable devolved grant program available to Sydney coastal land managers to restore, enhance, strengthen and maintain these communities (\$1.6M)
4. Develop and implement inclusive education, outreach and biodiversity custodian programs;
5. Integrate existing land use planning and management frameworks with appropriate management responses to climate change.

The Secretariat was congratulated on this exciting development.

**Resolved that:**

1. The report be received and noted.
2. SCCG delegates assist with Member Council promotion and participation in the project.
3. The Secretariat formally write to Member Councils informing them of the project.

#### 11.5 NSW Reforms to Coastal Management in NSW

**Resolved that:**

1. The report be received and noted.
2. Through discussion, the SCCG determine additional actions to address Member Council issues and concerns.

#### 11.6 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. To assist this, a report from the Coastal Projects Officer on the Capacity Building Program and other activities is a standing item on all Technical Committee and Full Group meeting agendas. The SCPO reported on recent and upcoming events:



**Recent events:**

- The SCCG The Art of Communication Forum (Customs House) 1 August
- SCCG – UNSW Climate Change Adaptation Field Trip 24 June
- SCCG – Australian Government - Coastal Adaptation Pathways Coastal Practitioners Workshop 24 June

**Upcoming event: SCCG Coastal Economics Forum - 28 November**

SCCG Coastal Economics forum will be a ¾ day event. The SCCG will launch the 'Quantifying the Value of Sydney's Beaches' and the 'Beach and Surf Tourism and Recreation' projects as well as reviewing the Cost Benefit Analysis tools recently prepared for Seawalls as part of the SCCG CAPs project entitled "Assessment and Decision Frameworks for Existing Seawalls".

**Resolved that** the report be received and considered.

**DELEGATE WORKSHOP****"MEMBER COUNCILS ROUND TABLE UPDATES & ISSUES DISCUSSION"**

A facilitated session was held to provide Member Councils via their elected delegates an opportunity to update delegates on Councils' activities and discuss outstanding issues that are in line with the SCCG Strategic Plan i.e. issues under the Group's Six Strategic Outcome statements:  
See: <http://sydneycoastalcouncils.com.au/sites/default/files/strategicplan2010-2014.pdf>

- Send letter to new Mayors (Cr. Levenston - Woollahra)
- Research hydrology of catchments (Cr. Saville - Willoughby)
- Cr. Griffin seeks to establish a workshop with Sydney water, IPART and EPA to end ocean outfalls - SCCG to submit item at December meeting)
- Cr. Townsend to send response from Sydney Water to SCCG & Sydney metropolitan mayors
- Look at container deposit legislation and management of Sydney waterways (Cr. Townsend - Pittwater)
- Environmentally friendly pesticides (Cr. Gottsman - Waverley)

**Resolved that:**

- 1) Delegates be provided with 5 minutes to address relevant updates and issues
- 2) SCCG send a letter to new Mayors congratulating them on their appointment,
- 3) SCCG action in response be determined or referred to the SCCG Executive Committee for further consideration.

**Reports 11.7 – 11.11**  
**FOR INFORMATION ONLY**

**Resolved that** reports for 'information only' be received and noted (pending inquiry).

- 11.7 Beachwatch & Harbourwatch Programs Update (May-July)
- 11.8 Hawkesbury Nepean Catchment Management Authority's Update
- 11.9 NSW Department of Primary Industries Aquatic Biosecurity & *Caulerpa taxifolia* Report
- 11.10 Key Activities Report for June – August 2013

## 12. TREASURER'S REPORT

### 12.1 Annual Financial Statement for the period 1 July 2012 to 30 June 2013

**Resolved that:**

- 1) The Annual financial statement for the period 1 July 2012 to 30 June 2013 be received and noted.
- 2) That Sydney Coastal Councils Group Inc make the following statement (subject to the satisfactory audit of the SCCG finances).

In the opinion of the Members of the Sydney Coastal Councils Group Inc:

(a) the accompanying general purpose financial report of and special schedules of the Sydney Coastal Councils Group Inc for the period ending 30 June 2013 are drawn up so as to give a true and fair view of:

- (i) the state of affairs of the Group as at 30 June 2013, and the operating result and cash flows for the financial year ended on that date and all controlled entities; and
  - (ii) the other matters required to be disclosed;
- (b) the general purpose financial report and special schedules are in accordance with the accounting and other records of the Group; and
- (c) the general purpose financial report is drawn up in accordance with accounting policy disclosed in the statement; and
- (d) no circumstances have arisen which would render the report false or misleading in any way.

### 12.2 Final SCCG Operating Budget 2012 - 2013

**Resolved that** the final SCCG Operating Budget 2012 – 2013 be received and noted.

## 13. GENERAL BUSINESS

- **Discussion Items** (Please note all General Business items must be submitted prior to the meeting).

### 13.1 Remaining 2013 Meeting date / Next Meeting

Date	Location
• Saturday 7 December 2013 at 12 noon	(City of Sydney)

### 13.2 Items for Press Release

**Resolved that** items for press release be considered.

### 13.3 Agenda items for the next SCCG meeting

**Resolved that** delegates suggest additional agenda items including presentations for the next SCCG meeting proposed for 7 December 2013 starting at 12 noon.

### 13.4 Next Meeting

**Resolved that** the next meeting of the Group be held on 7 December 2013 at the City of Sydney (pending confirmation).

Cr Griffin closed the meeting and thanked delegates for their attendance and contributions.

The meeting closed at 3.25pm.

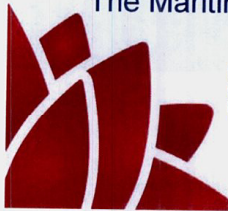
Confirmation of Minutes: .....

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## AGM of the Sydney Coastal Councils Group Inc.

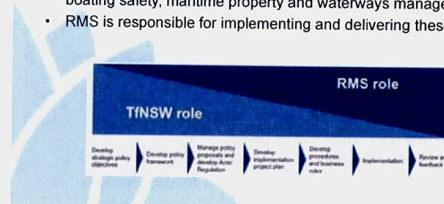
### The Maritime Policy Agenda



Howard Glenn  
General Manager  
Maritime Management Centre

## Maritime Roles and Responsibilities

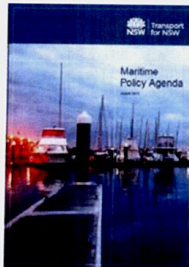
- The Transport for NSW Maritime Program is led by the Maritime Management Centre (MMC) and delivered by Roads and Maritime Services (RMS).
- MMC leads the strategic policy direction for maritime issues in NSW and directs initiatives which support the Government's objectives for boating safety, maritime property and waterways management.
- RMS is responsible for implementing and delivering these policies.



## Maritime Policy Agenda

- The Government's Maritime Policy Agenda was launched at the Sydney International Boat Show on 3 August 2012.
- The agenda includes three key areas of reforms and outlines the major policy initiatives over the next three years:

- 1 Boating Safety
- 2 Boat Storage and Safe Waterways Access
- 3 Reducing Red Tape



## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Boat Storage Strategy

- Develop a waterway-by-waterway plan to match boat storage capacity with forecast demand, commencing with Sydney Harbour.
- Encourage development of dry-stack storage facilities on Sydney Harbour.
- Conduct a trial of moving boat trailer parking to alternate off-road sites.

## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Sydney Harbour Boat Storage Strategy: Current Storage

Current storage numbers in Sydney Harbour (approximate)		
Private moorings (Maritime issued licences below the mean high water mark (BM-HWM))	4850	RMS administered licences
Commercial moorings (other including charter vessels and other commercial vessels)	100	RMS administered commercial licences
Commercial club moorings (mooring licences assigned to commercial marinas or boat repair facilities yacht and sailing clubs)	820	RMS administered commercial licences that are usually attached to a commercial marina or repair facility (land-based) (BM-HWM)
Commercial marina berths (including yacht and sailing clubs). Includes some hardstand, usually at yacht clubs	1700	RMS administered commercial leases (BM-HWM)
Commercial marina visitor and charter vessel berths not included above	220	RMS administered commercial leases
Domestic berths, moorings and other associated storage spaces =	1680	RMS administered private licences or leases attached to a private property and may include reclaimed land
Private Marina berths or structures (domestic waterfront tenancies)	480	Privately (usually strata) administered spaces
Dry-stack (and/or dry storage) spaces	N/A	None currently in Sydney
<b>Total</b>	<b>9850</b>	

\*This figure includes 'domestic' boatsheds and does not indicate actual number of vessels stored

## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Sydney Harbour Boat Storage Strategy

- MMC prepared a draft Sydney Harbour Boat Storage Strategy released for public comment in April 2013. It proposed indicative boat storage growth targets designed to allow Government and industry to plan for the best mix of boating facilities to accommodate the expected growth in recreational vessels.
- Industry comments on the draft Sydney Harbour Boat Storage Strategy were submitted to the Department of Planning and Infrastructure as part of the White Paper – A new planning system for NSW process.
- We plan to finalise the Sydney Harbour Boat Storage Strategy and continue to work with the Department of Planning and Infrastructure to reduce red tape for maritime developments.

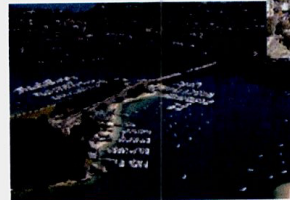
## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Sydney Harbour Boat Storage Strategy – Matching Capacity to Growth

- Demand analysis suggests that the number of boats to be stored in and around Sydney Harbour is likely to increase by around 5,000 by 2021.
- Around 2200-2300 will be vessels over 6 metres, which due to their size are less likely to be stored on trailers. These boats must therefore be accommodated through a combination of increased on-water and dry stack storage.
- In order to keep pace with growth and ensure a mix of facilities best suited to the characteristics of vessels in the region the following growth targets have been identified:
  - 1000-1200 new spaces in dry-stack storage facilities.
  - 600-800 new commercial marina berths.
  - 300 new mooring spaces.
  - 150-250 new berths at private marinas and domestic facilities.

## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

Cluttered Bays...

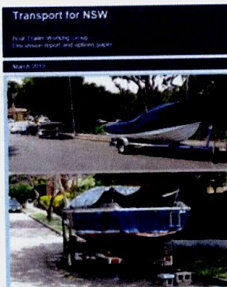


... and neat Marinas

## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Boat Trailer Working Group

- In late 2012 MMC established a Boat Trailer Working Group to identify options for better management of boat trailer parking.
- The Working Group included representatives from Woollahra and Canada Bay Councils and the Division of Local Government (DLG)
- The Working Group released a report for public comment in May 2013. It identified a number of options including delegating powers to Councils to deal directly with unregistered trailers and possible changes to the Impounding Act to enable Councils to act against trailers that are left unmoved on streets for months on end.



## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Boat Trailer Working Group

- Over 100 submissions were received including 10 from Local Councils, highlighting strong support for the establishment of dedicated off-street boat trailer parking facilities.
- MMC will work with the Division of Local Government to develop a whole of Government response to the options identified by the Working Group.
- MMC will work with Councils to establish new off-street trailer parking facilities.

## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

### Boating Infrastructure Partnership Program

- Develop a partnership program to replace the Better Boating Program (which expires in 2014).



## BOAT STORAGE AND SAFE WATERWAYS ACCESS STRATEGY

Since 1998, the Better Boating Program (BBP) managed by RMS has delivered more than \$35 million in funding to support more than 600 projects across the state including boat ramps, public wharves and pontoons, dinghy storage and sewage pump-out facilities. The current program of \$5 million per annum is due to expire in 2014.



Work has commenced on the design of the new Boating Infrastructure Partnership Program. Efficiency savings achieved through the establishment of RMS will see increased funding available from 2014/15.



### Boating Infrastructure Partnership Program

- In advance of the new program a number of priority projects will be funded by reallocating savings from the waterways fund.
- To help inform the priority projects to be funded from the new BIPP, MMC will be working with Councils to undertake a statewide audit of the infrastructure, safety and access requirements of the major waterways in order to meet the expected future growth in vessel numbers.

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### Boating Infrastructure Partnership Program

- The Minister for Roads and Ports, the Hon. Duncan Gay, has announced a commitment of \$20 million for initiatives to be rolled out from 2013/14. These include:
- The Government is boosting statewide boating infrastructure spending, starting with a comprehensive audit of access, safety and infrastructure on our major waterways.
- The Government will assist local councils with regional infrastructure upgrades which are beyond the scope of the Better Boating Program, by boosting its contribution beyond the current 50% for some key projects

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### Boating Infrastructure Partnership Program



This will assist the boating sector, our economy, the thousands of jobs involved, and the lifestyles of an estimated 1.8 million people who go boating each year in NSW.

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### Sydney Harbour Boating Destination Plan

- Increase and promote 'destinations' for recreational boaters on Sydney Harbour.
- Review the Commercial Marina Rent Procedure to create incentives for commercial marinas to support the Destinations Plan.



Figure 1  
Boating Destination Marina



Figure 2  
Destination Berth

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### Sydney Harbour Boating Destination Plan

- MMC has worked closely with industry to reach agreement on an approach to providing commercial marina operators on Sydney Harbour with a rental discount in exchange for making facilities and services open to the general boating public.
- A marketing campaign is being developed to promote the range of facilities to be made available by marina operators as part of a Sydney Harbour Destinations Plan. The Plan will also include details of other public access infrastructure and facilities available on the Harbour.

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### Sydney Harbour Boating Destination Plan

- RMS Commercial Marina Rental Procedure has been reviewed to improve sustainability and provide greater certainty to commercial marina operators on Sydney Harbour. The revised rental framework is being made available to all marina operators willing to participate in the Sydney Harbour Destination Plan.



## REDUCING RED TAPE

### Planning Review

- MMC will work with the Department of Planning & Infrastructure to review Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP).
- Apply principles from SREP review across other waterways.



## REDUCING RED TAPE

### Planning Review

- The Department of Planning and Infrastructure has commenced a number of reforms to the planning system which provide an opportunity to substantially reduce the red tape faced by maritime stakeholders involved in development at the land/water interface.
- DP&I have also flagged changes to clause 18A of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the State Environment Planning Policy (Exempt and Complying Development Codes) that will remove unnecessary red tape for a large number of maritime stakeholders.
- MMC will continue to work closely with the Department of Planning and Infrastructure during the finalisation and rollout of these key reforms.

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## REDUCING RED TAPE

### Maritime Property Policies and Procedures Review

- MMC is reviewing existing RMS policies and procedures to improve consistency and transparency and minimise administrative burden.
- MMC has been working with property management experts to review all of RMS maritime property policies.
- MMC has also been working closely with the Crown Lands Division of NSW Trade and Investment to identify opportunities to harmonise policies and procedures for the management of submerged lands across the State.
- A draft version of the Policy Manual is expected to be finalised for comment by September 2013.

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## Marine Estate Management Authority (MEMA)

- The Government has established the Marine Estate Management Authority to deliver its vision for a 'clean, safe, healthy, biologically diverse and productive NSW marine estate, enjoyed, valued and sustainably managed to balance economic growth and environmental protection and deliver long term benefit to NSW, its people, regions and industries.'
- The Marine Estate includes:
  - the sea enclosed within the three-nautical-mile limit including all marine related bays.
  - rivers under a detectable tidal influence.
  - mangrove systems, islands, wetlands and lakes that are intermittently connected to the sea.
  - coastal systems such as dune systems and headlands

## Marine Estate Management Authority (MEMA)

- MEMA reports jointly to the Minister for Primary Industries and Minister for the Environment.
- Members include the departmental heads of NSW Trade and Investment, Primary Industries, Environment and Heritage, Planning and Infrastructure, and Transport for NSW.
- This co-ordinated approach will result in less red tape and greater certainty around developments in coastal areas.
- Transport for NSW will ensure that MEMA:
  - Balances environmental protection with economic growth.
  - Allows delivery of maritime policy and regulatory obligations relating to the boating, maritime and port activities that occur within the marine estate.

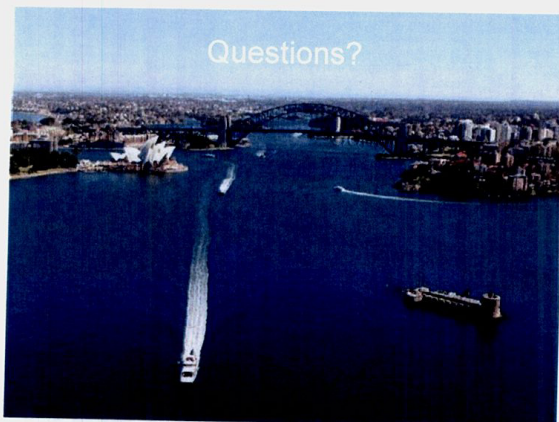
## Maritime Policy Agenda

Other Maritime Policy developments that may be of interest:

### Moorings Review

Review existing policy and regulatory frameworks to improve consistency, minimise administrative burden and assess options for increasing mooring capacity.





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**Council Meeting**

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**11.0          Adoption of Connecting Communities Committee  
Recommendations**

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**12.0          Adoption of Natural Environment Committee  
Recommendations**

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