



PITTWATER COUNCIL

Agenda

Council Meeting

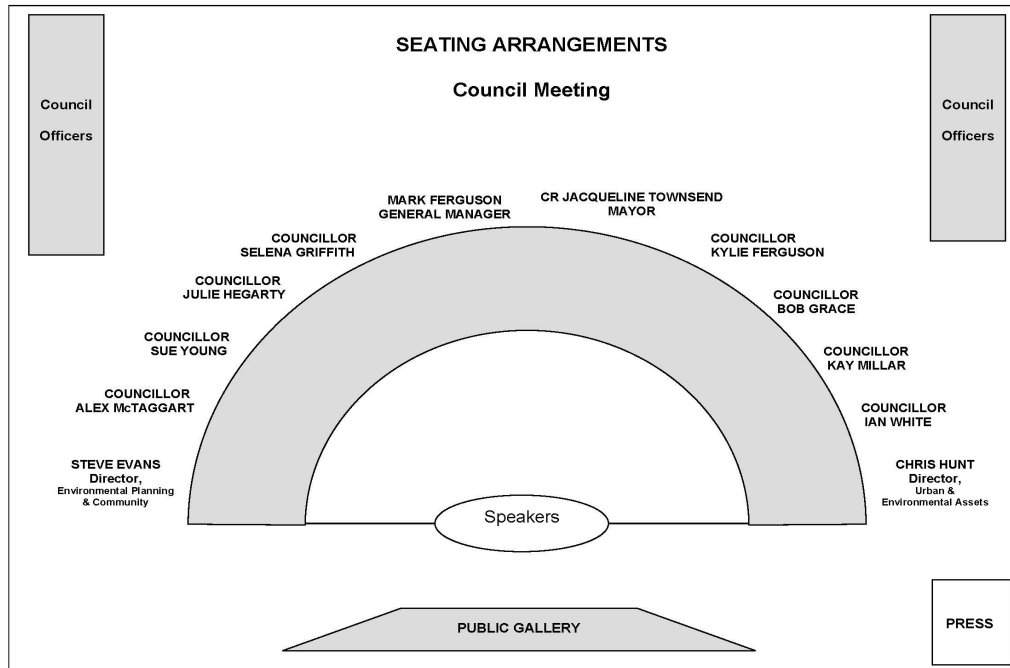
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

3 December 2012

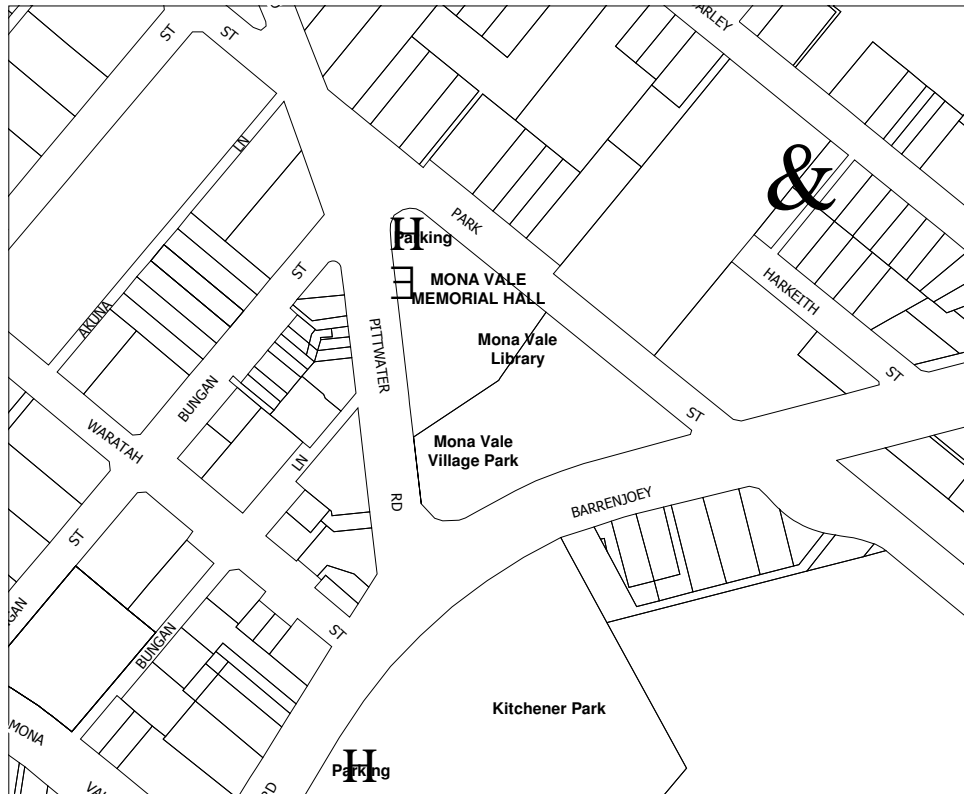
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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

Acknowledgement of Country

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

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

Statement of Respect

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

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

IMPORTANT NOTE FOR COUNCILLORS

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

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.
2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(2)(c) of the Local Government Act 1993, and debate the Confidential Advice and any related issues in a Closed Forum, with the Press and Public excluded. The Council does not have to make any resolution whilst in Committee of the Whole in Closed Session.
3. Following conclusion of discussion concerning the Confidential Advice, Council should resolve back into Open Session to continue the debate as required, excluding any reference to that advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.
4. The Council should then determine the matter in Open Session.

The Reports on the items below are listed in Open Session in the Agenda:

Item No	Item	Page No
C8.3	EOI 01/12 – Renovations to Avalon Beach Surf Life Saving Club	108

Mark Ferguson
GENERAL MANAGER

Council Meeting

TABLE OF CONTENTS

Item No	Item	Page No
Council Meeting		
1.0	Apologies	7
2.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	7
3.0	Confirmation of Minutes	8
4.0	Public Addresses	8
5.0	Mayoral Minutes	9
6.0	Business by Exception (All items on the Agenda)	9
7.0	Council Meeting Business	9
C7.1	2012 Annual Local Government Association (LGA) Conference Report	10
C7.2	Review of Council's Code of Meeting Practice	13
C7.3	Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors	50
C7.4	Delegation of Authority - Review by the Council	68
Community, Recreation and Economic Development Committee		
8.0	Community, Recreation and Economic Development Committee Business	78
C8.1	Avalon Beach Draft Plan of Management	79
C8.2	Avalon Surf Lifesaving Club Construction	102
C8.3	E01 01/12 - Renovations to Avalon Beach Surf Life Saving Club	108
C8.4	Minutes of the Pittwater Traffic Committee Meeting held on 13 November 2012	112
C8.5	Minutes of the Community, Recreation & Economic Development Reference Group Meeting held on 7 November 2012	127

Item No	Item	Page No
Natural Environment Committee		
9.0	Natural Environment Committee Business	136
C9.1	Application for Exploration Licence by Sydney Marine Sand Pty Limited under the Commonwealth Offshore Minerals Act 1994	137
C9.2	Pittwater Native Vegetation Management Plan - Adoption	168
C9.3	NSW Government Coastal Management Reforms - Stage 1	173
C9.4	Floodplain Management Association National Conference 28-31 May 2013	181
C9.5	Minutes of the Careel Creek Floodplain Working Group Meeting on 30 October 2012	182
C9.6	Minutes of the Natural Environment Reference Group Meeting held on 14 November 2012	195
Council Meeting		
10.0	Adoption of Community, Recreation and Economic Development Committee Recommendations	208
11.0	Adoption of Natural Environment Committee Recommendations	208
12.0	Councillor Questions on Notice	208
Confidential Items – Appendix 1		

CONFIDENTIAL CLAUSE

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

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.*

**Commercial in Confidence Advice - Evaluation Report - EO1
01/12 - Renovations to Avalon Beach Surf Life Saving Club**

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

Council Meeting

1.0 Apologies

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

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

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

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

*"(1) **[Pecuniary interest]** A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.*

*(2) **[Remoteness]** A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."*

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

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

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

- * A reportable political donation is a donation of:

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

3.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 19 November 2012.

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 four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*
 - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
 - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

Exceptions to these requirements may apply where:

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
 - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

5.0	Mayoral Minutes
------------	------------------------

Nil.

6.0	Business by Exception (All items on the Agenda)
------------	--

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

7.0	Council Meeting Business
------------	---------------------------------

C7.1	2012 Annual Local Government Association (LGA) Conference Report
-------------	---

Meeting: Council

Date: 3 December 2012

STRATEGY: Business Management

ACTION: Provision of Administrative Support to Elected Councillors

PURPOSE OF REPORT

To advise Council of Councillor Ferguson's report on behalf of herself and Councillors White, Griffith and Townsend following their attendance at the 2012 Annual LGA Conference held at Dubbo on 29 - 31 October 2012.

1.0 BACKGROUND

- 1.1 Council's Policy No. 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

"Conference Reporting:

Following attendance at a Conference authorised under this Policy, the relevant Councillor 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 on any outcomes affecting Pittwater."

- 1.2 At the Council Meeting on 24 September 2012 Council authorised Councillors Ferguson, White, Griffith and Townsend to attend the 2012 Annual LGA Conference being held at Dubbo on 29 – 31 October 2012.
- 1.3 Councillor Ferguson has compiled a report on behalf of all Councillors who attended the Conference and that report is provided below for Council's information.

2.0 ISSUES

- 2.1 2012 Annual LGA Conference held at Dubbo on 29-31 October 2012 – report by Councillor Ferguson on behalf of Councillors Ferguson, White, Griffith and Townsend:

"Report on attendance at the Local Government Annual Conference held at Dubbo on 28-30 October, 2012.

The intention of this conference, so far as possible, was to work towards achieving consensus on the matters before it and, subject to the Standing Orders and the Constitution, the Chairperson and the delegates were to endeavour to achieve this goal.

General Manager, Mark Ferguson, and Councillors Hegarty, White, Griffith, Townsend and I had the opportunity to attend this Conference, though Councillor Hegarty was invited as part of her role as NSW LGA Executive. This is the last stand alone Local Government Conference, as from 2013 it is proposed to combine with the Shire Association.

This was the first conference I have attended as a new Councillor and I found the experience very informative, not only in meeting other Councillors across the state, but to discuss in depth issues which affect us all. It was a great opportunity to get better acquainted with the Councillors from Warringah, Manly and Mosman who we will need to work closely with as part of our SHOROC duties.

This year 95 motions were brought before us to be voted on and for the first time in many years we were successful in completing all 95. Motions were determined by the Association to be either Category 1 or 2, with Category 1 motions seeking a new policy or position or amending an existing policy. Category 2 motions were already covered by existing policy. Category 2 motions were dealt with by the Executive and not by the Conference. One of the motions of interest is the Affordable and Supported Housing Motion, which moves that affordable housing is allocated in all new housing estates. This motion was passed, and I for one look forward to those on low income levels being provided opportunities to reside in their local neighbourhood.

Other motions raised by Penrith and Bankstown Councils were for the Minister for Resources and Energy to establish a Steering Committee on Sustainable Street Lighting. Bankstown Council pushed for the Federal and State Governments to fast track the use of LED's and other emerging lighting technologies, to help assist local Councils with the major cost of street lighting.

The majority of the 95 motions were passed, although some were debated quite vocally with not all agreed.

We were fortunate to be able to listen to many speakers, one of which was the Hon Brad Hazzard who delivered a speech on the new planning system for New South Wales. Mr Hazzard believes that planning approval is a power best kept from Councillors, "The risk of corruption is a good reason for councillors to distance themselves from developer decisions" the NSW Planning Minister said, as the State Government readies local councils for its imminent overhaul of planning laws. This is a highly debated issue, which raised concerns with many of the Councillors.

The Conference was a great success with over 400 delegates attending and closed with a delightful dinner held in the grounds of the Taronga Western Plains Zoo."

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a Sustainability Assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 Council's Policy No. 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that following attendance at a Conference authorised under this Policy, the relevant Councillor 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 on any outcomes affecting Pittwater.
- 4.2 Submission of Councillor Ferguson's report on behalf of Councillors Ferguson, White, Griffith and Townsend following their attendance at the 2012 Annual LGA Conference.

RECOMMENDATION

That Councillor Ferguson's report on Councillor attendance at the 2012 Annual LGA Conference be noted.

Report prepared by
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C7.2 Review of Council's Code of Meeting Practice

Meeting: Council

Date: 3 December 2012

STRATEGY: Business Management

ACTION: Review format, location and information provided at Council Meetings

PURPOSE OF REPORT

To amend Council's Code of Meeting Practice following Mayoral Minutes and Notices of Motions adopted at the Council meeting of 15 October 2012.

1.0 BACKGROUND

- 1.1 Council last reviewed its Code of Meeting Practice at its meeting held on 5 September 2011.
- 1.2 The Code is prepared and adopted in accordance with the requirements of Section 360 of the Local Government Act 1993, the Local Government (General) Regulations 2005 and by resolution of the Council.
- 1.3 In amending its Code of Meeting Practice Council must ensure that policy decisions are not in conflict with the requirements of the Local Government Act or Regulation.
- 1.4 The requirements of the Code of Meeting Practice are also supported by the Department of Local Government's "Meetings Practice Note No 16" which is a guide to understanding the legislative requirements set out in the Act and regulations.
- 1.5 Council's Code of Meeting Practice incorporates three distinct provisions, Part 1 - Supplementary Provisions (ie procedures adopted by resolution of the Council), Part 2 - Provisions as set out in the Regulations and Part 3 – Provisions set out in the Act.
- 1.6 The amendments proposed are contained in Part 1 of the Code.
- 1.7 These amendments arise out of two Mayoral Minutes and a Notice of Motion adopted at Council's meeting of 15 October 2012.
- 1.8 The amended Code was placed on public exhibition for a period of 28 days.
- 1.9 No submissions were received.
- 1.10 Council now needs to adopt the amended Code of Meeting Practice following the exhibition period.

2.0 ISSUES

2.1 Amendment of the Code to include changes adopted by Council on 15 October 2012.

2.2 Amendments are highlighted in yellow (see **Attachment 1**) and are as follows:

- Members to stand when addressing both Council and Committee and the requirement for Committee chairpersons to assume the Mayor's chair to chair principal committees of the Council.
- Councillor questions with notice to be moved in agenda order to fall after Public Addresses and prior to Business by Exception.
- Resident questions taken on notice to be the subject of a report to Council, setting out both question and answer, and be included in the agenda at the second meeting of the month following the question.

2.3 A further administrative amendment is recommended for clarity at Section 5 with the insertion of the words "any item on the agenda of". These words will bring the policy in line with both the intention of that section and the current practice.

2.4 Attached to this report is the amended policy recommended for adoption (refer **Attachment 1**).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

No effect on this assessment

3.2 Valuing & Caring for our Natural Environment (Environmental)

No effect on this assessment

3.3 Enhancing our Working & Learning (Economic)

No effect on this assessment

3.4 Leading an Effective & Collaborative Council (Governance)

The review of the Code of Meeting Practice is required to ensure current practices are relevant and in accordance with best practice principles. The document provides the Mayor, Councillors, staff and the community a guide on how Council and committee meetings are to be conducted.

3.5 Integrating our Built Environment (Infrastructure)

No effect on this assessment

4.0 EXECUTIVE SUMMARY

4.1 At the Council Meeting held on 15 October 2012 three changes were proposed to Council's Code of Meeting practice regarding Members standing during Council and Committees when addressing, the Order of Business for Council agendas and the provision of reports to answer resident questions taken on notice.

- 4.2 A further administrative amendment is recommended regarding addressing Council.
- 4.3 The Code was last reviewed on 5 September 2011.
- 4.4 The Code incorporates three distinct provisions, Part 1 - Supplementary Provisions (ie procedures adopted by resolution of the Council), Part 2 - Provisions as set out in the Regulations and Part 3 – Provisions set out in the Act.
- 4.5 The attached Code of Meeting Practice is recommended for adoption.

RECOMMENDATION

That the attached Code of Meeting Practice as amended be adopted.

Report prepared by
Gabrielle Angles - Principal Officer Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE



PITTWATER COUNCIL

Code of Meeting Practice

EXHIBITION PERIOD: 19 October 2012 - 15 November 2012

Note: Proposed changes to the document are highlighted in yellow

Please submit any questions or submissions to:

Gabrielle Angles via email gabrielle_angles@pittwater.nsw.gov.au or 9970 1117

Administration and Governance

DataWorks Doc Set #4212451

Document Controller: Public Officer

CODE OF MEETING PRACTICE

INDEX

PART ONE – SUPPLEMENTARY PROVISIONS	6
1. Public Addresses on Whether to Close a Meeting (or part of a meeting)	6
2. Council and Principal Committee Meetings - Cycle	6
3. Notice of Motion	7
4. Notices of Motion/ Rescission – Inclusion on the Agenda.....	7
5. Public attendance - leave to address Council and Meetings of Principal Committees...	7
6. Tabling/ Handing Up of Documents	8
7. Attendance during Council and Principal Committee Meetings.....	8
8. Mode of Addressing Council.....	8
9. General Order of Business - Council Meetings	8
10. Notice of Rescission Motion.....	9
11. Closing Time - Meetings	9
12. Motions for Adjournment of Council	9
13. Recording of Decisions – Development Applications	9
14. Unopposed Notices of Motion	10
15. Unopposed General Business (Business by Exception).....	10
16. Correspondence	10
17. Supplementary Motion	10
18. Councillor Questions with Notice.....	10
19. Extensions of Time for Councillors Speeches	11
20. Recommendations of Committee of the Whole	11
21. Communications by Committee	11
22. Misuse of Confidential Information.....	11
23. Councillors, Staff or Delegates must not bring Council into Disrepute	11
24. General Manager Comments during Debate.....	11
25. Public Forums.....	11
26. Councillor Questions on Motions at Principal Committee Meetings.....	12
27. Attacks on Councillors and Staff members at meetings	12
28. Residents Questions – Council Meetings.....	12
29. Submission of Large Documents to Councillors	13
PART TWO – STATUTORY PROVISIONS OF LOCAL GOVERNMENT (GENERAL)	
REGULATION 2005	14
Part 10 – Meetings	14
DIVISION 1 – PRELIMINARY.....	14
231 Definitions	14
DIVISION 2 – CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS.....	14
232 Notice of meetings.....	14
233 What happens when a quorum is not present.....	14
234 Minister to convene meetings in certain cases	15
235 Presence at council meetings.....	15
DIVISION 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS.....	15
236 Councillor to be elected to preside at certain meetings.....	15
237 Chairperson to have precedence.....	16
238 Chairperson's duty with respect to motions	16
239 Order of business.....	16
240 Agenda and business papers for council meetings.....	16

241	Giving notice of business.....	17
242	Agenda for extraordinary meetings.....	18
243	Official minutes.....	18
244	Report of a Departmental representative to be tabled at council meeting.....	18
245	Notice of motion - absence of mover.....	18
246	Motions to be seconded.....	19
247	How subsequent amendments may be moved.....	19
248	Motions of dissent.....	19
249	Questions may be put to councillors and council employees.....	19
250	Limitation as to number of speeches.....	19
251	Voting at council meetings.....	20
252	Representations by members of the public--closure of part of meeting.....	21
253	Resolutions passed at closed meetings to be made public.....	21
254	Matters to be included in minutes of council meeting.....	21
DIVISION 4 – KEEPING ORDER AT MEETINGS.....		21
255	Questions of order.....	21
256	Acts of disorder.....	21
257	How disorder at a meeting may be dealt with.....	22
258	Power to remove persons from meeting after expulsion.....	22
DIVISION 5 – COUNCIL COMMITTEES.....		23
259	Committee of the whole.....	23
260	Council may establish committees.....	23
261	Functions of committees.....	23
262	Notice of committee meetings to be given.....	23
263	Non-members entitled to attend committee meetings.....	23
264	Representations by members of the public--closure of part of meeting.....	24
265	Procedure in committees.....	24
266	Committees to keep minutes.....	24
267	Chairperson and deputy chairperson of committees.....	25
268	Absence from committee meetings.....	25
269	Reports of committees.....	25
270	Disorder in committee meetings.....	26
271	Certain persons may be expelled from council committee meetings.....	26
DIVISION 6 – MISCELLANEOUS.....		26
272	Inspection of the minutes of a council or committee.....	26
273	Tape recording of meeting of council or committee prohibited without permission....	26
PART THREE – STATUTORY PROVISIONS OF LOCAL GOVERNMENT ACT 1993 AS AMENDED.....		27
PART 1 – OPEN MEETINGS.....		27
9	Public notice of meetings.....	27
10	Who is entitled to attend meetings?.....	27
10A	Which parts of a meeting can be closed to the public?.....	28
10B	Further limitations relating to closure of parts of meetings to public.....	28
10C	Notice of likelihood of closure not required in urgent cases.....	29
10D	Grounds for closing part of meeting to be specified.....	29
10E	(Repealed).....	30
11	Public access to correspondence and reports.....	30
DIVISION 1 – CODE OF MEETING PRACTICE.....		30
360	Conduct of meetings of councils and committees.....	30

DIVISION 2 – OTHER PROVISIONS CONCERNING COUNCIL MEETINGS 31

365	How often does the council meet?.....	31
366	Calling of extraordinary meeting on request by councillors	31
367	Notice of meetings.....	31
368	What is the quorum for a meeting?.....	31
369	Who presides at meetings of the council?	31
370	What are the voting entitlements of councillors?.....	31
371	What constitutes a decision of the council?	31
372	Rescinding or altering resolutions.....	32
373	Committee of council	32
374	Certain circumstances do not invalidate council decisions.....	32
375	Minutes	32
376	Attendance of general manager at meetings	33
451	Disclosure and presence in meetings.....	33
452	(Repealed)	33
453	Disclosures to be recorded	33
454	General disclosure	33
455	(Repealed)	33
456	Disclosure by adviser	34
457	Circumstances in which secs 451 and 456 are not breached	34
458	Powers of Minister in relation to meetings	34

EXPLANATORY NOTE

CLAUSES INCORPORATED IN CODE OF MEETING PRACTICE

Source

Local Government Act, 1993 as amended
Local Government (General) Regulation, 2005 (Part 10 – Meetings)
Supplementary Provisions

Amendments Incorporated

Council Meetings:	20/12/1993	Supplementary Provisions
	04/07/1994	
	08/08/1994	
	07/11/1994	
	29/05/1995	
	28/08/1995	
	18/09/1995	
	23/10/1995	
	26/08/1996	
	04/11/1996	
	25/11/1996	
	05/05/1997	
	25/08/1997	
	02/02/1998	
	23/03/1998	
	29/03/1999	
	12/11/2001	
	11/03/2002	
	15/04/2002	
	13/05/2002	
	14/04/2003	
	12/05/2003	
	11/08/2003	
	13/02/2006	
	03/09/2007	
	22/10/2007	
	24/04/2008	
	03/11/2008	
	05/09/2011	

PART ONE – SUPPLEMENTARY PROVISIONS

1. Public Addresses on Whether to Close a Meeting (or part of a meeting)

- (i) *After a motion to close part of a meeting to the public has been moved and seconded, the chairperson would ask the general manager if there are any written representations from the public on the proposed closure;*
- (ii) *The general manager (or nominee) would read out any written representations (if any)*
- (iii) *The Chairperson would ask if any persons wish to make verbal representations;*
- (iv) *The opportunity to speak would be given (on an item by item basis) to each person who wishes to comment, chosen in random order;*
- (v) *Each person addressing the Council in this regard be allowed to speak for a maximum period of 2 minutes per person;*
- (vi) *The Council would then consider in open council whether part of the meeting should be closed to the public to consider the subject item (OM 23/03/98)(OM 20/06/11)*

2. Council and Principal Committee Meetings - Cycle

- (1)
 - (a) *The Ordinary Meetings of Council or of Council's Principal Committees of which all members are Councillors, shall be held on a Monday in the Mona Vale Memorial Hall, in accordance with Council's adopted meeting schedule (See OM 6/3/2000)*
 - (b) *That Council meetings be held on a fortnightly basis (1st and 3rd Mondays of the month, maximum of 2 per month) incorporating the Principal Committees of Council (OM 13.02.06)*
- (2) *Subject to Clause 9(3) Council Meetings or of each such Committee shall not be held on the following:*
 - *Public Holidays in New South Wales; and*
 - *Christmas/ New Year recess period (the Christmas/ New Year recess period is taken to commence the Tuesday immediately prior to Christmas Day and to conclude on the last Friday in January the following year).*
- (3) *Council reserves the right to cancel or to vary the date, time or location of a meeting or meetings of Council or of each such Committee, if a motion to that effect is carried. (OM 7/11/94), (OM 18/9/95) and (OM 6/3/2000)*
- (4)(a) *That, as a matter of practice, where a rescission motion is lodged, whether it be at a principal committee meeting or a meeting of the full Council, that the motion not be put into affect until Council has an opportunity to deal with the rescission motion, and the rescission motion be considered at the next available meeting of the full Council, unless a motion is carried at the time of lodging the rescission motion, to hold a extra-ordinary meeting of the Council to consider the rescission motion before the next scheduled ordinary meeting of the Council.(OM 20/06/11)*

3. Notice of Motion

"Notices of Motion clearly stating the terms of the proposed motion shall be lodged with the General Manager by a member of Council, either by signature or by electronic means, not later than 5.00pm on the Monday prior to the Council meeting at which it is to be considered.

Any Notice lodged by electronic means without a signature is not to be included on a Council or Committee meeting agenda unless the relevant member of Council has been previously contacted by a Council Officer to verify the authenticity of the Notice."
(OM 03/08/98) (OM 20/06/11)

4. Notices of Motion/ Rescission – Inclusion on the Agenda

That provision be made in all future Principal Committee Meeting Agendas for Notices of Motion/ Rescission to be dealt with, provided that such Notices strictly relate to the business of the relevant Committees and do not include the voting of funds or create financial ramifications that exceed the Committees' legitimate powers as provided in the Local Government Act, 1993. (OM 05/05/97) (OM 20/06/11)

5. Public attendance - leave to address Council and Meetings of Principal Committees

1. A member of the public may be granted leave to address **any item on the agenda of** a meeting of Council or a Committee of which all the members are Councillors, where such a request is received by the General Manager no later than 3.00pm on the Monday of the meeting. This provision is subject to:

- (a) A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation, and two speakers in opposition. (OM 13/02/06) (OM 20/06/11)
- (b) A limitation of three minutes is allowed for any one speaker, with no extensions. (OM 13/02/06)
- (c) An objector to a development application is to speak first with the applicant always being given the right to reply.

All requests by persons to address Council or Committee meetings are to be referred to the Mayor or Chairperson for determination immediately prior to the meeting.

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 (OM 20/12/93)
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. (OM 13/02/06).
 3. The Chairperson is to rule on matters concerning resident speeches. No procedural motions in this regard are to be moved. (OM 13/02/06).

6. Tabling/ Handing Up of Documents

1. *Subject to clause 2 below, persons with an interest in an item on the agenda or persons invited to address any meeting of the Council or its Committees may either hand up or table documents in relation to their address or in support of their position, however, the handing up or tabling of any documents once the debate has commenced is not permissible."*
2. *Documents of a technical nature requiring detailed assessment by a Council officer, as determined by the General Manager, will not be considered or accepted for tabling/ handing up to any meeting of the Council or its Committees."*
(OM 29/3/99)
3. *"That the chairperson if requested by a Councillor, be required to temporarily adjourn the meeting in order to provide sufficient time for councillors to read documents tabled and/or circulated at the meeting, such as internal memos/reports from Council officers, and to provide the opportunity for councillors to ask questions of relevant staff to ensure that the contents of the tabled documentation is fully understood by councillors prior to voting on the item".* (OM 12/5/03)

7. Attendance during Council and Principal Committee Meetings

Councillors should be in attendance at all times during the course of Council and Principal Committee meetings unless domestic or other pressing necessity requires a Councillor to leave the meeting.

Exceptions to these requirements will apply when a Councillor has declared a pecuniary interest or a conflict of interest in an agenda item and leaves the meeting while the item is debated and voted upon. (OM: 11.10.99)

8. Mode of Addressing Council

A member shall on all occasions when in both Council and Committee, address and speak of other members by their official designations, as Mayor, Chairperson or Councillor, as the case may be; and with the exception of the Chairman, shall (except when prevented by bodily infirmity) rise in his/ her place and stand while speaking (OM 20/12/93).

The Mayor shall vacate the Chair and the Chair of each Committee shall assume the Mayor's chair at the meeting table when chairing Committee meetings.

9. General Order of Business - Council Meetings

The general order of business at Council Meetings shall be as follows:-

- 1) *Public Forum (Second Council meeting of the month only)
- 2) *Residents questions (Second Council meeting of the month only)
- 3) Apologies
- 4) Declarations of Pecuniary and Conflict of Interests including Political Donations and Gifts
- 5) Confirmation of Minutes
- 6) Public Addresses
- 7) Councillor Questions with Notice
- 8) Business by Exception
- 9) Council Meeting Business
- 10) Principal Committee Business
- 11) Confidential Matters

(OM 20/12/93, OM 4/11/96, OM 6/3/2000 and OM.16.4.07) (OM 20/06/11).

10. Notice of Rescission Motion

- (a) *A Notice of Motion to alter or rescind a resolution which has been passed by Council shall be lodged with the General Manager in writing not later than 5.00pm on the Monday prior to the meeting at which it is to be considered. (OM 20/06/11)*
- (b) *A Notice of Motion to alter or rescind a resolution which has been passed by Council shall be lodged with the General Manager either:*
 - (i) *by written notice signed personally by three (3) or more members of Council*

OR

 - (ii) *by facsimile transmission of a duly signed notice bearing the signatures of three (3) or more members of Council:*
Provided that either personal verification as to the intention of each of the three signatories is conveyed to the General Manager or the original signed notice is lodged with the General Manager prior to consideration of the Rescission Motion by Council.

The provisions of subclauses (a) and (b) above are also to apply, mutatis mutandis, to the lodging of a Notice of Motion which has the same effect as a Motion which has been negatived by Council. (OM 20/12/93) (OM 23/10/95).

11. Closing Time - Meetings

All Ordinary and Extraordinary Meetings of Council shall conclude at midnight or at the conclusion of the item then being discussed, provided that such item then being discussed can be concluded by 12.10am. If such item has not been concluded by 12.10am the meeting is then to be closed. That item and any other items still to be dealt with to be deferred to a later meeting as resolved by Council (OM 20/12/93).

12. Motions for Adjournment of Council

Discussion shall not be permitted upon any Motion, which can be moved with notice, for adjournment of the Council Meeting. If upon the question being put on any such Motion the same is negatived, the subject then under consideration, or next on the business paper, shall be discussed; and it shall not be competent for any member again to move a Motion for adjournment of the Council until half an hour has elapsed from the time of moving the one that has been negatived (OM 20/12/93).

13. Recording of Decisions – Development Applications

- 1. *Where the Council/Committee makes a resolution in relation to a development application contrary to a recommendation of its staff, the detailed reasons for the decision and the reason/s for the deviation from the staff recommendation shall be recorded in the minutes of the meeting and notices of determination. (OM 11/8/03)*
- 2. *All Councillors voting on development matters shall be recorded in the minutes of each Council/Committee meeting (following the call of a Division on voting) except where a development matter has been determined by "exception". (OM 7/4/2008) (OM 20/06/11)*

14. Unopposed Notices of Motion

The Chairperson may call over the Notices of Motion on the business paper, in the order in which they appear thereon; and if objection is not raised to a Motion, may call for the Motion to be moved and seconded and, without discussion may put the Motion to the vote (OM 20/12/93).

15. Unopposed General Business (Business by Exception)

The Chairperson may call over the items of general business on the business paper, in the order in which they appear thereon; and if objection is not raised to a report and recommendation, may call for a Motion for the adoption of the report and recommendation to be moved and seconded and, without discussion, put the Motion to the vote (OM 20/12/93).

16. Correspondence

Letters shall not be presented or read by members at meetings of the Council (OM 20/12/93).

17. Supplementary Motion

At a meeting of Council, a Councillor may move a supplementary Motion concerning an item of business which has been dealt with by Council.

The Supplementary Motion is to relate directly to the item of business with which it is concerned, must be of a purely supplementary nature, and must not introduce any new matter (OM 20/12/93).

18. Councillor Questions with Notice

- (1) *At all Council meetings, each Councillor may ask up to three questions provided prior notice has been given in accordance with the provisions of Clause 241 of the Regulations.*
- (2) *All Councillor questions with notice are to be submitted in writing, or electronically to the General Manager or his representative not later than 5pm on the Monday prior to the Council meeting at which the question is to be considered.*
- (3) *Only the question as submitted will be included in the Council meeting agenda.*
- (4) *The General Manager or relevant officer will endeavour to provide a verbal response at the meeting to which the question has been referred and any such response will be recorded in the minutes of that meeting.*
- (5) *Should the question be taken on notice a response will be provided in writing to that Councillor and the response will also be included on the agenda of the next available Council meeting.*
- (6) *The response provided is for information purposes only and as such no debate or motion on the matter will be permitted.*
- (7) *Councillors are encouraged to ask questions of the responsible staff members between meetings, on matters which are of concern to them.*

(OM 20/06/11)

19. Extensions of Time for Councillors Speeches

That an additional period of 2 minutes be permitted for extensions of time for Councillor speeches with the consent of the Council at Council Meetings (OM2/2/98)

20. Recommendations of Committee of the Whole

The Chairperson is to call for a motion to adopt recommendation/s of the Committee of the Whole in closed session as provided on computer screens in front of Councillors/public screen. (13/02/06)

21. Communications by Committee

A Committee of the Whole or a committee of the Council shall not communicate with any outside person or authority except through the General Manager, as the employee of the Council duly authorised for the purpose (OM 20/12/93).

22. Misuse of Confidential Information

Councillors, staff and delegates must always respect the confidentiality of items which are properly considered confidential pursuant to Clause 10A(2) of the Local Government Act. (OM 23/10/95)

23. Councillors, Staff or Delegates must not bring Council into Disrepute

"That Councillors, staff or delegates must make every effort to ensure the reputation of Council is maintained and enhanced subject only to their duty to act at all times in the public interest, which is paramount." (OM 23/10/95).

24. General Manager Comments during Debate

That the General Manager or his nominee, with the Chair's permission, be allowed to comment during debate to assist Councillors decision making. (OM 3/9/07)

25. Public Forums

That 'Public Forums' be conducted on the second Council meeting of each month. (OM 20/11/06 and 16/4/07)

- (1) The Public Forum is not a decision making forum for the Council;
- (2) Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council officers;
- (3) There will be no debate or questions with, or by, councillors during/following a resident submission;
- (4) Council's general Meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;

- (5) No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- (6) Up to 20 minutes is allocated to the Public Forum;
- (7) A maximum of 1 submission per person per Meeting is permitted, with a maximum of 4 submissions in total per Meeting;
- (8) A maximum of 5 minutes is allocated to each submission;
- (9) Public Submissions will not be permitted in relation to the following matters:
 - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
 - Items on the current Council Meeting agenda;
- (10) The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- (11) Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- (12) Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting.

26. Councillor Questions on Motions at Principal Committee Meetings

That the standard procedure for the Principal Committees be that questions by Councillors be put to staff prior to the matter being moved and seconded. (OM 3.11.08) (OM 20/06/11)

27. Attacks on Councillors and Staff members at meetings

That every effort be made to prevent the discrediting of Councillors and staff members of this Council, either directly or by innuendo, during debate in the Council Chamber or through statement appearing in the press, and if any Councillor or staff members considers they have been unfairly attacked and they wish to reply, they be given the opportunity without interruption, to defend themselves immediately or at the next meeting. (OM 20/06/11)

28. Residents Questions – Council Meetings

- (1) That residents Question Time be conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.
- (2) That a maximum of 10 minutes be allocated to residents Question Time
- (3) That Residents be restricted to two (2) questions per meeting
- (4) That all questions be in writing or made electronically and lodged with the General Manager no later than 6.15pm on the day of the Council meeting at which it is to be considered.
- (5) Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.

- (6) A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.
- (7) Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.
- (8) Resident's questions taken on notice shall be the subject of a report to Council setting out both the question and response and shall be included in the agenda at the second meeting of the month following the resident's question.
- (9) There will be no debate or questions with, or by, Councillors during / following a resident question and response.

29. Submission of Large Documents to Councillors

- (1) That any document in excess of 10 typed A4 pages that is proposed to be listed on a Council agenda or provided to Council as an annexure to the report or to be tabled at a meeting of the Council, be submitted (in draft form if necessary) to Councillors at least 14 days in advance of the date of the Council meeting.
- (2) Exceptions to (1) are permitted in instances where a shorter review period is necessitated by a requirement to meet a statutory deadline or in matters of an urgent nature as determined by the General Manager. (OM 20/06/11)

PART TWO – STATUTORY PROVISIONS OF LOCAL GOVERNMENT (GENERAL) REGULATION 2005

Note: Numbering of Clauses replicates numbering of legislation.

Part 10 – Meetings

DIVISION 1 – PRELIMINARY

231 Definitions

In this Part:

"amendment", in relation to an original motion, means a motion moving an amendment to that motion.

"chairperson":

- (a) in relation to a meeting of a council--means the person presiding at the meeting as provided by section 369 of the Act, and
- (b) in relation to a meeting of a committee of a council--means the person presiding at the meeting as provided by clause 267.

"committee", in relation to a council, means a committee established under clause 260 or the council when it has resolved itself into a committee of the whole.

"councillor" includes a member of the governing body of a county council.

DIVISION 2 – CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

232 Notice of meetings

- (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

233 What happens when a quorum is not present

- (1) A meeting of a council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.

- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in his or her absence--by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- (3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

234 Minister to convene meetings in certain cases

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
 - (a) to convene the first meeting of the council of the area, and
 - (b) to nominate the business to be transacted at the meeting, and
 - (c) to give the councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The council must transact the business nominated by the Minister for a meeting convened under this clause.

235 Presence at council meetings

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

DIVISION 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

236 Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- (2) The election must be conducted:
 - (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) if neither of them is present at the meeting or there is no general manager or designated employee--by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

237 Chairperson to have precedence

When the chairperson rises during a meeting of a council:

- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

238 Chairperson's duty with respect to motions

- (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

239 Order of business

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson--any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.

- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.

241 Giving notice of business

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

242 Agenda for extraordinary meetings

- (1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

243 Official minutes

- (1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

244 Report of a Departmental representative to be tabled at council meeting

When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:

- (a) is laid on the table at that meeting, and
- (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

245 Notice of motion - absence of mover

In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:

- (a) any other councillor may move the motion at the meeting, or
- (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

246 Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243 (2) and 250 (5).

247 How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.

248 Motions of dissent

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

249 Questions may be put to councillors and council employees

- (1) A councillor:
 - (a) may, through the chairperson, put a question to another councillor, and
 - (b) may, through the general manager, put a question to a council employee.
- (2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.

250 Limitation as to number of speeches

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

251 Voting at council meetings

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

252 Representations by members of the public--closure of part of meeting

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

253 Resolutions passed at closed meetings to be made public

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

254 Matters to be included in minutes of council meeting

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

DIVISION 4 – KEEPING ORDER AT MEETINGS

255 Questions of order

- (1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- (2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

256 Acts of disorder

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or

- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
- (3) A councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

257 How disorder at a meeting may be dealt with

- (1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- (2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

258 Power to remove persons from meeting after expulsion

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion--immediately after being directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

DIVISION 5 – COUNCIL COMMITTEES

259 Committee of the whole

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

260 Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- (3) The quorum for a meeting of a committee is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number--a majority of the members of the committee.

261 Functions of committees

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

262 Notice of committee meetings to be given

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held, and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

263 Non-members entitled to attend committee meetings

- (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

264 Representations by members of the public--closure of part of meeting

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

265 Procedure in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

266 Committees to keep minutes

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

267 Chairperson and deputy chairperson of committees

- (1) The chairperson of each committee of the council must be:
 - (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee--a member of the committee elected by the council, or
 - (c) if the council does not elect such a member--a member of the committee elected by the committee.
- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- (3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- (4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

268 Absence from committee meetings

- (1) A member (other than the mayor) ceases to be a member of a committee if the member:
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

269 Reports of committees

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the council.

270 Disorder in committee meetings

The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

271 Certain persons may be expelled from council committee meetings

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

DIVISION 6 – MISCELLANEOUS

272 Inspection of the minutes of a council or committee

- (1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

273 Tape recording of meeting of council or committee prohibited without permission

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, "**tape recorder**" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

PART THREE – STATUTORY PROVISIONS OF LOCAL GOVERNMENT ACT 1993 AS AMENDED

Note: *Numbering of Clauses replicates numbering of legislation.*

Part 1 – Open meetings

9 Public notice of meetings

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.
- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

10 Who is entitled to attend meetings?

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- (5) (Repealed)
- (6) (Repealed)

10B Further limitations relating to closure of parts of meetings to public

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret--unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.
- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

10C Notice of likelihood of closure not required in urgent cases

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
- (b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

10D Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A (2),
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10E (Repealed)

11 Public access to correspondence and reports

- (1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed, or
 - (b) were laid on the table at, or submitted to, the meeting,when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.

DIVISION 1 – CODE OF MEETING PRACTICE

360 Conduct of meetings of councils and committees

- (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

DIVISION 2 – OTHER PROVISIONS CONCERNING COUNCIL MEETINGS

365 How often does the council meet?

The council is required to meet at least 10 times each year, each time in a different month.

366 Calling of extraordinary meeting on request by councillors

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

367 Notice of meetings

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

368 What is the quorum for a meeting?

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.

369 Who presides at meetings of the council?

- (1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- (2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

370 What are the voting entitlements of councillors?

- (1) Each councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

371 What constitutes a decision of the council?

A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

372 Rescinding or altering resolutions

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

373 Committee of council

A council may resolve itself into a committee to consider any matter before the council.

374 Certain circumstances do not invalidate council decisions

Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451, or
- (e) a failure to comply with the code of meeting practice.

375 Minutes

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

376 Attendance of general manager at meetings

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.

451 Disclosure and presence in meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

452 (Repealed)

453 Disclosures to be recorded

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

454 General disclosure

A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body, or
- (b) a partner, or in the employment, of a specified person, is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

455 (Repealed)

456 Disclosure by adviser

- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

457 Circumstances in which secs 451 and 456 are not breached

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

458 Powers of Minister in relation to meetings

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

C7.3	Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
-------------	--

Meeting: Council

Date: 3 December 2012

STRATEGY: Business Management

ACTION: To effectively manage Council's corporate governance responsibilities

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 year, for submission to the NSW Department 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 17 October 2011 with no amendment being made.
- 1.4 The current Policy was presented to Council on 15 October 2012 with suggested changes (see **Attachment 1**) as highlighted in yellow.
- 1.5 The Policy has been on exhibition from 19 October 2012 to 15 November 2012. No submissions were received.

2.0 ISSUES

- 2.1 Adoption of the policy in its current format.
- 2.2 As outlined at the Council meeting of 15 October 2012 an amendment was recommended to include a dispute resolution process and an outline of the procedure for the processing of claims. Both these amendments, as highlighted in yellow (refer **Attachment 1**), were recommendations of Council's Internal Auditor following an audit process. Furthermore, these amendments bring Council's policy in line with the Department of Local Government's *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW*.

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 there is accountability and transparency in the reimbursement of expenses incurred by Councillors whilst undertaking their civic responsibilities, and that such facilities and expenses are acceptable to the public. The policy also ensures that the facilities provided to assist Councillors are reasonable. Councillors may only receive reimbursement for expenses identified in this policy.

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

The report has no affect on this assessment

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 Department 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 with the amendments as previously outlined is considered appropriate.

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 Department of Local Government.

Report prepared by
Gabrielle Angles - Principal Officer Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE



PITTWATER COUNCIL

Council Policy – No 145 Version: 18	Adopted:	OM04.07.94
	Amended	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

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 at 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.

- **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.

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. **(OM 13.12.04)**

- **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 2013.

C7.4 Delegation of Authority - Review by the Council

Meeting: Council

Date: 3 December 2012

STRATEGY: Business Management

ACTION: Maintain and service Council's committees.
Provide administrative support to elected Councillors.

PURPOSE OF REPORT

To review the existing Delegations of Authority of the Mayor, Deputy Mayor and General Manager.

1.0 BACKGROUND

- 1.1 Council resolved at its meeting of 15 October that the Councillors receive a report on Council Delegations and the matter be workshopped by Council no later than 3 December 2012.
- 1.2 Section 380 of the Local Government Act 1993 requires the Council to review all of its delegations during the first twelve months of each term of office
- 1.3 The Council has in previous years delegated authority for various functions to the Mayor, the Deputy Mayor, the General Manager and to its Principal Committees.

2.0 ISSUES

2.1 Delegation of Authority - Council

- 2.1.1 Part 3 of the Local Government Act and particularly Section 377 of the Local Government Act provides the Council with the general power to delegate as follows:

Part 3 Delegation of functions

377 General power of the council to delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
 - (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders which are required under this Act to be invited by the council,*

- (j) *the adoption of an operational plan under section 405,*
- (k) *the adoption of a financial statement included in an annual financial report,*
- (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) *this power of delegation,*
- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.*

2.2 Delegations of Authority - Mayor

2.2.1 The Council's current delegations to the Mayor are set out in full in **Attachment 1** and relate to the following:

- Powers of Expulsion
- Conferences and Seminars
- Correspondence
- Donations
- Entry and Inspection
- Meeting Recess
- Media Relations
- Urgent Works
- Fire Restrictions

2.2.2 The Mayor also has statutory powers under section 226 of the Local Government Act 1993. These are as follows:

- To exercise, in cases of necessity, the policy making functions of the governing body of the Council between meetings of the Council.
- To exercise such other functions of the Council as the Council determines.
- To preside at meetings of the Council.
- To carry out the civic and ceremonial functions of the Mayoral Office.

2.3 Delegations of Authority – Deputy Mayor

- 2.3.1 The Council's current delegations to the Deputy Mayor are set out below. The delegations authorise the Deputy Mayor to exercise the Mayor's delegations and those prescribed under Section 226 of the Local Government Act 1993, when the Mayor is absent.

"In the absence of the Mayor and subject to compliance with the requirements of the Act, and any expressed policy or direction of Council, Council pursuant to the provisions of section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which Council has delegated by this Instrument to the Mayor as well as those prescribed by section 226 of the Act."

2.4 Delegations of Authority – General Manager

- 2.4.1 At its meeting held on 3 August 1998, the Council authorised delegations to the General Manager as set out in the Instrument of Delegation of Authority (included as Attachment 2 to this report). Since that date each new Council has endorsed those delegations, subject to minor variations in 2009.
- 2.4.2 The General Manager also has functions under Section 335 of the Local Government Act to enable the effective and efficient operation of the Council's organisation. It is as follows:

335 Functions of general manager

- (1) *The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
- (2) *The general manager has the following particular functions:*
 - *to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report*
 - *the day-to-day management of the council*
 - *to exercise such of the functions of the council as are delegated by the council to the general manager*
 - *to appoint staff in accordance with an organisation structure and resources approved by the council*
 - *to direct and dismiss staff*
 - *to implement the council's equal employment opportunity management plan.*
- (3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

- 2.4.3 The Council's current delegations to the General Manager are set out in the 'Delegations of Authority Manual'. The Manual also sets out the various delegations of authority that the General Manager has sub-delegated to staff. The Manual is under continual review and is a public document and is available for public access on the Pittwater Council website and on the Councillor Intranet.

2.5 Exercise of Responsibility / Delegation

- 2.5.1 Responsibilities / delegations are exercised by duly authorised employees within the organisation on a continual basis. The need to advise the governing body of the outcome of these decisions represents a challenge but also an opportunity to improve communication with our community and councillors alike.

2.6 Power of Attorney

- 2.6.1 Council first resolved to grant a General Power of Attorney on 13 September 2004 to the former General Manager. This was revised on 19 September 2005 by the grant to the General Manager Mark Ferguson on 19 September 2005.
- 2.6.2 At its meeting held on 16 June 2008, the Council resolved to grant a Power of Attorney to the General Manager, Mr Mark Ferguson, the Director Urban and Environmental Assets, Mr Chris Hunt and the Director Environmental Planning and Community, Mr Steve Evans to execute legal documents, on behalf of the Council. The Power of Attorney has been registered with the Land and Property Information Office and a Register of all documents executed under Power of Attorney is maintained by Council staff.
- 2.6.3 The Power of Attorney has been used 40 times over the last three years. Twenty nine of those times have been following a Council Resolution. The remaining times were to execute documents associated with organisation functions. A copy of the exercise of the Power of Attorney is attached at Attachment 3.

2.7 Delegation of Authority – SHOROC

- 2.7.1 There is also a general delegation of authority to the Mayor and the General Manager as its official delegates to SHOROC. The delegation is set out below:

"That the General Manager together with the Mayor be delegated authority to enter into contractual agreements, or authorise other SHOROC Member Councils as necessary, to enter into contractual agreements between SHOROC and third parties provided there is no cost to Pittwater Council and provided that any use of such delegation is reported back to the Council for its information."

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The report will have no effect on this Strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

The report will have no effect on this Strategy

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

The report will have no effect on this Strategy

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

The report will assist the General Manager in the transparent governance of the Council in an effective and timely manner.

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

The report will have no effect on this Strategy.

4.0 **EXECUTIVE SUMMARY**

- 4.1 Section 380 of the Local Government Act 1993 requires the Council to review the delegations of the Mayor, Deputy Mayor and General Manager during the first twelve months of each term of office. The exercise of these authorities provides for the efficient and effective operation of the Organisation in delivering works and services to the community. The implementation of the delegations should also require a satisfactory level of reporting on their implementation to the council

RECOMMENDATION

1. That the existing delegations to the Mayor, as set out in **Attachment 1**, be confirmed.
2. That the existing delegations to the Deputy Mayor, as set out in paragraph 2.3 of this report, be confirmed.
3. That the delegations to the General Manager, as set out in paragraph 2.4 and the amended Instrument of Delegation of Authority being **Attachment 2** to this report be confirmed.
4. That the existing general delegation to the Pittwater Council SHOROC delegates, being the Mayor and the General Manager, as set out in paragraph 2.7 of this report, be confirmed
5. That Council endorse the existing Power of Attorney to the General Manager, Mr Mark Ferguson, the Director Urban and Environmental Assets, Mr Chris Hunt and the Director Environmental Planning and Community, Mr Steve Evans.

Report prepared by

Mark Ferguson
GENERAL MANAGER

Delegations to the Mayor

Subject to the requirements of the Local Government Act, 1993, and Regulations thereunder, and any expressed policy or direction of Council, Council pursuant to the provisions of section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to exercise or perform on behalf of Council the following powers, authorities, duties or functions:

Delegation No.

1. Powers of Expulsion
2. Conferences and Seminars
3. Correspondence
4. Donations
5. Entry and Inspection
6. Meeting Recess
7. Media Relations
8. Urgent Works
9. Fire Restrictions

1. Power of Expulsion

The Mayor or person presiding at any meeting of Council or a Committee of Council, where acts of disorder occur as prescribed in clause 256 of the Local Government (General) Regulation 2005, may expel any person (whether a councillor or member of the public) who is not entitled to be present in accordance with section 10(2)(b) of the Act.

2. 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.
- (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.

3. Correspondence

To sign outgoing correspondence on behalf of the Council.

4. Donations

To approve requests for donations in accordance with Council policy and subject to the availability of funds within the Community Grants/Donations budget.

5. Entry and Inspection

To enter upon any land or building to make inspection, of the premises, matter or thing, in accordance with the provisions of section 191 of the Act and section 118A of the Environmental Planning and Assessment Act.

6. Meeting Recess

With the General Manager, determine policy matters between the last Council meeting for the year and the first Council meeting for the following year.

7. Media Relations

To make media statements or releases which are intended to inform the public of a formal Council decision or policy on behalf of Council.

8. Urgent Works

To authorise any work which is deemed urgent at a cost not exceeding \$100,000 provided that such expenditure is reported to Council at its next meeting.

9. Fire Restrictions

(a) Bush Fire Danger Periods

That the Mayor be given delegated authority to declare any period to be a bushfire danger period within the Warringah Pittwater Bush Fire District.

(b) Permits to Burn

That the Mayor be given delegated authority to determine, that because of the seriousness of the bushfire danger in the area, no permit shall be issued authorising the lighting, maintenance or use, within the Warringah Pittwater Bush Fire District of fires for the purpose of clearing any land or bush, stubble, scrub, timber, trees, grass or vegetative or other material or for burning any fire break.

PITTWATER COUNCIL

INSTRUMENT OF DELEGATION OF AUTHORITY

Section 377, Local Government Act, 1993

Pittwater Council in order to provide the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities hereby delegates under Section 377 of the Local Government Act, 1993, to the person specified by resolution of the Council to have the functions of the GENERAL MANAGER and to the person holding the aforementioned position in an acting capacity the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2. This delegation shall commence on 17 August 2009 and remain in force until specifically altered or revoked in writing.

SCHEDULE 1

1. The functions of the Council as specified in:-
 - (iii) the Local Government Act, 1993, and related Acts, and
 - (iv) other Acts under which council has powers, duties and functions.

SCHEDULE 2

1. Subject to the provisions of the Local Government Act, 1993 and any other legislation relevant to the delegations.
2. Council may by resolution direct the **General Manager** in the exercise of any functions herein delegated.
3. The **General Manager** shall exercise the functions herein delegated in accordance with and subject to:
 - (c) the provisions of the Local Government Act, 1993, as amended; and
 - (d) all and every policy of the Council adopted by Resolution and current at the time of the exercise of the functions herein delegated.
4. Authorisation of specific items of expenditure for goods and services including contract payments up to \$500,000 where these expenditures have been previously approved as part of the budget review and/or tendering process.
5. Authorisation of investments on behalf of Council up to \$1,000,000 (one million dollars) (OM 3.6.96).
6. Authorisation of loan repayments up to \$500,000 where these expenditures have been previously approved as part of the budget review process.

**Power of Attorney Signings
2010-2012**

	Date Signed	Description of Document	Council Resolution Date
1	12 Oct 2012	Contract Documents Provision of Bush Regeneration Services to Pittwater T03/12 (1 Company)	16 July 2012
2	13 Aug 2012	Contract Documents for Construction of Warriewood Valley Playground T09/12	16 July 2012
3	6 Aug 2012	Contract Documents Provision of Bush Regeneration Services to Pittwater T03/12 (9 Companies)	16 July 2012
4	6 Aug 2012	Contract Documents Bush Regeneration Services for Narrabeen and Fern Creeks	16 July 2012
5	6 Aug 2012	Contract Documents for Northern Beaches Flood Warning & Information Network Program T06/12	16 July 2012
6	26 Jul 2012	Contract Documents – Civil Works to Prepare for Installation of new cabins at Sydney Lakeside T07/12	16 July 2012
7	25 Jul 2012	Contract Documents for Construction of Cabins at Sydney Lakeside Holiday Park	18 June 2012
8	10 July 2012	Project Agreement Pittwater/Warringah/Manly Councils for Northern Beaches Flood Warning Information Network Program	16 July 2012
9	10 July 2012	Project Agreement between SES / Pittwater / Warringah / Manly Council for Northern Beaches Flood and Coastal Storms Education strategy	16 July 2012
10	15 May 2012	Electricity Tender T05/12	7 May 2012
11	23 Apr 2012	Provisions of Records Management Services T06/11	2 April 2012
12	20 Apr 2012	Agreement for Cleaning Services	19 March 2012
13	05 Apr 2012	Ausgrid ES9 – Agreement for Connection of Developments 8 Palm Road Newport	
14	23 Mar 2012	Formal Instrument of Agreement – Careel Creek Flood Study Update	
15	10 Feb 2012	Marine Rescue NSW – Transfer of Lease	
16	20 Dec 2011	Deed of Novation and Consent to sub licence – communication site George Street Avalon	
17	17 Nov 2011	Funding Agreement Variation Church Point Tie Up facility	
18	1 Nov 2011	Licence Agreement Commuter Tie-Ups at Tennis Court Wharf Pontoon	
19	15 Nov 2011	Licences for Woolworths Loading Dock and Trolley Bay – Avalon	17 October 2011
20	17 Oct 2011	Transfer of Drainage Reserve to Council Lot 18A DP6746 Palm Beach	

	Date Signed	Description of Document	Council Resolution Date
21	04 Oct 2011	Mona Vale Surf Club – Sublease of Café Facility	15 August 2011
22	27 Sep 2011	Transfer Document Pittwater and Uniting Church Property Trust for Elanora Conference Centre	18 December 2006
23	09 Sep 2011	Lease to Austech Unit 9, Vuko Place	21 June 2004
24	23 Aug 2011	Transfer Document for Sale of Road Reserve adjoining 63 Florida Rd, Palm Beach	10 December 2001
25	10 Aug 2011	Transfer granting easement for use of a bus shelter by 1 Fantail Avenue Warriewood	
26	17 Jul 2011	Section 88E Instrument Setting out terms of Easements – Subdivision Lot 70 DP 32253 Unit Church Property Trust	18 December 2006
27	27 Jun 2011	Flying Fox Café Lease Renewal	1996
28	16 Jun 2011	Lease to Convenience Properties (Operations) Pty Ltd 1501 Pittwater Road Narrabeen	20 September 2010
29	23 May 2011	Sale of Road Reserve – 63 Florida Road, Palm Beach	10 December 2001
30	18 Apr 2011	Bayview Yacht Racing Association – Lease of Clubhouse	18 October 2010
31	09 Dec 2010	Primary Application and Plan of a Public Reserve – 30A Hudson Parade, Clareville	6 December 2010
32	05 Nov 2010	Deed of Private Sewage Main in Road Reserve – 30 Ingleside Road, Ingleside	
33	05 Nov 2010	Land Transfer with Centro Properties Pty Ltd Jacksons Road, Warriewood	10 August 1998
34	28 Sep 2010	Mobil Oil Australia – Assignment of Lease to 7 Eleven Stores (Guarantee and Indemnity / Deed Consent)	20 September 2010
35	06 Aug 2010	Avalon Beach RSL Lease of Outdoor Dining Area	19 July 2010
36	26 Jul 2010	Lease Assignment – Flying Fox Café	1996
37	14 Apr 2010	Registering of Plan – Jacksons Road Warriewood Road Closure	7 September 1998
38	07 Apr 2010	Plan of Drainage Easement 137 Wallumatta Road Newport	
39	07 Apr 2010	Transfer Document for Sale of Road Reserve 13 Noolinga Avenue	20 October 2008
40	26 Mar 2010	S88B Easement Relating to Strata Subdivision at 71 Bassett Street Mona Vale N0481/08	

Community, Recreation and Economic Development Committee

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

C8.1 Avalon Beach Draft Plan of Management

Meeting: Community, Recreation & Economic
Development Committee

Date: 3 December 2012

STRATEGY: **Valuing and Caring for our Natural Environment**
Recreational Management

ACTION: To maintain abundance and diversity of Pittwater's native plant and animal species.
To manage and maintain recreational facilities to best practice standards in a cost effective and sustainable manner.

PURPOSE OF REPORT

For Council to consider placing the draft plan of management for Avalon Beach, as tabled at the meeting, on public exhibition.

1.0 BACKGROUND

- 1.1 The Avalon Beach Draft Plan of Management updates the previously adopted plan of management, dated 2007. Both documents focus on the refurbishment of the surf life saving club building and upgrading and managing the surrounding areas.
- 1.2 Stage 1 of the access driveway and parking upgrade as proposed in the 2007 plan of management is currently being completed with the intention of alleviating vehicle congestion over the summer peak period.

2.0 ISSUES

2.1 Proposal for the Community's Consideration

Proposed Works in the Short Term

Refurbishment of the Building Occupied by the Avalon Surf Life Saving Club

The building was constructed in 1961. It is now generally in poor condition, subject to continual repairs and increasingly outdated for current and future uses. Specific areas of the building do not comply with current Building Code of Australia requirements.

A proportion of the building is leased by Council to the Avalon Surf Life Saving Club. The 2007 Plan of Management proposed to upgrade the building to better suit the needs of its users as a joint development by the Surf Life Saving Club and Pittwater Council. A Development Consent has been granted for this work in 2011 (DA N0693/10). This is available as a public document. The Development Consent includes a café in the south-eastern corner of the building. This area and the public change rooms are not part of the surf club's lease but are being upgraded to ensure a continuity of the design intent. A restaurant above the café is now being proposed, which will help fund the upgrade and ongoing maintenance of the surf club building and Avalon Beach Reserve. (See **Attachment 1**).

Requirements in relation to the existing and modified Development Applications

Development Consent

Development Consent has been issued for the Avalon Beach Surf Club reconstruction. As part of the Development Consent a Coastal Protection Works Management Plan was requested to be included as a sub-plan of this PoM. The Coastal Protection Works Management Plan is currently being obtained.

Section 55 C (1)(b) of the *NSW Coastal Protection Act, 1979* states a Coastal Zone Management Plan must provide for emergency actions carried out during periods of beach erosion, including the carrying out of related works, such as works for the protection of property affected or likely to be affected by beach erosion, where beach erosion occurs through storm activity or an extreme or irregular event.

The Coastal Protection Works Management Plan (currently being prepared) will be placed on Council's website during the PoM exhibition period and all Councillors and stakeholders notified of its availability.

The Development Consent did not include a restaurant and as such a Section 96 Modification will be required as well as authorisation under the new PoM – the subject of this report.

Modifying the Existing Development Consent to Include the Restaurant

The current Development Consent will need to be modified to include the restaurant, under s.96 of the *Environmental Planning and Assessment Act, 1979*. Council will act as the Applicant for the s.96 consent. The type of issues considered will include parking, hours of operation, noise, residential amenity and liquor licence (separate application, but considered nevertheless).

Social, Environmental (see Coastal Management above) and Economic Values

In the past 100 years, Surf Life Saving Australia has saved over 530,000 lives on Australia's beaches and continues to rescue more than 11,000 people every year¹. Life Savers are volunteers who are engaged with coastal zone management and monitoring, emergency preparedness, response and care for the benefit of local communities.

The type of infrastructure required includes a building /club house with storage areas for equipment, first aid, training facilities, meeting rooms, rescue vehicles and craft, surveillance / outlooks, radio communications and essential services - power, water, and sewage. To be well equipped Clubs raise funds, apply for government grants, and form partnerships.

The proposed surf club building is the vision of Avalon Beach Surf Life Saving Club and the members have worked for years to reach this stage in the project. Council is committed to helping community groups, particularly groups who provide a public service and maintain strong commitments to achieving their goals.

Council staff have spoken with the Avalon Chamber of Commerce regarding the possible impact of the restaurant on local businesses. The Chamber recognises that there is a unique relationship between Avalon Village and the beach. It is hoped that the restaurant will bring tourists to the area who will also visit the Village due to its close proximity to the beach.

¹ Australian Coastal Public Safety Guidelines – 1st Ed. *Surf Life Saving Australia*, Sydney 2007.

New Facilities and Landscaping at Avalon Beach Reserve

It is proposed to upgrade the playground with new equipment and to create a picnic and barbecue area with tiered seating along the embankment in the area south of the existing surf club building (See **Attachment 1**). The seating will provide a place for people to sit comfortably to enjoy the views over the beach and broader coastal setting.

Avalon Beach Reserve will be landscaped as sensitively as possible to enable the natural landscape to dominate. Principles:

- the proposed recreational facilities – playground and picnic area, will be contained within the small section of the reserve as shown in the Masterplan;
- the majority of the Reserve will be green, open space;
- vegetation will be locally native species where possible;
- plantings will consider coastal views and security (open enough to prevent people hiding behind bushes) and
- soft landscaping on the corner of Barrenjoey Road and Avalon parade, which may include low-key signage, along with improved pedestrian access and landscaping.

Dune Management

The dunes extend behind the majority of the beach to Des Creagh Reserve and form a significant backdrop to the beach. The Friends of Avalon Dunes Dunecare group were responsible for the initial planting of the reconstructed dunes in 1989 and have continued to contribute significantly to their management. Council staff manage the reserve, through contractors with funding of about \$16,000 a year.

The main issues that impact on the dunes are weeds and unauthorised camps constructed by youths. Management of the dunes can be improved by ensuring Council, contractors and the Friends of Avalon Dunes Dunecare group have a well coordinated approach. Issues relating to youth are cultural and will need to be addressed through parents, schools, Council programs and the broader community. The access roads have been designed to minimal dimensions to limit any impact on the dune vegetation as much as possible; however the turning circle has had a minor impact on the dune vegetation in this confined area. The proposed fence will impact on the boundary of the dunes, but offer further protection in the long term.

Proposed Works in the Longer Term

Formalise Existing Overflow Parking Area

A lineal area behind the dunes is used for overflow parking in peak season. It is proposed to formalise this area with a road base to provide a low-key functional surface. Traffic flow will be restricted to single lane with parallel parking to ensure minimal impact on the adjoining dune vegetation. A turning circle will enable vehicles to move through this space more easily. Overhead lighting will be installed to link existing lighting at the southern end of the beach with the northern end of the beach. This will increase safety in this area.

North Avalon and Des Creagh Reserve

It is proposed to upgrade the access road and carpark to this area. The main beach access track will be re-orientated and most secondary tracks closed. It is proposed to install new fencing in order to reduce impacts on the dunes. Consideration will be given to installing a small playground at Des Creagh Reserve.

Community Consultation Program

A community meeting was held on 18 November, 2012 to provide an outline of the proposal. Forty-six residents attended the meeting. A further 29 people sent an Apology and emailed submissions in support of the proposal.

The following stakeholders were invited to the meeting:

- Avalon SLSC
- North Avalon Board Riders Association
- Avalon Beach Historical Society
- Local residents – letterbox drop Avalon Avenue / Surfside Parade

Council staff also met with the following

- Avalon Chamber of Commerce meeting – 14 November
- Avalon Historical Society – 7 November
- Avalon Dunes Dunecare group – 7 November

The project was advertised in the Manly Daily on 3, 10 and 17 November and three large (A1 size) signs were installed at the Reserve. An outline of the project, the masterplan, architects drawings and concept sketches were placed on Council's webpage. The webpage address was provided in all advertising and correspondence.

2.2 Leases and Tenure for Avalon Beach Surf Club Building

The Surf Club's existing lease for the building will need to be updated to reflect the new works.

Post the development, new but separate leases will be entered into for the operation of the restaurant and café on commercial terms direct with Council.

2.3 Community's Response to the Proposal

Community Meeting

A community meeting was held on 18 November. The majority of people at the meeting supported the proposal. In relation to the restaurant/café; one couple objected to the loss of community space and increased pressure on parking generated by the proposed restaurant. Another resident felt the proposal did not benefit non-club members and that the café and restaurant are a current fad / or fashion. The President of the Avalon Beach SLSC responded that the community room will continue to be available for hire and it is anticipated that the improved facilities will generate additional community use.

Specific Stakeholder Meetings

Staff met with several stakeholders to discuss the proposal, as follows:

The Chamber of Commerce are collaborative and open to new ideas. Due to the current economic downturn, there are 20 vacant shops in the Avalon retail precinct. The Chamber is hopeful they can work with Council to improve the function and ambience of the village and thereby their businesses. Council staff have agreed to this.

Avalon Historical Society has identified the footprint of an early kiosk. It has been agreed to integrate the site into the new landscape with interpretative signage. (Interpretative signage will also be provided for the dunes).

Avalon Dunes Dunecare Group identified two key issues – weeds (currently targeting Morning Glory) and youth camps. In response, Council needs to ensure the contractors, Council staff and the group are able to work collaboratively. Council will continue to support and promote clubs and organisations that provide youth programs.

The minutes from the meetings are contained in **Attachment 2**.

Submissions Received To-date

Following distribution of the invitation to attend the community meeting of 18 November, Council received 29 apologies from people who could not attend the meeting, many due to lifeguard duties at Avalon Beach. All Apologies included submissions (36 people) in support of the full proposal (see **Attachment 3**).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The Draft PoM improves recreational and scenic values at the Reserve as well as responding to a range of issues raised by park and beach users.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The Draft PoM aims to balance recreational requirements with the natural environment, particularly strategies to improve the management of Avalon dunes.

3.3 Enhancing our Working & Learning (Economic)

The proposed lease for the restaurant and café are intended to provide funds to offset part of the development costs and help fund ongoing maintenance to the building and the reserve in the longer term.

3.4 Leading an Effective & Collaborative Council (Governance)

Extensive consultation with the community has been undertaken during the preparation of the Draft PoM.

3.5 Integrating our Built Environment (Infrastructure)

The Draft PoM provides an effective use of community assets. It improves conditions for rescue service providers and amenity for the broader community.

4.0 SUMMARY

4.1 Council is reviewing the Avalon Beach Plan of Management, 2007. The proposal focuses on the refurbishment of the building occupied by Avalon Beach Surf Life Saving Club and surrounding areas. Part of the access driveway and parking are currently being upgraded.

4.2 Proposed works in the short term include refurbishing the Avalon Beach Surf Club building. The 2007 proposal included a café, whereas the current proposal includes a restaurant as well. The recreational lawn will be landscaped, the playground upgraded and a new barbecue and picnic area installed nearby. The dunes will continue to be maintained by Council, contractors and Avalon Dunes Dunecare group. An extension to the access road and additional parking is proposed in the longer term.

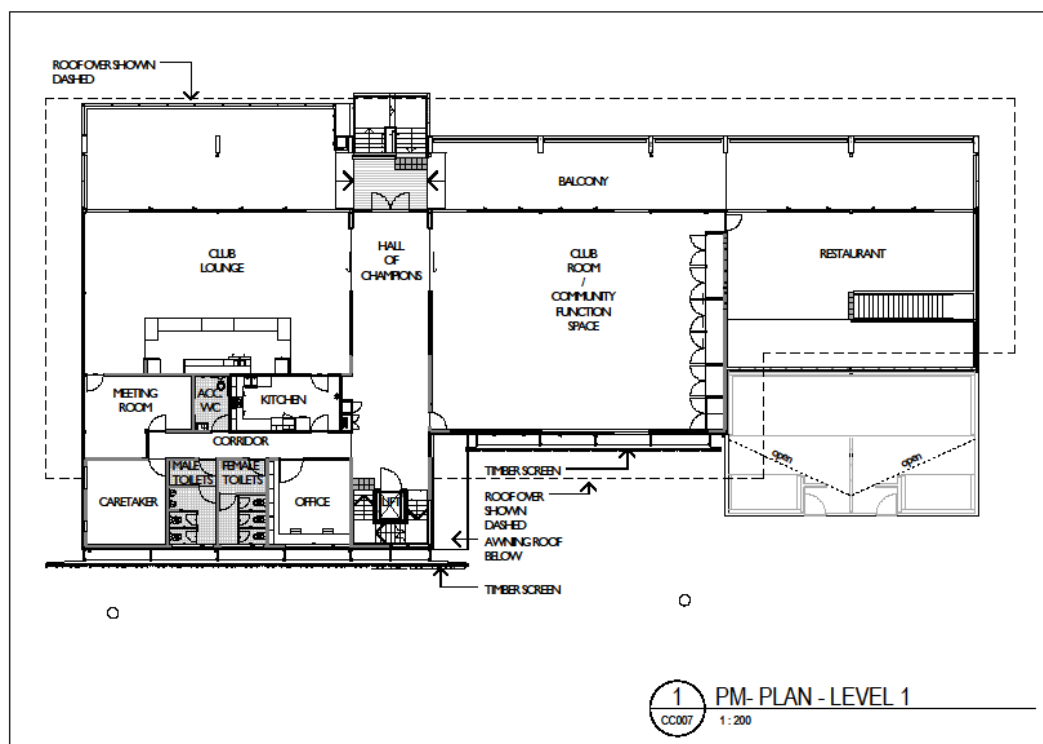
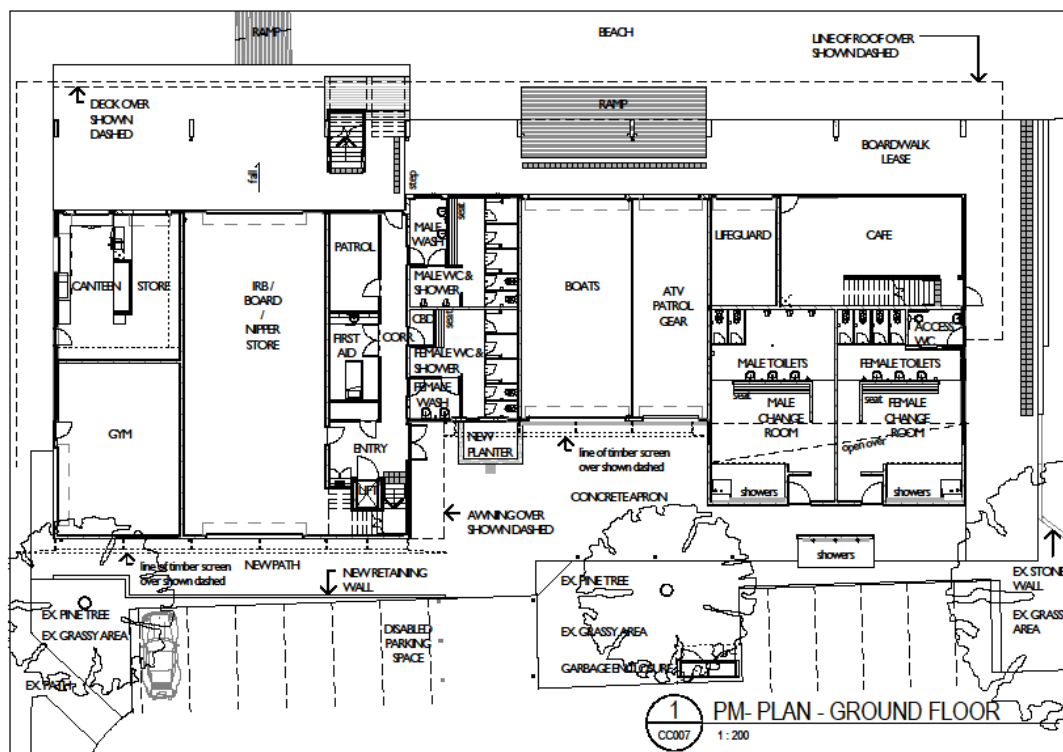
- 4.3 Staff have met with the key stakeholders and a community meeting has been held. During the consultation process, the project has received overwhelming support.
-

RECOMMENDATION

1. That the Avalon Beach Draft Plan of Management, as tabled at the meeting, be placed on public exhibition for four weeks, with an additional four weeks for submissions to be received. This extended time for the community allows for school holidays and additional commitments over the Christmas period.
2. That following staff assessment of submissions received, a further report be presented to Council for consideration of adoption.

Report prepared by
Jenny Cronan – Landscape Architect

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES





DESIGN PRINCIPLES

- Improve existing recreational and open space amenity, including:
 - add timber decking and seating adjacent to playground to provide close parental supervision of early age children
 - reduce surface erosion by land re-shaping to create useable spaces
- Provide new recreational amenity to the open space, including:
 - upgrade and re-surface existing playground
 - land re-shaping to create areas for picnics and social gathering
 - land re-shaping to create large areas of seating (profiled into the landscape) to provide opportunities for ocean and headland viewing, and viewing to playground

south avalon beach reserve RECREATION OPEN SPACE UPGRADE

DRAFT CONCEPT

22 October 2012



DRAFT MINUTES

Avalon Beach Reserve Plan of Management

Date: Wednesday 7 November 2pm
At: Avalon Beach Reserve
Attendance
Public: Marita Macrae – Friends of Avalon Dunes Dunecare Group
Council staff: Steve Lawler
 Jenny Cronan (Minutes)

ITEM	Issues	Discussions	Recommendations
1.0	Lights	Risk management for path.	It is proposed to install lights along the concrete pathway.
2.0	Fencing	Physical barriers to dunes.	<p>A new style of fencing has been installed along the southern side of the dune paddock and from the surf club to the second walkway to the north.</p> <p>It is proposed to fence between the new drive/parking and dunes. Remove / prune vegetation along the edge of the dunes to install fence.</p>
3.0	Dune management	Key issues: Weeds Unauthorised activities - youth camps /bases	See below
4.0	Dune management - contractors	Contract for dune maintenance is about \$16,000 annually	Currently reviewing contract – target Morning Glory (runners) and Bitou Bush. Close the middle track through the dunes.

ITEM	Issues	Discussions	Recommendations
5.0	Dune management - Friends of Avalon Dunes	Friends of Avalon Dunes Dunecare group now recommenced. Six – seven people. Meet for several hours once a month on Sundays Commenced work in the north-western corner. Focus on removing Morning Glory.	Council to assist in promoting the Friends: Webpage (Bushcare promotion activities)
5.0	Promotion Friends of Avalon Dunes	Professional banner. The Friends produce their own A4 laminated signs, displayed: <ul style="list-style-type: none"> • on the site • Avalon Preservation Society notice board • Cooee • Avalon Library 	Promotion of Friends, history, education.
6.00	Signage	Signs are removed by youth. The banner was removed and found in camp in the dunes.	As above
7.0	Unauthorised activities in the dunes	Youth are creating camps / bases in the dunes, currently sofas from kerb-side clean up. Promote formalised youth activities. Team sports teach responsibility, promote social skills and burn excess energy. Providing a designated youth area could be worth researching at this stage. It could provide Council with a negotiating tool in order to contain and monitor activities. It may be the only workable solution in the long term?	Youth education – address students at Barrenjoey High. Consider signage – targeted at youth. Encourage youth to participate in formalised social programs, particularly team sports through Council Strategy documents. Research possibility of a designated area for youth – not supported by Marita. Consider changing the procedure for residential clean up.
8.0	Viewing deck	A viewing deck is proposed to be built in an area of the dunes for SLSC members and lifeguards to view the beach.	Install a viewing deck.



DRAFT MINUTES

Avalon Chamber of Commerce

Date: Wednesday 14 November, 2012 at 2pm

At: Café Lush

Attendance

Avalon Chamber of Commerce (CoC): Chris Hynes – President. Katherine Corbett – Vice President

Council staff: Mark Eriksson – Principal Landscape Architect
Jenny Cronan - Landscape Architect (Minutes)

ITEM	DISCUSSION
1.0	<p>Council</p> <p>We are preparing a plan of management for Avalon Beach including:</p> <ul style="list-style-type: none"> • Access and parking • Landscaping • Playground upgrade • Picnic and barbecue area • Refurbishment of the SLSC building including a café downstairs (about 1.6M Council funds). A DA has been approved for this work. Currently a restaurant is being proposed upstairs with the rent received used to offset the building costs and for ongoing maintenance. <p>We are seeking the community's feedback on these plans and invite the CoC members to a meeting on Sunday 18 November</p>
	<p>CoC</p> <ul style="list-style-type: none"> • The CoC will work with Council, but the café and restaurant should be planned within the context of the Avalon retail precinct which needs to be developed and promoted as a restaurant hub – a destination. • Council is spending a lot of money on the SLSC building and its precinct, when the village needs support. • Chamber is collaborative - businesses work for mutual benefits. • Chamber is supporting Council's Strategic plans. • We have a number of issues that need to be addressed and we have some solutions. We would appreciate Council's support.

ITEM	DISCUSSION
1.0	<p>CoC. Issues</p> <ul style="list-style-type: none"> • Economic downturn - 20 vacant shops. • Rents are high. • The retail precinct is 'tired' - most businesses lease the buildings and the landlords carry out minimal maintenance only. • People south of 'The Bends' shop south – Avalon has a small resident population to support the number of shops. • Insufficient parking for Avalon retail precinct. • (We have surveyed community to find out who uses the village and why. We can provide this data to Council).
2.0	<p>CoC. Possible solutions:</p> <ul style="list-style-type: none"> • Avalon needs new energy and revitalisation to retain commercially viable. • Position Avalon as a destination. • Develop the right mix of business to create a successful retail precinct. • Promote events driven events, e.g. annual surf film festival. • Twilight cinemas, symphony in the park, food stalls. • Tourism - promote attractions such as site of 'Home and Away'. • Create a brand or image for Avalon. • Old Barrenjoey Road to become focal point – mall, playground, landscaping. • Suggest mural – see work by Robin Martin who has done work for Hurstville Council (0410 204 881). • Create a youth branch of the CoC.
3.0	<p>Council</p> <ul style="list-style-type: none"> • Council has upgraded Mona Vale, Newport and will be reviewing Mona Vale again soon. • Avalon needs to be on this list.
4.0	<p>Council</p> <ul style="list-style-type: none"> • 'Place making' is required – a bit of Byron Bay at Avalon. • Parking is always full, but the shoppers are not seen. Is parking taken by staff? • The 'high street' has struggled since the development of large scale shopping centres. • Malls are not successful – most are being reversed. Current trend is to use bollards and close the road for special events. • Avalon buildings need a colour and material palette – relatively low cost. • Every shop should have a pot plant on the footpath – relatively low cost. • Leura successful destination with overnight accommodation. Avalon retail precinct is in a great location walking distance to the beach and variety of food outlets. It may be suitable for accommodation with emphasis on local cafes etc. • Council can assist and will work with the CoC.

DRAFT MINUTES

Avalon Beach Community Meeting

Date:	Sunday 18 November 2012 at 2pm
At:	Avalon Recreation Centre
Attendance	
Community	46 residents 31 Apologies
Councillors	Mayor Cr Jacqui Townsend Deputy Mayor Cr Bob Grace Cr Sue Young Cr Kylie Ferguson Cr Alex McTaggart Cr Kay Miller Cr Selena Griffith
Council staff:	Mark Ferguson – General Manager Jane Mulroney – Community Engagement Officer Mark Eriksson – Principal Landscape Architect Jenny Cronan - Landscape Architect (Minutes)

Background

Council is updating the Avalon Beach Plan of Management (PoM) as adopted in 2007. The PoM aims to improve the surf club building and reserve. The reserve is managed as a series of precincts:

Des Creagh Reserve and parking area to the north

The main issue in this area is to stabilise the sand dune – the track leading from the beach to the carpark and the dune keeps shifting. It is intended to retain the lawn behind the dune for recreation including a proposed small playground and to seal the parking area.

Avalon Beach Reserve – parkland and creekline

The key issue with the creekline is that it has been piped, but this controls flooding of Avalon Village.

Dunes

The dunes are maintained by Council, contractors and volunteers - the Friends of Avalon Dunes. Key issues include weeds and damages by young people building camps.

Access road and parking

The access road and parking will be formalised to enhance traffic flow and provide turning circles. Stage one works are currently under construction.

Skate bowl

The skate bowl provides an important facility for young people. It is well used. The key issue is managing the graffiti.

Recreation area

It is proposed to landscape this area, upgrade the playground and provide seating, barbecues and picnic facilities. Footprints from an old kiosk have been identified and will be highlighted with interpretative signage. New park signage will be installed

Building occupied by the Avalon SLSC

The current building was constructed in 1961. It does not meet the needs of the Avalon SLSC members, rescue service providers and the Avalon community, further the maintenance on the building is high. The proposed building is the vision of the Avalon SLSC members who have worked hard over a number of years to reach this point. Council's role is to support and assist community groups, particularly groups that provide a service to the community.

The 2007 PoM included a proposal to upgrade the building including a café. A Development Application was granted in 2011 in accordance with the PoM. Under the rate variation program 1.3 million dollars was allocated to the project, but it will now cost 1.7 million dollars. Council's options are to withdraw from the project, take funds from other projects or borrow the \$400,000 shortfall. Considering how far the project has progressed, Council's preferred option is to borrow the shortfall. Following Council's discussions with the Club, it was agreed to convert part of the upstairs community room to a restaurant. Council will lease the café and restaurant with funds being used to repay the loan. Once the loan is re-paid, the funds will be used for ongoing maintenance of the building and the reserve.

We are now taking this proposal to the community for feedback, the proposal, including the minutes from this meeting and any submissions received will be presented to the Councillors for their consideration.

Questions

ISSUE	QUESTIONS	RESPONSE
Building layout and function	Description of building by Architect - Richard Cole.	Key features: The building as proposed retains the 2007 footprint with improved aesthetics and functions. Highlights include: <ul style="list-style-type: none">• storage rooms will open both sides – from access road to beach to provide patrol gear and trailers with through access;• improved organisation for service rooms - patrol and first aid;• Hall of Champions to showcase trophies and awards;

ISSUE	QUESTIONS	RESPONSE
		<ul style="list-style-type: none"> • first floor flexibility with sliding panels between rooms (join or separate depending on function;) • terrace overlooking the beach - 4m x 6m with roof and clear blinds for wind protection; • disabled access – lift; • caretaker room with access to Club kitchen and bathroom; • several toilet areas; and • transparent roof over the shower and change room downstairs for natural light and sun.
Building sustainability	How sustainable is the building?	<p>Sustainable initiatives have been divided into those during construction and after construction.</p> <p>During construction include a large canopy roof to shade glazing, natural ventilation and ceiling fans (no air conditioning), high performance glazing, gas heating, high rating insulation for walls and roof (at cost), LED lighting, sun screens on the western side of the building, sustainable material selections, timber and materials salvaged from existing building, fibre cement cladding in clear finish for low embodied energy.</p> <p>Provisions following construction have been made for solar panels and an underground water tank to the north of the building. The rationale behind this is to seek grants and special funding as it becomes available.</p>
Building construction		<p>Following on from the above question - the construction is sophisticated and expensive. The building needs to withstand storms due to its close proximity to the sea.</p> <p>The Club have formed partnerships with companies who can supply materials at cost. In return the Club have offered corporate days – this will bring business opportunities for the community.</p>
Funding	How long will it take to repay the \$400,000 loan	The loan will take 10-12 years to repay.

ISSUE	QUESTIONS	RESPONSE
		In the long term all income will be used to maintain the building and the reserve. Income will go into a reserve trust account. Council aims to self-fund assets where possible to provide the best facilities without burdening rate payers.
Tenders	Have tenders been called for construction?	<p>Council and the surf club are managing the project.</p> <p>An EOI has been called and is now closed. A list of builders has been compiled and this will be assessed this week. Of these, a short list will be created. This will provide the best price – they know they are in the final round.</p>
Antisocial behaviour	I congratulate everyone involved in the project. What are you doing to prevent vandalism –security, alarms and lights?	<p>The best way to manage antisocial behaviour is to bring activities to the site.</p> <p>As part of the recent review of the Yellow Brick Road, Council will be installing lights and CCT cameras.</p>
Lease for café and restaurant	<p>Will the café and restaurant be leased to the same lessee?</p> <p>How will the lease for the café and restaurant be determined?</p> <p>How long will the lease be?</p>	<p>It has not been determined whether the restaurant and café will be leased together.</p> <p>The lessee will be determined through an Expression of Interest (EOI).</p> <p>The lessee will fit-out the space to their needs.</p> <p>The lease will be a five to ten year option (to be determined).</p>
Café operation	<p>What is the capacity of the restaurant and café?</p> <p>What provision has been made for the associated infrastructure – such as deliveries and rubbish?</p>	<p>The café and restaurant combined will seat about 120 * including outside seating.</p> <p>Fit-outs and infrastructure is different for each café/restaurant. It depends on how the operator works. Access into and out of the reserve is currently being improved.</p> <p>Council will negotiate the fine details as part of the EOI. Any facility will meet Council policies. The hours of operation will also be determined beforehand with the operator.</p>
Equity of use	The community lose out by transferring community space into a restaurant. The restaurant will also increase parking.	Avalon contains a significant number of community rooms at the Avalon Recreation Centre. The Scout Hall at Dunbar Park has recently been upgraded for community use too.

ISSUE	QUESTIONS	RESPONSE
	Nippers need more space for awards.	<p>The proposal for the building retains and enhances generous sized community rooms.</p> <p>The proposal more than doubles the space in the existing building and the rooms will be more functional.</p> <p>President ASLC The Club has 1,000 members who will enjoy the new facility. The Club have encouraged the community to use the existing facility and will continue to do this so as many people as possible can use it.</p>
Equity of use	I propose reintroducing music and dancing in the surf club building	Applause.
Equity of use	<p>I am a doctor in emergency. I coordinate studies on drowning – one of the best things to do is teach people to speak Chinese. I see this as an opportunity to get everything everyone wants.</p> <p>The world champion disabled bowler lives in the area and is elated about the disabled access to the building.</p> <p>The restaurant needs to be family – community orientated.</p> <p>Maintain the identity of Avalon – it's unique.</p>	<p>Applause.</p> <p>Yes, the rationale behind this project is not the generation of money per se, the money is the means to achieve the vision of the ASLSC for the benefit of the community. This family / community focus for the restaurant will be addressed in the EOI.</p>
	I go to the beach every day and the café is a good idea.	Noted.
	I am encouraged by what is proposed - it is exciting. It satisfies the requirements of the people, especially essential rescue services. Rooms will be available for the community.	Applause.

ISSUE	QUESTIONS	RESPONSE
	Not everyone surfs or swims, I go to the beach every day just to see it is still there – it is the community hub. At Avalon there is a strong connection between the community and the beach. I am looking forward to having a comfortable place to enjoy a coffee.	
Equity of use	I use the beach every day and I don't see how non-club members will benefit. Is the footprint the same or different? Avalon is unique, are we following current fads with the café and restaurant?	<p>President ASLC</p> <p>Non-club members will benefit because our core business is saving lives. Our members include:</p> <ul style="list-style-type: none"> • Life Saver of the Year • Patrol Captain of the Year • World Gold Masters – two women members received Gold this year. <p>Council</p> <p>Council recently surveyed the community as part of the Open Space and Recreation Strategy. The survey results indicate that people go to the beach to enjoy the scenery and ambiance, not necessarily partake in water sports. People also enjoy cafes and dining. The proposal is consistent with our research.</p> <p>The restaurant provides the funds for the facility and in the long term, its on-going maintenance as well as the maintenance of the reserve.</p>
Dunes	Has consideration been given to the removal of Bitou Bush	The removal of weeds including Bitou bush is ongoing and dependent on resources. Avalon Dunes are maintained by Council, contractors and volunteers – of note are Marita and the Friends of Avalon Dunes.
Dunes	The vegetation prevents the sand from the dunes replenishing the beach.	<p>The vegetation stabilises the dunes, otherwise they would shift towards Barrenjoey Road.</p> <p>Beach sand moves northwards up the coast – this is known as literal drift. Sand is not taken from dunes to replenish beaches, it is harvested from other locations including the sea floor.</p>

ISSUE	QUESTIONS	RESPONSE
	There is a tree to the south of the building – will this be retained? Will the landscaping be locally native species?	Yes Yes – dune species where possible.
	I support the natural environment – we don't need man made seating and landscaping on the hill. Preserve the grass slope in its natural state. In relation to the café – if that is what you need to make it work, that is OK, but don't pretend we need a café as part of the argument.	Applause. Council – All works proposed will respect the natural environment the small area for playground and picnics provides for recreational use.
	If we need a sense of place, let's have a tree, not a sign – keep built structures to a minimum.	The landscape as proposed will cover all elements.
	Extend the Yellow Brick Road to create a cycle path.	We would need to excavate into the hill towards the south. Part of the path would be on school land towards the north. We could look at this as part of the creek-line corridor. We can look at this as part of the Walks and Rides Strategy.
	Councillor Miller Should this go ahead, what is the EOI process?	If Council approves the PoM proposal in principal. Council will prepare an EOI for the café / restaurant and put this out with a set of criteria (to be determined). The EOI will be advertised and ultimately decided by the elected Council. Responses will be considered by a panel
	Councillor McTaggart Request to confirm the difference between the 2007 and 2012 building – is the footprint the same?	The footprint is the same. The fundamental amendment is the restaurant.
	Councillor Grace How is the clubhouse currently used by the community?	President ASLC The building is available in accordance with our schedule. The new proposal will provide more facilities so we expect community use to increase.

ISSUE	QUESTIONS	RESPONSE
		We encourage the use of the hall which is advertised on our website, the type of activities include, yoga (daily), children's drama and functions - weddings, birthdays (not 18 th or 21 st), wakes, corporate events and Christmas parties

** Note: The project architect has advised that the seating capacity will be approximately 90 upstairs and 60 downstairs.*

Submissions

Member Avalon SLSC. Support for proposed development for the Avalon SLSC.

Support for full POM including café, restaurant, playground and parking and bathrooms.

Support for building proposal, playground and parking.

Support for project including building - restaurant, café, playground parking.

Support for upgrade to benefit patrolling members and whole community. When strong southerly wind blowing patrolling members stand on the beach, the current building offers little protection. The new facilities will bring the building inline with current standards and encourage new members. It will also offer surfers and others a better share of the beach.

Support to upgrade the building including café, restaurant and bathrooms, playground and parking.

Support for plans. It will add a vibrant air to the beach precinct. The building badly needs improvements and the restaurant and café will bring life to the area. The area on the beach to the south of the building needs stabilisation. Improvements to the playground, barbecue and seating will be great for families.

I have been a member of the surf club for the last five years. I swim at the beach daily year round. I support the project. It will add great value to this beautiful area for surf club members and the wider community. I definitely favour the café/restaurant as a way of mitigating the expense and improving amenity at the same time.

Support for building including café, restaurant and council bathrooms, playground and parking.

Patrol member. Support proposed upgrade to the building including café, restaurant, Council bathrooms, playground and parking.

Support for building including café, restaurant, Council bathrooms, playground and parking.

Support for building including café, restaurant, Council bathrooms, playground and parking.

Support for building including café, restaurant, Council bathrooms, playground and parking. I have lived in the area my whole life and spent more than 40 years in the SLS Assoc. I have a great interest in this project. Beaches need to be safely patrolled in the interest of the wider community. The surf club also raises money for other charities and schools etc. Avalon surf club currently has the highest number of Nippers in Avalon's history. The surf club encourages Nippers to become volunteer lifesavers in the future. This is the Council's opportunity help support this initiative.

I have lived in the Avalon area for 30 years. I am a patrolling and committee member of the Avalon Beach Surf Life Saving Club. I support the new building proposal including the café and restaurant, barbecue, picnic facilities and parking area. I clarify that Avalon Beach SLSC Inc would have no exposure to the loan or funding thereof.

Support for the building upgrade, café, restaurant, Council bathrooms, landscaping and playground. The proposed building will attract more visitors and local business to the area. Additional parking will be valuable. Help the Club to continue to support our community and visitors to the area.

Long time resident of Avalon and active member of Avalon SLSC. I appreciate the investments Council makes in public infrastructure that improve the community we live in. The best examples are streetscape in Newport and Winnererremy Bay where we see high use and activity. Avalon SLSC should be another example of this - with increased activity around a clubhouse that needs updating. The best investment of our rates is where they are most used and ASLSC would be one of those places.

Support upgrade to the Avalon surf club building. The café and restaurant will enhance our wonderful position.

Avalon community desperately need better facilities. I support the café and restaurant, the renovations to the building and playground.

Support for building upgrade, café, restaurant, playground and parking.

Support for building upgrade, café, restaurant, playground and parking.

Support for building upgrade, café, restaurant, playground and parking.

Support for building upgrade, café, restaurant, playground and parking.

Support for building upgrade, café, restaurant, playground and parking.

Support for proposal in full, wonderful and important asset for Avalon and will serve the community well into the future.

The proposal looks really good and has my support.

The whole proposal has my support - it will produce a fabulous asset for the Avalon Beach community.

Support for building upgrade, café, restaurant, playground and parking

Local Avalon resident and active surf club member. I support the plans for the building including the restaurant/café. The current building desperately needs replacement the upgrade of the building and surrounding area will provide a fabulous facility for the surf club and wider community.

Support for building upgrade, café, restaurant, bathrooms, playground and parking

Support for upgrade including the café and restaurant which will be an asset for the community and drawcard for visitors.

Support for upgrade including café, restaurant, bathrooms, playground and parking.

C8.2 Avalon Surf Lifesaving Club Construction

Meeting: Community, Recreation & Economic
Development Committee

Date: 3 December 2012

STRATEGY: **Recreational Management**

ACTION: To manage and maintain recreational facilities to best practice standards in a cost effective and sustainable manner.
To maintain abundance and diversity of Pittwater's native plant and animal species.

PURPOSE OF REPORT

To report back to council on the construction methods and costings of the project.

1.0 BACKGROUND

- 1.1 The Avalon Surf Club building is located at the southern end of Avalon Beach and originates from the 1930's with additions/extensions carried out in the 1960's. This building is now in poor condition and Development Approval has been granted for its reconstruction. The replacement building is in the same footprint as the existing however it will include deep pile foundations docketed into bedrock.
- 1.2 At the council meeting of 20 June 2011 when considering the delivery program and budget, council resolved that *"prior to council expending funds in 2012/13 for the construction of the Avalon Surf Club, a report be presented to council on the construction methods and costings of the project"*.
- 1.3 Council is now considering the Avalon Beach Plan of Management, part of which is including the rebuilding of the surf club building and the inclusion of a café/restaurant in the Council managed part of the building (see separate report on this Agenda).

2.0 ISSUES

2.1 Construction Methods

- 2.1.1 Detailed architectural plans were prepared by Richard Cole/Woodhead Architects for the proposed upgrading works.
- 2.1.2 Barrenjoey Consulting Engineers (BCE) were commissioned to assess the proposal's structural feasibility in respect to the issues highlighted in the Coastal Engineering Assessment carried out by Worley Parsons (11 November 2011).
- 2.1.3 BCE commented *"as the building lies within the extents of the coastal zone as defined by Pittwater Council, adherence to Pittwater 21 DCP Section B3.3 Coastline (Beach) is required together with the requirements of the State Environment Planning Policy No 71 – Coastal Protection (SEPP71). There is to be consideration of the likely impact of coastal processes and coastal hazards on development and any likely impacts on coastal processes and coastal hazards"*..

2.1.4 Worley Parsons concluded that three main options to achieve the required outcomes for the building to be able to withstand the impacts of coastal actions for a design project life of 100 years were as follows:-

- Relocate Avalon Surf Lifesaving Club to be further landward.
- Reconstruct the surf lifesaving club at its current footprint on deep foundations (piles into stable foundations zone) or;
- Construct a seawall seaward of the surf lifesaving club at its current footprint to prevent erosion damaging the surf lifesaving structure.

2.1.5 Option 1- the moving of the surf club to a location further landward obviously impacts on the surf clubs ability to provide safe monitoring of conditions and servicing the public with regards to lifesaving functions. This option was not supported.

2.1.6 Option 3 – the construction of a seawall to protect the building is not supported due to concerns that whilst the seawall may well protect the surf club building in all likelihood there would be erosion problems created on surrounding areas/amenities at the beach.

2.1.7 Option 2 – supporting the building on deep pile foundations anchored into bedrock is the supported option and forms the basis of the Development Consent.

2.2 Structural Solution

2.2.1 To facilitate option 2, BCE proposed that:-

- The building be supported off a pier and beam foundation system with a sound socket into the underlying stable foundation zone with enough lateral rigidity to form a stiff portal frame capable of withstanding coastal actions such as wave impact/surge and dune slump.
- The foundation beams to support the slab needling through/under (200mm depth, 400mm wide section at 400 centres) the existing walls permanently supporting those elements.
- The first floor slab to span across the existing structure and be supported off the new beam and column system along the eastern and western extents of the existing building.
- The first floor and roof frame to be conventional steel and timber structure.

2.2.2 In summary Barrenjoey Consulting Engineers Pty Ltd are of the opinion that the works as described above represent a solution on parity with other suggested options without the associated concerns.

2.2.3 Worley Parsons who have also been involved in the research of this project have stated that “if structurally designed based on the recommendations of the coastal engineer (including wave forces and sand slumping forces), it would be expected that the redeveloped SLSC could be designed to not be damaged for 100 year ARI (Average Recurrence Interval) coastal storm occurring over the next 100 years.” As such, under long term recession due to sea level rise, this may lead to the SLSC being supported on piles above adjacent sand levels after coastal storms in the future, until natural (and possibly assisted) beach recovery reinstated sand levels.

“There may be some minor impact on beach amenity (attractiveness of the beach) when and if the SLSC piles are exposed, but this would only be temporary and localised, and of limited significance compared to natural erosion damage that would be expected to occur in surrounding areas.

This potential minor impact is considered to only be a superficial issue compared to the benefits of maintaining functionality of the SLSC structure and preventing its damage at times of coastal storm”.

- 2.2.4 Crozier-Geotechnical Consultants were engaged to undertake a number of test bores at each corner of the Avalon surf club building to determine the depth to bedrock.
- 2.2.5 These test bores indicated that bedrock could be found underneath the building at varying depths ranging from 5.6 metres at the northwestern corner of the surf club building to 7.8 metres on the southeastern corner of the building.
- 2.2.6 Barrenjoey Consulting Engineers Pty Ltd were engaged to design appropriate footings which would support the club and anchor into the bedrock. The company completed a design which consisted of a series of 49 piers (450mm diameter bored grout injected concrete) at 6 metre centres. These piers support the beam foundation system.

2.3 Funding

- 2.3.1 Council has allocated \$1.3 million over 2 years (2011/12-2012/13) as part of the SRV program.
- 2.3.2 Avalon Surf Club has raised \$300,000 and has a number of activities organised to increase this funding.
- 2.3.3 The club has also approached a number of suppliers who have pledged financial support through the provision of materials at cost price. The club's estimated savings on supply of materials at cost price is estimated at \$450k.
- 2.3.4 They have also applied for a State Government Grant (Sport & Recreation) of \$300k and a grant of (\$50k) through the Community Building Partnership Program.
- 2.3.5 The club has raised \$300k over the past 3 years and is confident of raising a further \$100k over the next 12 months.
- 2.3.6 Two value management workshops have been held in order to closely examine the project estimates with a view to minimising costs. This has resulted in reducing the estimated cost of the project by approximately \$200k to a total of \$2.8m.
- 2.3.7 This of course is an estimate as the accurate project cost would not be determined until tenders were called.
- 2.3.8 The budget for the project is therefore as follows:

Council contribution from SRV	\$1,300,000
Forward Funding	\$400,000
Avalon Surf Club contribution	\$300,000
Avalon Surf Club anticipated funding raising over next 12 months	\$100,000
Avalon Surf Club S & R grant application	\$300,000
Avalon Surf Club Community Building Partnership grant application	\$50,000
Savings on building supplies at cost price	\$450,000
TOTAL	\$2,900,000

2.4 Relevant Legislation

2.4.1 Section 55m of the *Coastal Protection Act 1979* (CPACT) requires certainty in the ongoing maintenance and management of coastal protection works (and any impacts that they may cause) that have been granted Development Consent. Council granted Development Approval for this project in 2011. A condition of approval directly related to the coastal management required:-

“The coastal authority responsible for the management of the subject land, to prepare and implement a “Coastal Protection Works Management Plan” for the deep pile foundations (coastal protection works) that adequately address the following issues for the life of the development:-

- ongoing public access to and use of the beach in the vicinity of the surf club building;
- management of public liability risks associated with the coastal protections works;
- the ongoing maintenance of the coastal protection works; and
- arrangements for the restoration of the beach, or land adjacent to the beach, if any increased erosion is caused by the presence of the works.

2.4.2 Council has engaged a consultant who is currently preparing the Coastal Protection Works Management Plan for this project.

2.4.3 Strategic Action 3.2.4 in the NSW Coastal Policy 1979 refers to detailed design and locational principles of which the most relevant is “only developments which do not compromise the natural and cultural values of the area will be permitted on beaches and frontal dunes”.

2.4.4 The Office of Environment and Heritage (OEH) considers that where possible and practical, those activities not directly related to life saving services should be located away from areas associated with immediate threat from coastal hazards, particularly foredunes.

2.4.5 With the construction of this building, it is extremely difficult to separate the non-essential activities from the building without affecting the functionality of the building itself. The building has been designed to withstand the forces of a major storm event and council is preparing the required “Coastal Protection Works Management Plan”.

2.4.6 On the basis of the physical constraints of the existing site, the relevant principles of the NSW Coastal Policy 1979 and the unacceptable social, environmental and economic costs of separating the functions of any new surf club building, Clause 8.2(iii) of the Coastline Risk Management Policy for Development in Pittwater is not imperative.

Conclusion: This report, in conjunction with the associated Plan of Management update, satisfies the action arising from Council’s resolution of 20 June 2011:

“... 3. *That prior to Council expending funds in 2012/2013 for the construction of Avalon Surf Life Saving Club, a report be presented to Council on the construction method and costings of the project.*”

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

Surf life saving provides an essential community service through the provision of volunteer lifesaving services on council beaches. The surf life saving movement also provides valuable training, skills and mentoring for a broad demographic helping to promote healthy and caring lifestyles.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The proposed new works are located within the Active Wave Zone and therefore subject, at times, to severe weather conditions. The deep pile foundations will limit the impact on the beach and the building compared to the existing structure which is prone to collapse. Beach erosion can be either naturally replaced or supplemented by reprofiling.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 Council will be providing approximately \$1.7 million towards this project. \$1.3m is from the Special Rate Variation and \$400,000 will be from forward funding which will be paid back, over time, through income from the leasing of the restaurant/café.

3.3.2 After this pay back period, the income can be used to supplement ongoing maintenance and repairs and hence reduce the draw on rates funding.

3.4 Leading an Effective & Collaborative Council (Governance)

The Avalon Surf Club redevelopment has Development Consent and a funding strategy.

3.5 Integrating our Built Environment (Infrastructure)

Avalon Surf Club is a council building which is in need of a rebuild. Council needs to maintain its infrastructure in good condition in line with the requirements of Council's Asset Management Strategy.

4.0 EXECUTIVE SUMMARY

4.1 The Avalon Surf Club building is in need of rebuilding. Avalon Surf Club has raised some funding and have approached Pittwater Council for assistance. Council has allocated \$1.3 million dollars from the Special Rates Variation Program towards the project and is also considering \$400,000 in forward funding to assist with the budget.

4.2 Woodward Architects have designed a new building which would include a restaurant/café at the south end of the building, which would be leased with the income generated being used to repay the \$400k in forward funding and assist with maintenance to the building and the reserve.

4.3 This proposal forms part of the POM which is currently being assessed by Council.

4.4 Council has previously approved a DA for the reconstruction of the surf club building (which included a café on the ground floor).

- 4.5 Worley Parsons were engaged to assess the proposal in terms of feasibility considering that the building sits within the Active Wave Zone.
- 4.6 The options from Worley Parsons were evaluation and Barrenjoey Consulting Engineers were commissioned to prepare footing designs which would meet all requirements given the positioning of the building.

RECOMMENDATION

That this report on the construction methods and budget for the Avalon Surf Life Saving Club building reconstruction be endorsed and Council authorise the expenditure of funds for the construction of this project.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C8.3	E01 01/12 - Renovations to Avalon Beach Surf Life Saving Club
-------------	--

Meeting: Community, Recreation and Economic Development Committee

Date: 3 December 2012

STRATEGY: Recreational Management

ACTION: To manage and maintain recreational facilities to best practice standards in a cost effective and sustainable manner.

PURPOSE OF REPORT

To consider the result of the Expression of Interest E01/12 for the renovation of the Avalon Surf Club and to approve the procedure to go to a selective tender process.

1.0 BACKGROUND

Avalon Beach Surf Life Saving Club is an important piece of Council infrastructure providing support to the areas surf life saving services and a gathering point for the community for various events. The club was last renovated in 1960 and is in serious need of rectification works to keep in safe working order.

2.0 ISSUES

2.1 Expressions of Interest Release

Expression of Interest documents were initially released via architect and member of Avalon Beach Surf Life Saving Club, Robert Hopton, in August 2012. The Expression of Interest was also advertised by Council in the Sydney Morning Herald on Saturday, 20 October 2012.

2.2 Expressions of Interest Close

As per the call for Expressions of Interest, the expressions of interest could be received via the official Tender Box or via email prior to the closing specified EOI closing time/date of 11.00am, Monday 12 November 2012.

Thirty-one (31) expressions of interest were received via email with a further three (3) collected from the tender box and were duly registered by Council as follows in alphabetical order:

ALARMZONE
ARMAT CONSTRUCTIONS PTY LTD
AXIS BUILDING GROUP
BERMAGUI CONSTRUCTIONS PTY LTD
BUILDPLAN GROUP PTY LTD
C & M
CLASSIC ARCHITECTURAL
COLEMAN & FAIRBURN BUILDERS
CVA CONSTRUCTIONS

FORMULA INTERIORS
 FS HOUGH BUILDERS
 GARTNER ROSE
 GRINDLEY PTY LTD
 ICHOR PTY LTD
 ILLUKA CONSTRUCTIONS PTY LTD
 INAPHASE
 INTEGRITY CONSTRUCTIONS
 KEYSTONE PROJECTS GROUP
 KINSLEY CONSTRUCTIONS
 MOMENTUM BUILT
 N MOIT & SONS PTY LTD
 NORDARCON
 NORTHSHORE CONSTRUCTIONS PTY LTD
 OLYMPIA GROUP
 PATTERSON BUILDING GROUP
 PROJECT BUILDING EXCELLENCE
 QUESTECH
 RAPID CONSTRUCTIONS
 ROTRIC CONSTRUCTIONS
 SAFIN PTY LTD
 SUDIRO CONTRACTING
 TAYLOR CONSTRUCTION GROUP
 TJD ELECTRICAL
 UNITY NSW PTY LTD

2.3 Evaluation

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Robert Hopton – Avalon Beach Surf Life Saving Club

Paul Reid – Manager, Corporate Strategy

John Berry – Group Leader, Building Services

Peter Baartz – Senior Officer Procurement & Fleet (independent)

Note: Each panel member was required to declare any conflict of interest or pecuniary interest associated with the tender or any of the Companies that have submitted an Expression of Interest

Expressions of Interest were assessed against the following evaluation criteria:

Criteria	Weight %
Financial capacity	30
Methodology	30
Capability and track record	30
Value adding	10
Total	100

2.4 **Assessment process**

The evaluation was conducted in three (3) stages as follows:

Stage 1: Initial cull

Stage 2: Detailed Evaluation of Remaining Expressions of Interest

Stage 3: Comparative analysis

Stage 1: Initial cull

An initial review was conducted by the Evaluation Panel (EP) to identify any non-conforming responses. 34 submissions were received but only 7 submissions were conforming and were taken forward to stage 2 of the evaluation process.

Stage 2: Detailed Evaluation of Expressions of Interest

The EOIs underwent detailed examination of their responses in relation to the Scored Criteria.

It was agreed by the EP that no further representations would be required by respondents to further clarify their submissions.

The results of the EOI are further discussed in the confidential section of this Agenda.

Stage 3: Comparative Analysis

For each of the scored criteria respondents have been assessed against each other and a score for that item was allocated.

2.5 **Process after EOI**

- To prepare tender documentation and then to circulate the tender to the proposed select tenderers as listed in this report. Tender will open in early December and will close in late January for evaluation.
- A report regarding the recommended tenderer will be brought back to Council for consideration at the second meeting in February 2013.
- A memorandum of understanding will be developed in the interim between Avalon Surf Club and Pittwater Council to outline the project scope and management.

3.0 **SUSTAINABILITY ASSESSMENT**

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

Surf life saving provides an essential community service through the provision of volunteer lifesaving services on council beaches. The surf life saving movement also provides valuable training, skills and mentoring for a broad demographic helping to promote healthy and caring lifestyles.

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

The proposed new works are located within the Active Wave Zone and therefore subject, at times, to severe weather conditions. The deep pile foundations will limit the impact on the beach and the building compared to the existing structure which is prone to collapse. Beach erosion can be either naturally replaced or supplemented by reprofiling.

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

3.3.1 Council will be providing approximately \$1.7 million towards this project. \$1.3m is from the Special Rate Variation and \$400,000 will be from a loan which will be paid back, over time, through income from the leasing of the restaurant/café.

3.3.2 After this pay back period, the income can be used to supplement ongoing maintenance and repairs and hence reduce the draw on rates funding.

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

The Avalon Surf Club redevelopment has Development Consent and a funding strategy.

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

Avalon Surf Club is a Council building which is in need of a rebuild. Council needs to maintain its infrastructure in good condition in line with the requirements of Council's Asset Management Strategy.

RECOMMENDATION

1. That the expressions of interest from the following Companies for renovations to Avalon Beach Surf Life Saving Club be accepted and that these companies be invited to submit detailed tenders through a subsequent select tender process.

BUILDPLAN GROUP PTY LTD
GRINDLEY PTY LTD
ICHOR PTY LTD
ILLUKA CONSTRUCTIONS PTY LTD
KEYSTONE PROJECTS GROUP
PATTERSON BUILDING GROUP
UNITY NSW PTY LTD

2. That upon receipt of Council resolution, the unsuccessful respondents be notified of the EOI outcome and thanked for their participation.
3. That Council note the process that will be followed after the EOI as highlighted in Section 2.5

Report prepared by

Paul Reid
MANAGER, CORPORATE STRATEGY & COMMERCIAL

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C8.4	Minutes of the Pittwater Traffic Committee Meeting held on 13 November 2012
-------------	--

Meeting: Community, Recreation & Economic Development Committee

Date: 3 December 2012

STRATEGY: Traffic and Transport

ACTION: Provide planning, design, investigation and management of traffic and transport facilities.

PURPOSE OF REPORT

To present to Council for consideration, the Traffic Committee Minutes of 13 November 2012.

1.0 BACKGROUND

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 13 November 2012 (see **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Maritime Services of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

2.0 ISSUES

2.1 Item 4.2: Darley Street, Mona Vale - No Stopping Restrictions

Proposed extension of No Stopping restrictions in Darley Street to improve traffic sight distances for vehicles exiting Hallstrom Place. Resident spokesperson addressed the Traffic Committee and requested proposed parking restrictions be extended even further. The Traffic Committee recommended as per the report

2.2 Item 4.4: Powder Works Road, North Narrabeen - 2 Hour Parking and No Stopping Restrictions

Proposed changes to the restrictions on the south side of Powder Works Road to improve public parking in the North Narrabeen commercial precinct and safety through the Powder Works Road/Warraba Road intersection. Written submissions from residents opposed proposal. Local business owners support the proposal. The Traffic Committee recommended as per the report.

2.3 Item 4.5: Wandeen Road, Clareville - Extension of Double Separation Lines

Proposed extension of double separation lines on the approach to the crest in the road, to improve traffic safety. A resident who spoke at the Traffic Committee opposed the proposal on grounds that on street parking would be lost. The Traffic Committee recommended as per the report.

2.4 Item 4.9: ANZAC March - Thursday 25 April 2013

Street closures in Avalon to allow the ANZAC March to proceed.

2.5 **Item 4.12: Callistemon Way, Sector 8, Warriewood Valley – Proposed 4 Hour Parking Restrictions**

Proposed 4 hour parking restrictions within the reserve along the parkland frontage of Callistemon Way to enable short term parking for users of the playground facilities and surrounding parkland (see **Attachment 2** report to Traffic Committee). Local residents oppose the proposal – Traffic Committee decision deferred pending 12 month operation of the park and further review at that stage.

2.6 **Item 5.0 - General Business: McCarrs Creek Road, Church Point – Alternate Carpark Concept Plan**

The Traffic Committee could not support the plan as tabled due to technical and design deficiencies.

3.0 **SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

4.0 **EXECUTIVE SUMMARY**

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 13 November 2012 for Council's consideration.

RECOMMENDATION

1. That the Traffic Committee recommendations for the Agenda Items TC4.1 to TC4.13 inclusive as contained in the Minutes of the Meeting of 13 November 2012 be adopted.
2. That the matters considered by the Traffic Committee as Item 5.0 General Business in the Minutes of the Meeting of 13 November 2012 be noted.

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

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

Minutes

Traffic Committee Meeting

held in the Training Room at the Coastal Environment Centre, Lake
Park Road, Narrabeen on

13 November 2012

Commencing at 1:07pm

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE



Attendance:

Voting Members of the Committee are invited to attend, namely:

Chairperson, Cr Susan Young
Roads and Maritime Services, Mr John Begley
Roads and Maritime Services, Ms Nazli Doraji
Nominee on behalf of Member for Pittwater, Ms Jill Dubois (excluding Development Matters)
Traffic NSW Northern Beaches –Sergeant Matthew Paterson

And Non Voting Representatives from Bus Providers including State Transit Authority

State Transit Authority, Mr Wade Mitford

Council Staff:

Manager, Urban Infrastructure, Mr Mark Shaw
Principal Engineer, Strategy Investigation and Design, Mr Paul Davies
Civil Design & Traffic Engineer, Mr Ricky Kwok
Road Safety Officer, Ms Michelle Carter
Administration Coordinator / Minute Secretary, Ms Sherryn McPherson

TABLE OF CONTENTS

Item No	Item	Page No.
1.0	Apologies	
2.0	Declarations of Pecuniary Interest	
3.0	Confirmation of Minutes	
4.0	Committee Business	
TC4.1	Palmgrove Road, Avalon - Double Separation Lines	
TC4.2	Darley Street, Mona Vale - No Stopping Restrictions	
TC4.3	Jacksons Road, Warriewood - 2 Hour Parking Restrictions	
TC4.4	Powder Works Road, North Narrabeen - 2 Hour Parking and No Stopping restrictions	
TC4.5	Wandeen Road, Clareville - Extension of Double Separation Lines	
TC4.6	Golf Avenue, Mona Vale - 90o Angle Parking	
TC4.7	Iluka Road, Palm Beach - 90o Angle Parking	
TC4.8	Grandview Drive, Newport - Temporary Road Closure	
TC4.9	ANZAC March - Thursday 25 April 2013	
TC4.10	Old Barrenjoey Road, Avalon - Disabled Parking	
TC4.11	Ocean Road, Palm Beach - Disabled Parking	
TC4.12	Introduction of 4 Hour Parking Restriction – Callistemon Way, Sector 8, Warriewood Valley	
TC4.13	Seaview Avenue, Newport – Pedestrian Refuge	
5.0	General Business	
6.0	Next Meeting	

1.0 Apologies

COUNCIL DECISION

1. That apologies be received and accepted from

Mr Aaron Cutugno, Forest Coach Lines

and leave of absence be granted from the Traffic Committee Meeting held on 13 November 2012.

(Cr Young / Ms Jill Dubois)

2.0 Declarations of Pecuniary Interest

Ms Jill Dubois attending on behalf of Rob Stokes, Member for Pittwater declared a Less than Significant Non-Pecuniary Interest in Item TC4.6 - Golf Avenue, Mona Vale - 90° Angle Parking and took no part in discussion and voting on this item. The reason provided by Ms Dubois was:

"I reside in Golf Avenue, Mona Vale"

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the Minutes of the Traffic Committee Meeting held on 14 August 2012, be confirmed as a true and accurate record of that meeting.

(Mr John Begley / Ms Jill Dubois)

4.0 Committee Business

TC4.1 Palmgrove Road, Avalon - Double Separation Lines

Proceedings in Brief

Mr John Ogden addressed the meeting on this item.

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the residents' request to improve safety at the Palmgrove Road/Plateau Road intersection by providing 30m of double separation lines and edge line on the approach to Plateau Road (shown on Council Plan 25-TC-2012).

(Cr Young / Mr John Begley)

TC4.2 Darley Street, Mona Vale - No Stopping Restrictions

Proceedings in Brief

Mr Michael Byrne addressed the meeting on this item.

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following changes on the northern side of Darley Street to improve traffic sight distances for vehicles exiting Hallstrom Place (shown on Council Plan No. 26-TC-2012):

1. Extend the statutory 'No Stopping' restrictions to 20m west of the intersection with Hallstrom Place.
2. Provide 'No Stopping' sign 10m east of the intersection with Hallstrom Place.
3. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Ms Jill Dubois / Mr John Begley)

TC4.3 Jacksons Road, Warriewood - 2 Hour Parking Restrictions

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the request by residents for the provision of 2 hour parking (8.30am-6pm every day) on the southern side of Jacksons Road opposite the Warriewood Square Shopping Centre (shown on Council Plan 27-TC-2012).

(Mr John Begley / Ms Jill Dubois)

TC4.4	Powder Works Road, North Narrabeen - 2 Hour Parking and No Stopping restrictions
--------------	---

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following changes on the south side of Powder Works Road to improve public parking in the North Narrabeen commercial precinct and safety through the Powder Works Road/Warraba Road intersection (shown on Council Plan No. 28-TC-2012).

1. Provide 2 hour time restricted parking (8am-5pm Monday to Friday) from west of driveway to No.2 to east of driveway to No.8.
2. Provide 'No Stopping' restrictions from west of driveway to No.8 to east of driveway to No.16.
3. Provide 'No Stopping' restrictions from east of driveway to No.2 to west of driveway to No.52 Garden Street (access from Powder Works Road).

(Mr John Begley / Sgt Matthew Paterson)

TC4.5	Wandeen Road, Clareville - Extension of Double Separation Lines
--------------	--

Proceedings in Brief

Mr Lou Jackson addressed the meeting on this item.

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the residents' request to improve safety by extending the existing double separation lines to the driveway of No.46 on the approach to the crest Wandeen Road (shown on Council Plan 29-TC-2012).

(Mr John Begley / Cr Young)

TC4.6	Golf Avenue, Mona Vale - 90° Angle Parking
--------------	---

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the request from the Mona Vale Golf Club to increase on street parking on the southern side of Golf Avenue by installing a 21m section of 90° angle parking (front or rear to kerb vehicles under 6m only) directly in front of the Mona Vale Golf Club Pro Shop.

(Cr Young / Sgt Matthew Patterson)

Note:

Ms Jill Dubois attending on behalf of Rob Stokes, Member for Pittwater declared a Less than Significant Non-Pecuniary Interest in Item TC4.6 - Golf Avenue, Mona Vale - 90° Angle Parking and took no part in discussion and voting on this item. The reason provided by Ms Dubois was:

"I reside in Golf Avenue, Mona Vale"

TC4.7 Iluka Road, Palm Beach - 90° Angle Parking**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the proposal for additional 90° angle parking with 12 hour parking restrictions (every day) on Iluka Road.

(Cr Young / Mr John Begley)

TC4.8 Grandview Drive, Newport - Temporary Road Closure**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the temporary closure of Grandview Drive (from 10am to 1pm) between Seaview Avenue and Daly Street, to enable the installation of a swimming pool at No.70 Grandview Drive, subject to the following conditions:

1. That the TCP be prepared in accordance with the RMS Traffic Control at Work Sites Manual and Australian Standards;
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RMS.
3. That barriers and signs to be used in the road closures are to be to RMS standards.
4. That the road closure be staffed at all times to allow access for affected residents and ensure barriers are not moved.
5. That the full road closure only extends to the area required to undertake work safely in order to minimise disruption and access to affected residents.
6. That the affected residents in Grandview Drive be notified at least 2 weeks in advance of the road closures, with details of access restrictions.
7. That the applicant advises the various emergency services of the closure.
8. That the closure be advertised in the Saturday edition of "The Manly Daily" the week prior to the event.

(Ms Jill Dubois / Cr Young)

TC4.9 ANZAC March - Thursday 25 April 2013**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the proposed March route to be held on Thursday 25 April 2013 along Old Barrenjoey Road, Avalon Parade and Bowling Green Lane at Dunbar Park.

(Cr Young / Sgt Matthew Paterson)

TC4.10 Old Barrenjoey Road, Avalon - Disabled Parking

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following changes to the 90° angle parking in Old Barrenjoey Road to improve disabled parking in the Avalon Commercial Centre:

- Remove the disabled parking space outside No.36 Old Barrenjoey Road (That New Video Shop) and convert it to a public car park space with 2 hour parking restrictions (8.30am-6pm Monday-Friday and 8.30am-12.30pm Saturday)
- Provide 2 disabled car parking spaces outside No.60 Old Barrenjoey Road (Herforts Chemist) by converting 3 existing car parking spaces with 2 hour parking restrictions (8.30am-6pm Monday-Friday and 8.30am-12.30pm Saturday).

(Cr Young / Mr John Begley)

TC4.11 Ocean Road, Palm Beach - Disabled Parking

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the provision of one additional disabled car parking space in the 90° angle parking area at the southern end of Ocean Road (by converting 2 existing car parking spaces Pay and Display 6am-9pm Everyday) directly adjacent to the northern side of the existing disabled parking space.

(Ms Jill Dubois / Cr Young)

TC4.12 Introduction of 4 Hour Parking Restriction – Callistemon Way, Sector 8, Warriewood Valley

COMMITTEE RECOMMENDATION

That the Traffic Committee defer the decision to endorse a 4 hour turnaround parking between 9am and 5pm, seven days a week as indicated in the attached plan for Callistemon Way / Warriewood Parkland pending a 12 month operation of the park and further review at that stage.

(Ms Jill Dubois / Mr John Begley)

TC4.13 Seaview Avenue, Newport – Pedestrian Refuge

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the construction of a pedestrian refuge in Seaview Avenue, near Robertson Road (Southside of the roundabout) in accordance with Roads and Maritime Services (RMS) and State Transit Authority (STA) requirements (shown in Council Plan 2012-12)

- The RMS requires that the crossing gap is 3m wide and the refuge island is 2m wide at the crossing.
- The STA requires that the kerb alignment be adjusted to accommodate articulated buses.

(Ms Jill Dubois / Mr John Begley)

5.0 General Business

Proceedings in Brief

Mr Frank Makin, Mrs Margaret Makin and Mr Steve Crosby addressed the meeting on this item.

McCarrs Creek Road Car Park, Church Point – Council staff tabled an alternate Church Point Car Park concept plan prepared by members of the community for the Committee's review and provision of technical comments.

Action: The Traffic Committee does not support the alternate concept design for the Church Point carpark as tabled due to what are considered to be the following design deficiencies:

- a) Carpark entry geometry not acceptable
 - b) Carpark exit geometry not acceptable
 - c) Traffic lane width - McCarrs Creek Road – Not acceptable
 - d) Traffic lane width – carpark – not acceptable
 - e) Pedestrian refuge – not acceptable as shown
 - f) Parallel parking space width – not acceptable
 - g) Absence of footpaths in carpark – not acceptable
 - h) Bus stop length – McCarrs Creek Road – less than required 40 metres
 - i) Disable parking spaces – none provided
 - j) Parallel parking McCarrs Creek Road (east side) – not acceptable
 - k) Traffic conflict at Cargo Wharf
 - l) Dish drain carpark – inadequate width
 - m) Carparking space numbers – not achievable
-

Traffic Lights, Corner of Pittwater Road and Mona Vale Road – Member for Pittwater raised a request from the community for Council to provide a level pedestrian access to the reserve carpark from the pedestrian crossing at the traffic signals through the existing landscaped mound.

Action: Member for Pittwater advised to forward request directly to Council's Manager, Reserves and Recreation. This will not be a future agenda item.

Pedestrian Crossing, Kalinya Street, Newport (near Newport Arms) – State Transit Authority advised that the pedestrian crossing is poorly lit in this location and would like this to be reviewed and possibly upgraded for the safety of pedestrians crossing in this area.

Action: Council staff advised that the matter would be investigated.

6.0 Next Meeting

The proposed 2013 meeting schedule of the Traffic Committee is outlined below. All meetings are to be held in the Conference Room, Level 3, 5 Vuko Place, Warriewood commencing at 1.00pm.

- **12 February 2013**
- **9 April 2013**
- **11 June 2013**
- **13 August 2013**
- **15 October 2013**
- **10 December 2013**

TC4.12	Callistemon Way, Sector 8, Warriewood Valley - Proposed 4 Hour Parking Restriction
---------------	---

Meeting: Traffic Committee

Date: 13 November 2012

EXECUTIVE SUMMARY

BACKGROUND

- Through Council's Section 94 Plan, Council has developed a 1 ha park site off Sector 8 for use as a central district playground and recreation area. Council allowed Australand, the developer, to place water detention on the site in exchange for parking footways and general access to the park.
- Following construction of the broader park area (the subject site), Council has had to wait a number of years to purchase the second half of the park (1 hectare) and accumulate funds from Section 94 contributions to allow construction of the playground facility.
- Given the extensive cycleway/pathway system allowed for in the Section 94 Infrastructure Strategy, the construction of a large stand alone carpark was not considered due to cost implications and the ability to provide parking around the direct edges.
- All local residents have a constructed garage driveway and road reserve frontage.
- The activation of the southern sector of the park and proposed infrastructure including bridges and further cycleways connecting to Garden Street will deal with long term parking issues associated with the parkland.

LOCATION

- The proposal is to restrict parking along the parkland frontage of Callistemon Way (refer plan **Attachment 1**) to 4 hour maximum turn around use for all residents of Warriewood Valley.

ISSUES

- Council is currently nearing completion of a million dollar district park for the Warriewood Valley release area and expects that use of the park will generate a requirement for parking spaces located to the parkland frontage.
- Currently no parking restrictions apply and a number of boat trailers and vehicles have begun to park in the areas on a long term basis. Trailer storage is the responsibility of the individual owner and generally is not able to be stored on public land.
- The restriction, as proposed, will enable short term equitable access to all residents of the Valley for use of the playground facilities and surrounding parkland.
- A public notice (refer **Attachment 2**) was delivered to all residents fronting the affected area and will be erected on site.

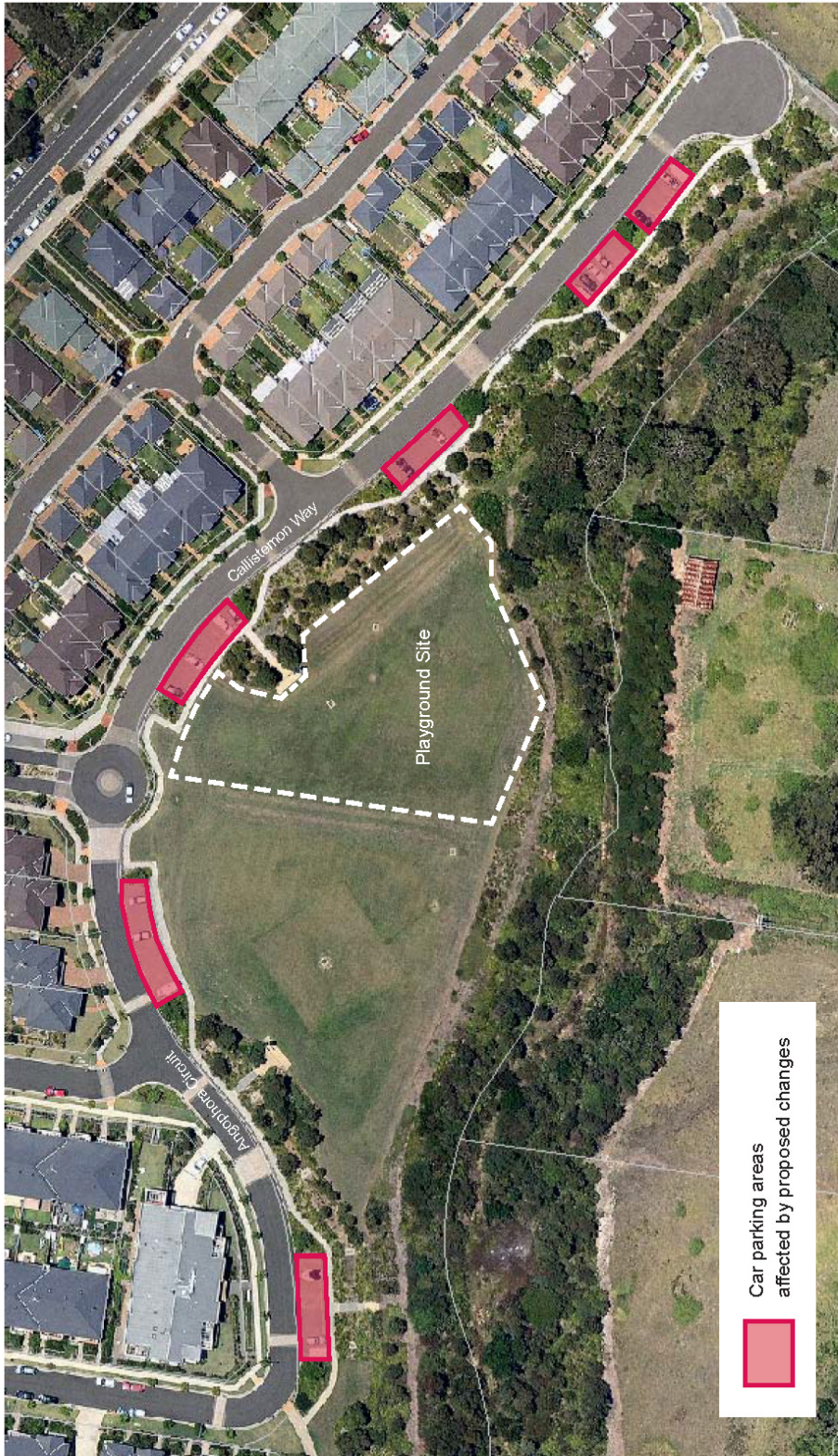
RECOMMENDATION

That the Traffic Committee endorse the adoption of 4 hour turnaround parking between 9am and 5pm, seven days a week as indicated in the attached plan for Callistemon Way/Warriewood Parkland.

Report prepared by

Mark Eriksson

Landscape Architect – Principal Officer – Reserves & Recreation



TIME RESTRICTION (4HRS) TO BE APPLIED TO PARKING SPACES AT PARK FRONTAGE CALLISTEMON WAY, WARRIEWOOD

Council is nearing completion of the district park playground for Warriewood Valley (third week of November) and is seeking to assure the ongoing management of the facility.

When the parkland was constructed the 90° spaces located off Callistemon Way were constructed predominantly for park users.

Council expects the playground to become extremely popular and as such is proposing to limit use of these spaces to 4 hours turn around to allow as many people as possible within the Valley to access the reserve.

The proposal will be put to Council's Traffic Committee on 13 November at Vuko Place Level 3 and will then be presented to council for adoption. Representations can be made directly to Council's Landscape Architect, to the Traffic Committee or to the Council meeting.

Should you wish to discuss the proposal please contact Mark Eriksson, Landscape Architect, ☎ 9970 1356 OR mark_eriksson@pittwater.nsw.gov.au

C8.5	Minutes of the Community, Recreation & Economic Development Reference Group Meeting held on 7 November 2012
-------------	--

Meeting: Community, Recreation & Economic Development Committee

Date: 3 December 2012

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Community, Recreation & Economic Development Reference Group Minutes of 7 November 2012 (**Attachment 1**).

1.0 BACKGROUND

- 1.1 The Community, Recreation & Economic Development Reference Group was established by Council to consider matters involving goals and initiatives contained in the key directions of Council's Strategic Plan – Supporting and Connecting our Community and Enhancing our Working and Learning. Reference Points and outcomes from the Reference Group will inform the Delivery Plan process.
- 1.2 The strategic objectives within the associated key directions are:
- Building Communities
 - Recreational Management
 - Community Learning
 - Economic Development
- 1.3 To fulfil its role the Community, Recreation & Economic Development Reference Group provides:
- a link between Council and the community which enhances communication about the strategic direction of Council initiatives
 - input from Council and the community (historical, social and environmental) when considering possible solution
 - consideration of implications from strategic initiatives and their likely impact on the local community, and
 - feedback to Council on behalf of the community

2.0 ISSUES

Item 4.1 Pittwater Open Space and Recreation Study

Reference Point

1. The Reference Group thanked Jenny Cronan, Special Projects Officer, Reserves & Recreation - Landscape for her presentation.

Item 4.2 Update on Reserves and Recreation projects

1. That the Reference Group thank Mark Eriksson, Principal Officer Landscape Architect for his presentation and that the information provided in the report be noted.
2. That the results of the public consultation on the recreational needs/desires in Pittwater as part of the *Open Space and Recreation Strategy* be noted.
3. That a presentation be brought to the Reference Group Meeting in February 2013 regarding the possibility of implementing a Swimming Pool facility in the Pittwater area including costing and funding.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

Recommendations of the Community, Recreation & Economic Development Reference Group contained in the minutes of the meeting of 7 November 2012 for Council's consideration.

RECOMMENDATION

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 7 November 2012 (**refer Attachment 1**) be noted.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Community, Recreation & Economic Development Reference Group

held in the Training Room at the Coastal Environment Centre, Lake
Park Road, Narrabeen on

7 November 2012

Commencing at 4:05pm

Steve Evans
DIRECTOR, ENVIRONMENTAL PLANNING &
COMMUNITY



Attendance:

Cr Jacqueline Townsend (Mayor), Chairperson
Cr Kay Millar
Cr Ian White

Members

Pittwater Resident Representative – Mrs Sandra Skelly
Community Care (Northern Beaches) Inc. – Mrs Fiona Winter
Pittwater Community Arts – Ms Lorrie Morgan
Newport Residents Association – Dr Ruth A Fink Latukefu
Clareville & Bilgola Plateau Residents Association – Ms Jennie MacKenzie
Surf Life Saving Northern Beaches – Mr Steve McInnes
West Pittwater Community Association – Mr Paul Purvis/Ms Penny Gleen
Pittwater Community Gardens Association Incorporated – Mr Heath Blanshard
Newport Residents Association – Mr Hans Hui
Pittwater Resident Representative – Mr Alan Porter

and the following Council Advisors

Mr Steve Evans, Director, Environmental Planning & Community
Ms Jenny Cronan – Special Projects Officer, Reserves Recreation
Mr Mark Eriksson, Principal Engineer Landscape Architect
Ms Melinda Hewitt, Social, Community & Economic Development Coordinator
Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy
Ms Sherryn McPherson, Administration Officer/Minute Secretary

Community Recreation and Economic Development Reference Group Meeting
--

TABLE OF CONTENTS

Item No	Item	Page No.
1.0	Apologies	
2.0	Declarations of Pecuniary Interest	
3.0	Confirmation of Minutes	
4.0	Discussion Topics	
CRED4.1	Pittwater Open Space and Recreation Strategy	
CRED4.2	Update on Reserves and Recreation Projects	
5.0	Emerging Business	
6.0	Proposed Meeting Schedule 2013	

Notes:

1. The Community Recreation and Economic Development Reference Group commenced at 4.05pm.
 2. Cr Townsend assumed the Chair.
 3. Cr Townsend advised that Cr Ferguson is the new Chair of the Community Recreation and Economic Development Reference and introduced Cr Millar as the Chairperson of the Community Recreation and Economic Development Committee.
-

1.0 Apologies

1. Apologies were received from:

Cr Kylie Ferguson
Ms Bronwyn Hammond - Pittwater Community Arts
Mr Anthony Robinson - Sustainability Pittwater
Ms Mischa Moraza - Pittwater Resident Representative
Mr Les Wingham - Pittwater Resident Representative

and leave of absence was granted from the Community, Recreation & Economic Development Reference Group meeting of 7 November 2012.

2. The Reference Group members accepted the apologies.
-

2.0 Declarations of Pecuniary Interest

Nil

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Community Recreation and Economic Development Reference Group Meeting held on 1 August 2012 be confirmed as a true and accurate record of that meeting.

(Mr Allan Porter / Mr Steve McInnes)

4.0 Discussion Topics

CRED4.1 Pittwater Open Space and Recreation Strategy

Proceedings in Brief

Ms Jenny Cronan – Special Projects Officer, Reserves Recreation - Landscape, addressed the meeting on this item.

A PowerPoint presentation was given on the Pittwater Open Space and Recreation Strategy with an aim in providing the Pittwater community with the best possible range of recreational facilities to meet their expressed requirements while protecting and enhancing the natural environment for current and future generations.

A copy of the presentation is attached to the minutes as **Attachment 1**.

Matters Arising from Discussion

Cr Townsend briefed the Reference Group on the Report that was passed at the Council Meeting dated 5 November 2012, regarding the Lane Cove Alive project for Pittwater.

Over the past 18 months Council has been developing a new Social Plan and a first ever Economic Development Plan for Pittwater. Within both plans sustaining vibrancy within our village centres have been identified as a key priority.

A local government example to achieve combined economic, social, recreational and cultural outcomes is the Lane Cove Alive model, an initiative by Lane Cove Council developed in response to the 2005 Lane Cove Alive (LCA) Action Plan.

A report outlining the applicability of the App as well as the 'Alive' project for Pittwater's village centres will be brought back to Council in the first quarter of 2013.

In the interim period, Reference Group members were encouraged to review the Lane Cove Alive project at www.lc-alive.org.

Q: Is it possible to add an extra levy of \$10 per week for rate payers which can go towards special projects and once these projects have been completed roll into a new project? For e.g. a community swimming pool or performance art space.

Council has previously considered an option for an indoor pool and is to relook at it in a couple of years time. To incorporate a levy above the Special rate variation would require Council to complete a formal process of application to the State Government and undergo a rigorous review demonstrating widespread community acceptance. The Independent Price and Regulatory Tribunal IPart may be involved.

The cost to ratepayers for the Pool / artspace is critical as is the running and maintenance costs.

25m swimming pools are now built with the aim to suit all forms of aquatics, e.g swimming training, primary and high schools and aqua aerobics.

Reference Point

1. That the Reference Group thank Jenny Cronan, Special Projects Officer, Reserves Recreation - Landscape for her presentation.

2. That the results of the public consultation on the recreational needs/desires in Pittwater as part of the *Open Space and Recreation Strategy* be noted.
3. That a presentation be brought to the Reference Group Meeting in February 2013 regarding the possibility to implement a Swimming Pool facility in the Pittwater area including costing and funding.

(Ms Lorrie Morgan / Mr Paul Purvis)

CRED4.2 Update on Reserves and Recreation Projects

Proceedings in Brief

Mr Mark Eriksson, Principal Officer, Landscape Architect addressed the meeting on this item.

A PowerPoint presentation was given to the Reference group regarding projects which have been completed, are in progress and future project commencement dates.

A copy of the presentation is attached to the minutes at **Attachment 2**.

Matters Arising from Discussion

Q: Is the Plan of Management for Turimetta Headland currently on Exhibition?

A: The Plan of Management is just being completed. The headland had several issues in relation to the presence of the blowhole and the need for emergency vehicle access. The issue of views of the coast needs to be balanced with maintaining bushland habitat. The Plan of Management will be reported to Council possibly in December for approval to go on Exhibition.

Q: Is National Parks and Wildlife going to re-open the Cottages at Barrenjoey Headland and when will this happen?

A: National Parks and Wildlife are considering to best use of the cottages with updated tracks for easy accessibility. Funding to refurbish the existing cottages is an issue, and it is understood that 70m of track to the cottages is also incomplete due to lack of funding. National Parks and Wildlife's Plan of Management is not yet completed and we will need to liaise with the Department to obtain further information and an updated status on this item.

Reference Point

1. That the Reference Group thank Mark Eriksson, Principal Officer Landscape Architect for his presentation and that the information provided in the report be noted.

(Mr Allan Porter / Mr Hans Hui)

5.0 Emerging Business

Cr White and the Community Recreation and Economic Development Reference Group Members acknowledged and thanked Dr Ruth Latukefu for her outstanding contributions to the Reference Group since its inception.

Jane Mulroney, Community Engagement Officer, Corporate Strategy and Commercial, reminded the Reference Group members to RSVP to the next Community Strategic Plan Workshop, which has been scheduled for 20 November 2012.

Jane Mulroney, Community Engagement Officer, Corporate Strategy and Commercial advised, the Reference Group that the 2 year term of Reference Group members is due to expire in February 2013. A review of reference groups will be undertaken shortly. All members will receive a survey to complete to capture their views about positives and areas for improvement. An expression of interest process will occur early in 2013. Reference Group members were congratulated on their contributions.

Ms Lorrie Morgan invited all Reference Group members to attend the Pittwater Community Arts (PCA) Art Show, Art Exhibition and Sale at the Avalon Recreation Centre, 59a Old Barrenjoey Road Avalon on the following dates:

- Opening Night Friday, 16 November 2012 (7pm – 9pm)
 - Exhibition, Saturday 17 November 2012 (9am – 5pm), and
 - Exhibition, Sunday 18 November 2012 (9am – 4pm).
-

6.0 Proposed Meeting Schedule 2013

The proposed 2013 meeting schedule of the Community, Recreation & Economic Development Group is outlined below. All meetings are held in the Training Room at the Coastal Environment Centre, Lake Park Road, North Narrabeen, commencing at 4.00pm.

- **06 February 2013**
- **01 May 2013**
- **07 August 2013**
- **06 November 2013**

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 5.54pm
ON WEDNESDAY, 7 NOVEMBER 2012.**

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1	Application for Exploration Licence by Sydney Marine Sand Pty Limited under the Commonwealth Offshore Minerals Act 1994
-------------	--

Meeting: Natural Environment Committee

Date: 3 December 2012

STRATEGY: Beach and Coastal Management

ACTION: Provide planning, design, investigation and management of beaches, coastlines and estuaries;

PURPOSE OF REPORT

To enable Pittwater Council to consider a Mineral Exploration Licence Application (MEL) lodged by Sydney Marine Sand Pty Limited to explore for marine aggregate (sand) over an area of about 150km² in Australian Territorial Waters offshore from the Central Coast, Broken Bay and the Northern Beaches (see copy of application appended as **Attachment 1**).

1.0 BACKGROUND

- 1.1 As the application proposes to explore in coastal waters beyond 3 nautical miles from the coast i.e. beyond the Coastal Waters of the State, the *Commonwealth Offshore Minerals Act 1994* (COM Act) applies to this application. The Commonwealth legislation is jointly administered by the Australian Government and State and Territory Governments and whilst the relevant State/NT Minister participates in the decision process, in the event of a disagreement, the views of the Australian Government Minister will prevail.
- 1.2 An exploration licence is designed to cover the activities involved in the exploration phase of a project and confers exclusive rights to the licensee for exploration and the recovery of samples of the nominated mineral within the application area. It is not a mining licence and does not authorise the full recovery of minerals from the licence area.
- 1.3 Under the COM Act, the NSW Department of Trade & Investment must ensure that all relevant agencies are consulted about the application and the Department has invited Pittwater Council to make comment or provide a submission in regard to the MEL application.
- 1.4 In its notification of the MEL application, the Department has requested to receive comments by 30 November 2012, but has subsequently agreed to accept comments from Pittwater Council after the meeting of 3 December 2012 to enable Council to formally consider the matter.
- 1.5 Sydney Marine Sands Pty Limited had previously applied to explore for marine aggregates in Australian Territorial Waters off Broken Bay and the Central Coast in 2000 and again in 2003. Both these applications were refused based on community opposition to the proposals and a lack of support from the NSW Government. A prohibition on offshore minerals extraction currently applies to NSW State Coastal Waters by way of specific provisions of the *Offshore Minerals Act 1999* (NSW).
- 1.6 In November 2003, in response to these applications, Pittwater Council wrote to the Premier of NSW expressing concern at the lack of research that had been undertaken by the NSW Government to try to determine the sustainability of offshore aggregate extraction and to quantify the biophysical, social and economic impacts of such mining proposals.

- 1.7 For these reasons and due to the uncertainties associated with coastal climate change impacts, Council requested that offshore sand deposits located in NSW State as well as Australian Territorial Waters be quarantined to remain as a source of sand for beach nourishment to help manage beach erosion and shoreline recession along the NSW coastline.

2.0 ISSUES

2.1 Demands for Building Sand in the Sydney Region

Based upon past consumption trends, a report prepared for the NSW Department of Primary Industries in 2001 (Supply and Demand for Construction Sand in the Sydney Planning Region) estimated that the annual demand for fine and coarse aggregates in the Sydney Basin would exceed 300 million tonnes by 2040 (Pienmunne and Whitehouse, 2001). The Sydney Basin extends from Newcastle in the north to Wollongong in the south and west almost to Lithgow.

Whilst demand for building aggregates in the Sydney Basin actually declined during the decade since that report was written, there is little doubt that as the building industry recovers and investment increases in the future, so to will the demand for raw materials. Nonetheless, the construction industry in the Sydney Basin currently consumes an estimated total of almost 30 million tonnes of quarried building aggregates per annum, 7 million tonnes of which is comprised of sand.

Traditional sources of sand and gravel such as the Kurnell sand dunes and Penrith Lakes have been largely depleted and are currently being phased out of production, necessitating the importation of ever greater volumes of aggregates from other locations within and outside of the Sydney Basin. Potential locations for increased onshore sand extraction and production include Maroota, Somersby Plateau, Stockton Bight, Newnes Plateau and the Southern Highlands.

A significant fraction of the sand required by the building industry in the future is likely to be produced by crushing land-based friable sandstone deposits, some of which adjoin wilderness areas. The exploitation of these resources will entail high energy and water consumption, increased handling and transportation costs as well as potentially unacceptable impacts to natural environments and communities in the localities.

With increasing demand for building aggregates and a corresponding shortfall in easily exploitable, land-based deposits, large-scale marine extraction of bulk commodities such as building sand will become increasingly attractive to the mining industry.

As governments and the community gain a better understanding of the potential impacts of climate change (in particular sea level rise) on the coast, the protection and conservation of beach environments through sand nourishment will become a far more important consideration and will continue to gather support as a viable coastal protection measure.

In order to arrest coastal recession and ensure beaches remain available for the use of future generations, coastal managers have been, for some time, investigating the feasibility of utilising offshore sand bodies for recurrent beach nourishment campaigns along the metropolitan coastline.

2.2 Offshore Sand Bodies

The Sydney Coastal Councils Group commissioned AECOM to undertake a study entitled 'Beach Sand Nourishment Scoping Study: Maintaining Beach Amenities Against Climate Change Sea level Rise' which was completed in December 2010.

Apart from utilising existing literature to identify potential offshore deposits of suitable sand for use in beach nourishment, the study also analysed the environmental, economic and social consequences of extracting and delivering the substantial quantities of sand required for ongoing beach nourishment campaigns.

The study identified potentially suitable sand bodies offshore from Providential Head, Cape Banks, the Central Coast, Bondi and Malabar. Most of the offshore locations identified as being suitable to supply sand for the ongoing nourishment of Sydney Beaches have also been, or currently are, the subject of MEL applications by the mining industry.

2.3 Coastal Recession and Beach Nourishment

Sand from the Cape Banks sand body has a similar size grading, shell content and colour to the native sands of many of Sydney's beaches. Based on a 0.3 m sea level rise increment, the study estimates some 12 million m³ of borrow sand would be required in order to retain the recreational amenity of all of Sydney's ocean beaches.

Subsequent nourishment campaigns (every 10 years or so) would then require about 4 million m³ of borrow sand with characteristics similar to that found at Cape Banks in order to maintain the condition of the beaches. Increases in the rate of sea level rise would require a corresponding increase in the volumes of sand needed to maintain beach amenity.

As the sand deposits considered most suitable for nourishment are located in waters some 50-80m deep, a large ocean-going trailer suction hopper dredge would be the most efficient means to extract and deliver the sand. The AECOM study estimates that the extraction and delivery of 12Mm³ of sand would take some 12 to 18 months to achieve.

Due to the likelihood of a greatly increased future demand for building aggregates and potential competition for these limited resources from other sectors including the public sector, there is a clear need for a much better understanding of the nature and extent of offshore mineral resources and whether they can be sustainably exploited to help meet the demands of all stakeholders.

An independent investigation of the sustainable utilisation of marine aggregate resources, based on ecologically sustainable development principles, should be jointly conducted by the Federal and NSW Governments before further MEL applications are considered.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Climate change impacts, in particular sea level rise, will exacerbate beach erosion and shoreline recession. If future generations are to continue to enjoy our world-renowned ocean beaches it is likely that measures such as ongoing nourishment campaigns will be necessary to retain existing beach systems and conserve public beach amenity.
- 3.1.2 Offshore sand bodies have been identified as a potential source of the substantial quantities of sand that will be required for many decades into the foreseeable future in order to nourish beaches along the Sydney metropolitan coastline.
- 3.1.3 Pittwater Council relies heavily on its ocean beaches to define a sense of place, for recreational opportunities and environmental amenity as well as for the ongoing economic welfare and cultural wellbeing of the Pittwater community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 2.1 To date, the potential environmental and social impacts of marine aggregate extraction and distribution have been considered in general terms only. Ecological impacts (particularly upon benthic communities) associated with the longer term extraction of marine aggregates are still not well understood.
- 3.2.2 A reduction in the environmental, social and economic impacts of road transportation, promoted as a benefit inherent in the bulk shipping of marine aggregates may be grossly overstated when considering the further distribution of bulk materials (once landed) to the broader market from centralised terminals or port facilities.
- 3.2.3 Conversely, the processing of friable sandstone from onshore deposits may also have significant, undesirable impacts upon adjacent wilderness areas, nearby communities and road transportation networks.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Due to the large volumes of sand required to undertake successful beach nourishment campaigns, the dredging of offshore sand bodies may represent the only economically viable means of obtaining and delivering the quantities of sand needed in the longer term.
- 3.3.2 The metropolitan coastline, including Sydney's iconic surfing beaches, is a major factor in the economic security and 'liveability' of the Sydney Region.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Through joint initiatives with the Sydney Coastal Councils Group, metropolitan coastal councils have been independently investigating the feasibility of utilising offshore sand bodies for beach nourishment purposes.
- 3.4.2 By contrast, however, successive state governments have shown little interest in utilising offshore sand deposits for any purpose and have therefore declined to undertake any strategic analysis of offshore marine aggregates.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Future, competing demands for sources of sand to satisfy the needs of the building industry as well as the requirements for suitable sand to nourish depleted beaches, will increase pressure to exploit both offshore and onshore sand deposits.
- 3.5.2 A far more holistic and strategic analysis of these resources and the implications of their long term exploitation are well overdue and should be jointly undertaken by the State and Federal Governments to help plan a more sustainable future for all the affected communities and stakeholders.

4.0 EXECUTIVE SUMMARY

- 4.1 The NSW Department of Trade & Investment has recently received a Mineral Exploration Licence Application from Sydney Marine Sand Pty Limited to explore for marine aggregates (sand) in Australian Territorial Waters offshore from Gosford, Broken Bay and the Northern Beaches.

- 4.2 An ever increasing demand for construction aggregates, in particular building sand, in the Sydney Metropolitan Region and a corresponding shortfall in easily exploitable, land-based deposits will continue to make large-scale, marine mining of sands and gravels highly attractive to the mining industry.
- 4.3 Given that many Sydney beaches already suffer the effects of severe coastal erosion and some are currently undergoing shoreline recession, offshore sand bodies are likely to become increasingly important as a source of sand to conserve beach amenity and arrest longer term coastline recession exacerbated by sea level rise.
- 4.4 Despite previous research undertaken by industry, academia, NSW Government Agencies and the Sydney Coastal Councils Group, a much better understanding of the nature and extent of offshore mineral resources is required before a determination is made as to whether these resources may be sustainably exploited.
- 4.5 In the interests of intergenerational equity, the long term protection of irreplaceable public beach assets and the principles of ecologically sustainable development, the necessary analysis and evaluation in this regard should not be left up to commercial or sectoral interests to determine.
-

RECOMMENDATION

- 1 That Pittwater Council does not support the application for an offshore Mineral Exploration Licence (MEL) by Sydney Marine Sand Pty Limited in Australian Territorial Waters off Gosford, Broken Bay and the Northern Beaches.
2. That Council writes to the Department of Trade & Investment, the NSW Minister for Resources and Energy and the Federal Minister for Resources, Energy and Tourism requesting that:
 - the MEL application made by Sydney Marine Sand Pty Limited be refused;
 - the NSW and Australian Governments expedite a thorough and co-ordinated independent analysis of all aggregate resources in both State and Territorial Waters offshore from the NSW coastline; and
 - such an analysis also assess the most appropriate manner by which both onshore and offshore aggregate resources may be sustainably exploited to meet the future needs of the construction industry in the Sydney Basin as well as coastal communities (to nourish affected beaches) before further MEL applications for marine aggregates are considered.

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

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT AND CLIMATE CHANGE



Trade &
Investment
Resources & Energy

12/4236

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

Dear Mr Ferguson

**Application for Exploration Licence by Sydney Marine Sand Pty Limited
under the *Commonwealth Offshore Minerals Act 1994***

The purpose of this letter is to advise that an application has been submitted by Sydney Marine Sand Pty Limited to explore for marine aggregate off the NSW coast. The application covers an area south east of Gosford and has been submitted under the *Commonwealth Offshore Minerals Act 1994* (OMA). This Act applies to exploration more than 3 nautical miles from the coast.

Under the OMA the relevant State, in this case New South Wales, must ensure that all relevant agencies are consulted in relation to the application.

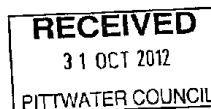
Comments that you have regarding this application would be appreciated by 30 November 2012.

I have enclosed a copy of the application from Sydney Marine Sand Pty Limited for your information. If you require any further advice in relation to the application I can be contacted on (02) 49316465 or Mr Darren Skene, Exploration Manager for Sydney Marine Sand Pty Limited can be contacted on 0412123990.

Once your comments have been received they will be collated with the comments of other agencies for consideration by the NSW Minister for Resources and Energy and the Federal Minister for and Resources Energy, as part of the decision making process.

Yours faithfully


Tracey Godwin
for Designated Authority
29 October 2012



Minerals - Titles 516 High Street, Maitland, NSW, 2320
PO Box 344, Hunter Region Mail Centre, NSW, 2310
Email: webcoal.titles@industry.nsw.gov.au
Fax: 02 4931 6776
www.minerals.nsw.gov.au
ABN 72 169 979 072

SYDNEY MARINE SAND PTY LIMITED

**Application for a Mineral Exploration Licence
Covering Standard Blocks
in the New South Wales Adjacent Area**

**Commonwealth of Australia
*Offshore Minerals Act, 1994***

August 2012

SYDNEY MARINE SAND PTY LIMITED
ABN 46 095 131 669
PO Box 408 Cremorne NSW 2090
Mob: +61 (0)412 123 990 Email: admin@sydneymarinesand.com.au

COMMONWEALTH OF AUSTRALIA
OFFSHORE MINERALS ACT 1994

Office Use

NO. NSW/ /MEL

**APPLICATION FOR EXPLORATION LICENCE
IN THE NEW SOUTH WALES ADJACENT AREA**

To: The Designated Authority of New South Wales
Department of Trade and Investment, Regional Infrastructure and Services
Resources and Energy
Minerals and Petroleum
516 High Street
MAITLAND NSW 2320

P O Box 344
Hunter Region Mail Centre
MAITLAND NSW 2310

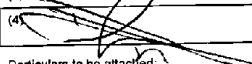
APPLICANT TO COMPLETE ITEMS 1 TO 7

(1) Full Name and Address of each Applicant	(2) No. of Shares
Sydney Marine Sand Pty Limited PO Box 408 Cremorne 2090 New South Wales	(2) 100

(3) TOTAL **100**

(4) Signature of Applicant or Agent

(5) Date

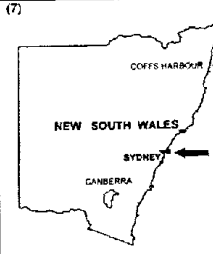
(4)  (5) 8 August 2012

Particulars to be attached:

- A. a map highlighting the blocks applied for,
- B. the proposals of the Applicant for the activities and expenditure intended in respect of the blocks specified in the application,
- C. the technical qualifications of the Applicant and of his employees,
- D. the technical advice available to the Applicant,
- E. the financial resources available to the Applicant,
- F. if the application is by more than one person, specify the share each prospective holder will hold,
- G. the likely effects of the proposal on the environment, and
- H. any other matters that the Applicant wishes to be considered.

NOTE:- ALL CHEQUES ARE TO BE MADE PAYABLE TO THE COMMONWEALTH OF AUSTRALIA
(5) Details of nearest onshore reference point.

(7) Indicate by arrow location of application on map below-

(6) Reference Point: Sydney Distance from: Sydney is ~30 km Direction from: Sydney - NNE	(7) 	OFFICE USE	APPLICATION FEE \$..... RECEIPT NO. ISSUED RECEIVED ON: BY (RECEIVING OFFICER)
--	---	---------------	---

APPLICATION FOR EXPLORATION LICENCE

NO.	NSW/	/MEL
-----	------	------

INDICATE BLOCKS APPLIED FOR ☒ X

BLOCK IDENTIFIER (ALL SECTIONS MUST BE COMPLETED)

[illegible]

If insufficient space use additional pages

TOTAL BLOCKS

69

Application Form

COMMONWEALTH OF AUSTRALIA
OFFSHORE MINERALS ACT 1994Office Use
NO. NSW/ /MELAPPLICATION FOR EXPLORATION LICENCE
IN THE NEW SOUTH WALES ADJACENT AREATo: The Designated Authority of New South Wales
Department of Trade and Investment, Regional Infrastructure and Services
Resources and Energy
Minerals and Petroleum
516 High Street
Maitland NSW 2320P O Box 344
Hunter Region Mail Centre
Maitland NSW 2310

APPLICANT TO COMPLETE ITEMS 1 TO 7

(1) Full Name and Address of each Applicant	(2) No. of Shares
Sydney Marine Sand Pty Limited PO Box 408 Cremorne 2090 New South Wales	(2) 100

(3) TOTAL 100

(4) Signature of Applicant or Agent	(5) Date
(4)	(5) 8 August 2012

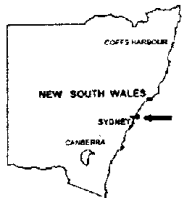
Particulars to be attached:

- A. a map highlighting the blocks applied for,
- B. the proposals of the Applicant for the activities and expenditure intended in respect of the blocks specified in the application,
- C. the technical qualifications of the Applicant and of his employees,
- D. the technical advice available to the Applicant,
- E. the financial resources available to the Applicant,
- F. if the application is by more than one person, specify the share each prospective holder will hold,
- G. the likely effects of the proposal on the environment, and
- H. any other matters that the Applicant wishes to be considered.

NOTE:- ALL CHEQUES ARE TO BE MADE PAYABLE TO THE COMMONWEALTH OF AUSTRALIA

(6) Details of nearest onshore reference point.

(7) Indicate by arrow location of application on map below-

(6) Reference Point: Sydney Distance from: Sydney is ~30 km Direction from: Sydney - NNE	(7) 	OFFICE USE APPLICATION FEE \$ RECEIPT NO. ISSUED RECEIVED ON: BY (RECEIVING OFFICER)
--	---	---

SYDNEY MARINE SAND PTY LIMITED

Page 1

APPLICATION FOR EXPLORATION LICENCE

NO. NSW MEL

INDICATE BLOCKS APPLIED FOR ☒ X

BLOCK IDENTIFIER (ALL SECTIONS MUST BE COMPLETED)

[illegible]

If insufficient space use additional pages

TOTAL BLOCKS

69

SYDNEY MARINE SAND PTY LIMITED

Page 2

Technical Assessment of Mineral Potential of the Area

The surface of the NSW inner continental shelf is predominantly covered with sand and minor proportions of gravel, with smaller areas of bedrock reef (Roy 2001). Roy (2001) calculated that the total area of inner shelf covered by sand off the NSW coast is in the order of 8,000 km² of which about 70% occurs north of Sydney. The Company is applying for a Mineral Exploration Licence (MEL) over an area of about 150 km², which is 0.019% of the estimated total inner shelf sand area.

The targeted resources within the MEL application area are 2 of the 3 main depositional units recognised on the NSW continental shelf by Roy (2001), namely inner shelf sand sheets (ISSS) and regressive shelf barriers.

Inner shelf sands occur as a surficial sheet-like deposit, generally 0.25 to 1.5 m thick, that blankets a coast-parallel zone 5-10 km wide in water depths of 20-60 m (Roy et al. 1994). Inner shelf sands are typically olive brown to orange in colour due to iron oxide coatings on the surface of the sand grains. Texturally the sand varies from fine to coarse grained and is moderately sorted, with mud either absent or occurring as a very minor component. The sand predominantly comprises quartz grains with <10% rock fragments and feldspar grains, while bioclastic material (mainly shell fragments) is present in the surface sediments but may be absent in the subsurface due to leaching (Roy 2001). On their seaward margin, the inner shelf sands may be blanketed by mid-shelf fine sand and mud (Davies 1979; Marshall 1980; Colwell and Roy 1983). Inner shelf sands are considered palimpsest in nature as they are thought to have originated through prolonged, *in situ* marine reworking of pre-existing deposits on the inner shelf surface (Roy, 2001).

Regressive shelf barriers are only found in the subsurface and their upper surfaces are covered by inner shelf sand sheets or mid-shelf sediments. They occur as 10-20m thick, relict sand bodies that were deposited by waves under conditions of falling sea level (Roy 2001). Regressive barrier sands are typically fine to medium grained, unimodal and moderately well sorted, rounded to subrounded, quartz-rich sand (Roy et al. 1997). All traces of carbonate have been removed by subaerial leaching.

Very little geological data exists within the MEL application area. In 1989 the Public Works Department NSW Coast & River Branch produced seabed information maps of Sydney's inner continental shelf that extended from Bate Bay in the south to Foresters Beach on the Central Coast in the north. The maps show the distribution of surface sediment types on the inner continental shelf and the extent of outcropping rock reef along the coast based on surveys and interpretation for the Sydney Coastal Study (Gordon and Hoffman 1979-1985). These maps were digitised and reproduced by the Department of Environment, Climate Change and Water NSW (see Figure 1) to show the distribution of seabed habitats (Jordon et al. 2010). The detailed seabed habitat dataset of Jordon et al. (2010) covers much of the NSW coastal waters in this area, but the surveys did not extend into the MEL application area, which lies in Commonwealth waters seawards of the area mapped.

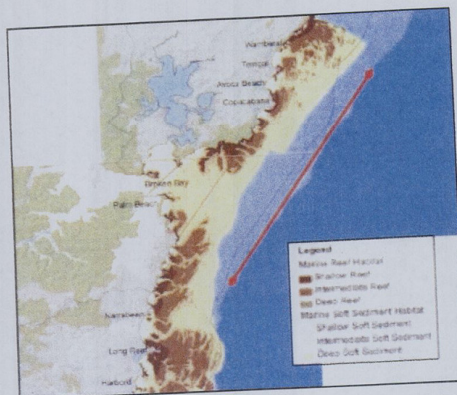


Figure 1 Distribution of known seabed habitats between the Central Coast and Long Reef. Red arrow shows approximate location of MEL application area. (Source: Jordan et al. 2010).

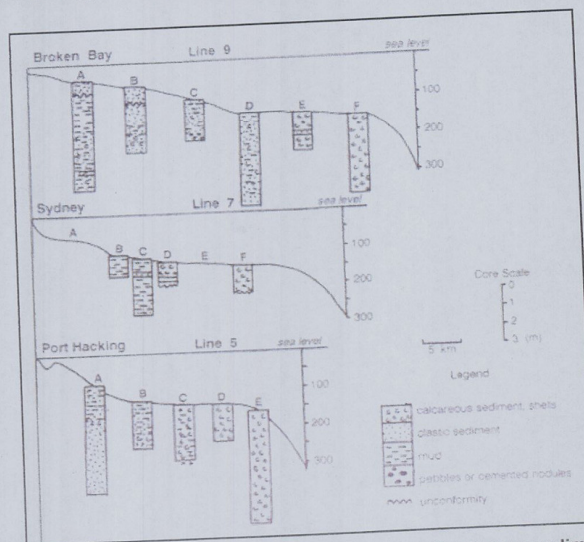


Figure 2 Shelf cross-sections showing the character of late Quaternary sediment based on preliminary interpretation of sediment recovered in vibracores (Source: AGSO 1993).

Figure 2 shows the results from a joint Australian Geological Survey Organisation, The University of Sydney and the NSW Department of Mineral Resources multidisciplinary research cruise in 1992 using the RV Rig Seismic (AGSO 1993). Bathymetric profiles of the continental shelf off Port Hacking, Sydney and Broken Bay are shown as well as the sedimentary stratigraphy at various depths along these profiles interpreted from vibracores collected at these locations.

Vibracore B on Line 9 off Broken Bay in 59m of water occurs within the MEL application area and shows about 1m of the inner shelf sand sheet unconformably overlying the regressive shelf barrier. The inner shelf sand is iron-stained, fine to medium grained, well sorted, quartzose sand with coarser shell fragments. The underlying regressive barrier sand unit is composed of clean, well sorted and non-ironstained, fine to medium grained quartzose sand. Both these units are prospective marine aggregate resources and will be targeted during the exploration program.

Figure 3 shows surface sediment samples from Geoscience Australia's MARine Sediment (MARS) database that have been collected within the MEL application area during past surveys. Table 1 shows the percentage of gravel, sand and mud in the samples from the area. All except one sample are typical of inner shelf sand having > 98% sand and < 2% mud with little or no gravel present.

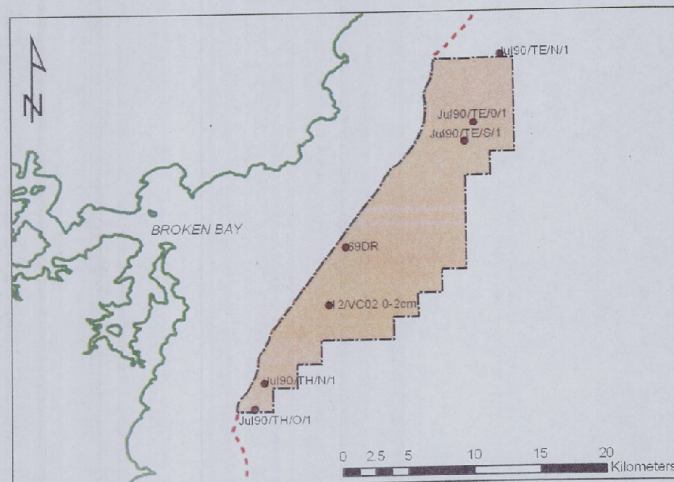


Figure 3 Seabed sediment samples from the MARS database in the MEL application area

Sample ID	Latitude	Longitude	Mud (%)	Sand (%)	Gravel (%)
JuI90/TE/N/1	-33.447167	151.558000	0.40	99.60	0.00
JuI90/TE/O/1	-33.495500	151.539167	2.00	98.00	0.00
JuI90/TE/S/1	-33.509000	151.532833	1.70	98.30	0.00
69DR	-33.583333	151.450000	0.16	99.67	0.17
112/VC02 0-2cm	-33.624500	151.438000	0.26	98.36	1.37
JuI90/TH/N/1	-33.680167	151.393500	8.50	91.50	0.00
JuI90/TH/O/1	-33.698167	151.387167	1.20	98.80	0.00

Table 1 Percentage of gravel, sand and mud in seabed sediment samples within MEL application area

For this application, photos and video of the seabed were collected at various locations within the MEL application area (see Figure 4 a, b, c and d). They show the typical soft sediment habitats found in the target water depths of between 50 and 65m. The sediments are fine to medium grained with coarser shell fragments. There is very little visible seabed biota, however there is evidence of scattered worm tubes and very sparse solitary sponges(?) and bryozoans(?). The proposed exploration of the MEL area to nationally/internationally recognised scientific standards will provide more detail on seabed biota and necessarily form the basis for any long term monitoring.

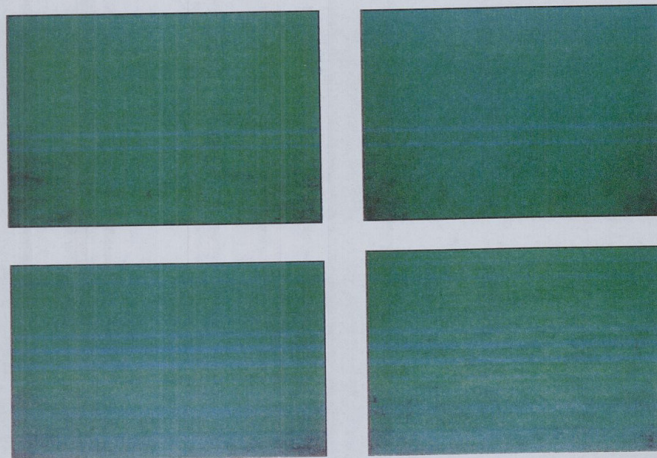


Figure 4a, b, c and d Photographs of the seabed within the MEL application area showing the soft sediment habitat. There is very little visible seabed biota in contrast to areas of reef as reported by Jordan et al. (2010).

Exploration Strategy and Details of Proposed Work Program

The aim of this project is to determine whether the targeted sand deposits have physical characteristics suitable for use in the construction materials industry. The targeted resources are ancient beach deposits that exist in water depths of between 50 and 80 metres. Existing geological models suggest that these sands are relict beach/barrier deposits formed tens of thousands of years ago during a period of lower sea levels and are not linked to the modern day beach systems.

The exploration strategy is to acquire robust, fundamental data to enable an investigation of the geology, morphology and stratigraphy of the inner shelf deposits within the MEL application area. The following work program is proposed:

Year One – Seabed Acoustic Survey:

- Survey of the seabed and sub-bottom in the licence area using acoustic remote sensing technology, including a multibeam echosounder (MBES) and an acoustic sub-bottom profiler (SBP);
- Processing the MBES and SBP data acquired, and compilation of the new and existing seabed morphology and sediment characteristics data; and
- Interpretation of the SBP data to determine the acoustic stratigraphy of the inner shelf;

The MBES survey system collects high-resolution georeferenced depth and seabed acoustic backscatter data. It will be carried out to map the seabed morphology and to characterise the roughness and hardness of the seabed, which is a function of its grain size and morphology. The proposed key instrument to be employed in the survey is the R2Sonic Multibeam Echosounder with selectable frequencies of 200 and 400 kHz. The system comprises a transducer on the end of a pole that is mounted on the side of the survey vessel, a topside data acquisition unit, Differential GPS, motion sensor and PC. The proposed shore-parallel survey tracklines within the MEL application area are shown in Figure 5. The swath width of the MBES system will be 250m, therefore survey lines will be spaced 175m apart for 100% overlap to provide a complete and high-quality coverage of the seabed. The total line kilometres of the MBES survey is approximately 1,200km.

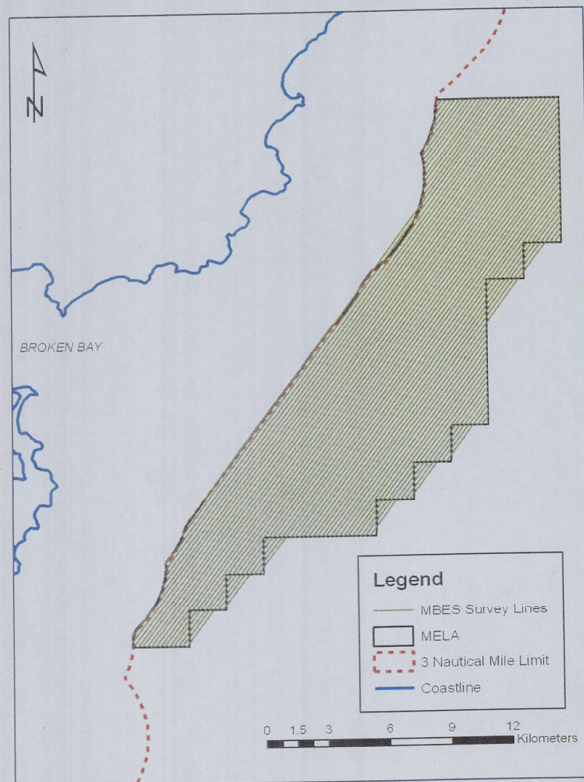


Figure 5 Map of the proposed MBES survey lines in the MEL application area

The sub-bottom profiler (SBP) survey will employ an Applied Acoustics Squid 500 Sparker unit (to be undertaken in conjunction with the MBES survey) to gather data on the stratigraphy and morphology on the sedimentary units in the MEL application area. The Squid 500 Sparker is used for high-resolution mapping applications, with low electrical power input and relatively high penetration into the sandy seabed substrate. The planned SBP tracklines are shown in Figure 6 and comprise shore normal lines at 1km line spacing, with two shore-parallel tielines. In total, approximately 300 line kilometres of SBP data would be collected.

The total length of the combined surveys is 1,500 line kilometres, which at a vessel speed of 7kts is about 5.0 x 24 hrs of survey time, without considering vessel turns. Budgetary estimates assume 7 days of survey at \$22,000/day plus \$20,000 for data processing.

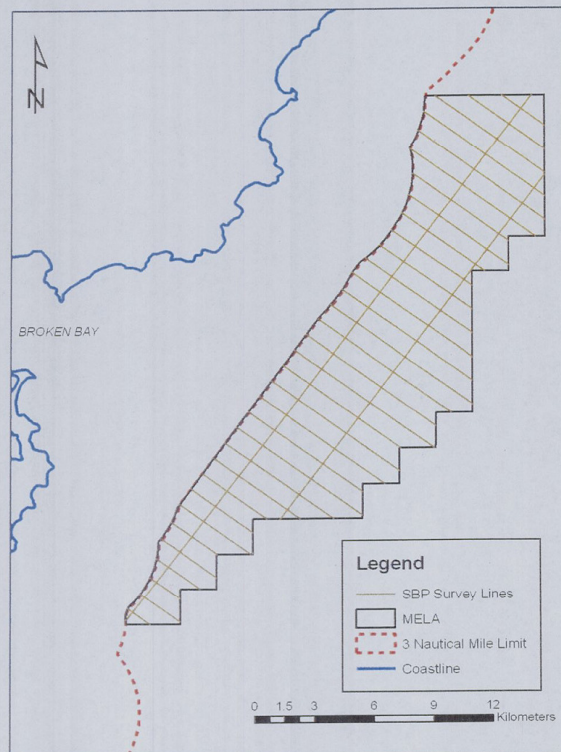


Figure 6 Map of the proposed SBP traverse lines in the MEL application area

Year Two – Seabed samples and underwater video:

- Surface sediment grab sampling program;
- Video and digital still photography of the seabed and mapping of benthic habitats;
- Vibracoring program to “ground truth” the SBP stratigraphic interpretations and to collect sediment samples for textural analysis;
- Laboratory analysis of samples and interpretation of the sediment data; and
- Initiate planning for a baseline environmental study.

A surface sediment sampling program and digital video/photography survey of the seabed will be undertaken over the entire MEL application area to collect samples and map the distribution of different sediment types and soft sediment habitats.

A small Van Veen grab will be used to take sediment samples from the sea floor (Figure 7). The grab is lowered to the seabed on a steel cable or rope with its "jaws" open. As soon as the open jaws touch the seabed, the latch keeping them open is released. As the grab is pulled back up the jaws close, scooping up sediment from the seabed. Once recovered to the vessel the grab is opened over a bucket and the contents are collected in a plastic bag and stored for analysis onshore. The proposed grab sampling program will collect sediment from the top 5-10 cm of the seabed from a sample site of approximately 0.060m². There will be no bulk sampling program. No material will be returned to the seabed. The seabed sample data will also be used to 'groundtruth' the MBES acoustic backscatter data and to inform the interpretation of photographs or video of the seabed at each location.



Figure 7 Deploying a Van Veen grab
(Source: <http://www.geosci.no/en/equipment/grabb.htm>).

The surface sediment sampling program will collect a total of 200 samples; about 3 samples randomly located in a 1 by 1 minute grid as shown in Figure 8. With a production rate of 40 samples a day, the program should take 5 days at a cost of approximately \$2,500/day.

Following the surface sediment grab sampling program, a vibracore program will be undertaken to 'ground truth' the SBP interpretations and to collect subsurface samples for quantitative analysis of the resource. The vibracoring unit comprises a submersible, electrically powered, vibrating head attached to a rigid aluminium core barrel that is set inside an aluminium support frame or tower (see Figure 9). The vibracore is lowered to the seabed at predetermined locations, where it sits independent of the vessel, the vibrating head is turned on and the core barrel is then vibrated into the seabed. Total time to collect a core is between 1-2 minutes. Once full penetration is achieved, the core barrel is extracted from the seabed, with the sediment sample inside the barrel, and the whole system is then recovered back to the vessel. Sediment cores up to 6 metres long and 76mm diameter are collected. Unlike conventional rotary drilling techniques, vibracoring uses no drilling fluids or muds to collect cores. The vibracore is light weight (250kg), produces no sediment plume during coring and, apart from a 76mm hole that rapidly infills, has no impact on the seabed. No sediment is returned to the seabed.

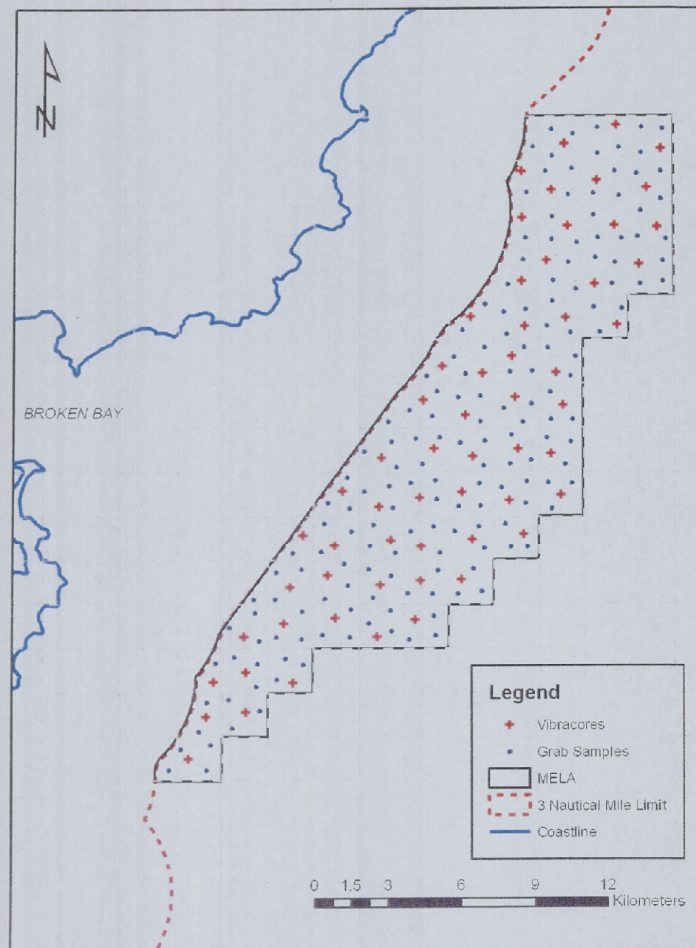


Figure 8 Proposed grab sample and vibracore locations within the MEL application area



Figure 9 Vibracore being deployed from stern of vessel

On deck, the core barrel containing a continuous, undisturbed, *in situ* sample of the substrate is measured, sealed and stored for processing onshore. Once ashore the cores are cut longitudinally, photographed, logged and sampled for analysis of the physical properties of the sediment. The cores provide data about the key physical attributes of the resource and may reveal information about the Quaternary depositional environment under which the deposit was emplaced.

The proposed program will collect a total of 60 vibracores randomly located within a 1 by 1 minute grid in the MEL application area (see Figure 8). Based on a collection rate of 5 vibracores per day the coring program should take 12 days at a cost of \$10,000/day. Sample processing and analysis is estimated at \$27,500.

Should a suitable resource be identified during the exploration program, planning will begin on baseline environmental studies, with the assistance of Australian marine research experts. The environmental studies will be designed to identify and monitor potential environmental issues (eg. inner-shelf hydrodynamic processes, biology of water column and benthos) that may be impacted by any future marine aggregate extraction. These impacts will need to be properly identified and critically assessed in a scientific and robust way before any consideration can be given to an application for future sand extraction, any proposal for which would include preparation of a detailed environmental impact statement.

Proposed Exploration Expenditure

Year One – Proposed expenditure = \$174,000

Year Two – Proposed expenditure = \$160,000.

Evidence of the Applicant's Ability to Comply

Financial Resources to meet Licence Conditions and Work Program Commitments

The proposed exploration work program will be funded solely by Sydney Marine Sand Pty Limited (SMS). The Company is aware of the fees, charges and obligations associated with this mineral exploration licence application. A copy of the Company's Financial Report for the year ended 30 June 2011 is provided in Appendix A along with a letter from the Company's Accountants, Edney Ryan Group, attesting to the Company's liquidity and ability to fund the proposed exploration expenditure requirements.

Technical Advice and Expertise of the Applicant

SMS's Exploration Manager and Director, Mr Darren Skene BSc(Hons) MSc, is a qualified geologist with over twenty five years' experience in mineral exploration in marine and terrestrial environments within Australia and overseas. Mr Skene will manage the exploration program and related activities on behalf of the Company. His curriculum vita is provided in Appendix B.

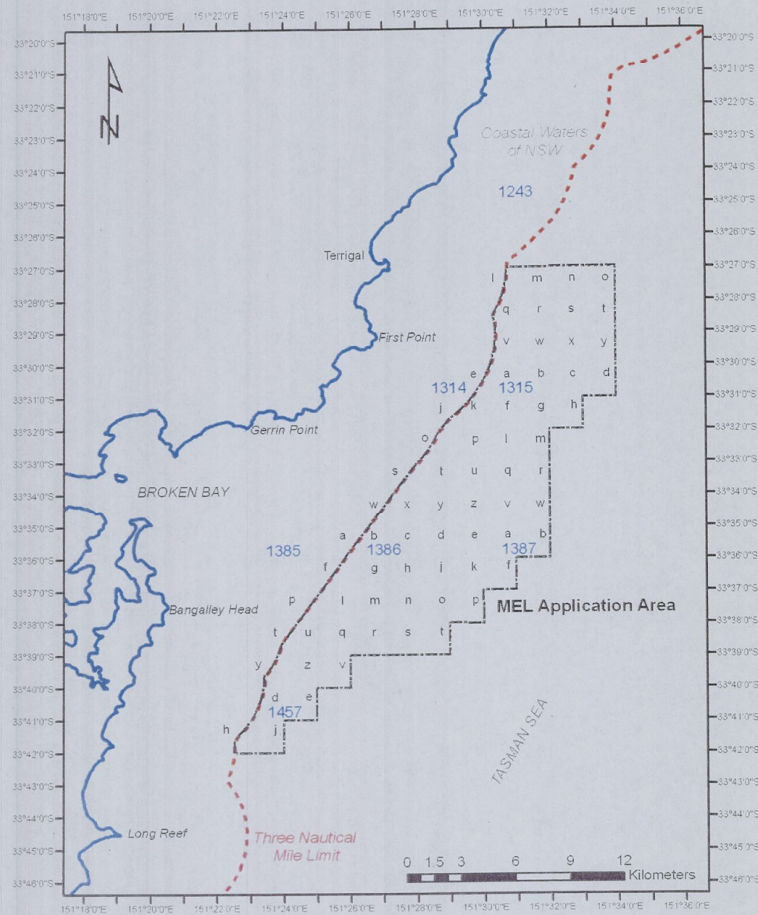
Mr Skene has worked for private and publically listed companies providing technical expertise in marine mineral exploration and mining. He has had the responsibility for planning, contracting, overseeing and conducting large marine and onshore exploration programs in a number of countries – primarily in Australia, Namibia, South Africa and PNG and overseeing budgets in excess of A\$2.0 million.

His CV demonstrates his considerable experience working in the marine environment, having conducted research for private companies and research organisations including universities and state and federal government departments. In addition, he continues to consult to both public and private exploration and mining companies in the marine minerals and oil & gas industries. He is a member of the Society for Mining, Metallurgy & Exploration - International Marine Minerals Society and was also a member of the Advisory Group for the CSIRO Wealth from Oceans Flagship Project "Understanding the social risks to the expansion of an Australian seafloor exploration and mining industry".

SMS has identified key positions that are to be filled within the Company once the MEL is granted. These will be offered to highly regarded, experienced industry professionals that are known to the Company or sourced through a public recruitment process. At this crucial set-up phase, it is not feasible to employ a number of suitably qualified and experienced personnel. This would be an immediate priority once the MEL is granted.

Technical expertise to be used by the Company to carry out the proposed exploration program will be contracted to various professionals and companies known to SMS and who specialise in marine surveys and sampling operations with specific contracts put out to tender. The interpretation of the geophysical surveys and analytical data will be carried out in-house. Final selection of companies will be subject to a tender process, which will not be initiated until the MEL is granted.

Map of Application Area



Mineral Exploration Licence Application Area
 Blocks under application – Lake Macquarie and Sydney 1:100,000 map sheets

List of Bocks:

Plan Name:	Lake Macquarie - 9231	1:100,000
Primary No.	Letter	
1243	l, m, n, o, q, r, s, t, v, w, x, y	
Plan Name:	Sydney – 9130	1:100,000
Primary No.	Letter	
1314	e, j, k, o, p, s, t, u, w, x, y, z	
1315	a, b, c, d, f, g, h, l, m, q, r, v, w	
1385	p, t, u, y, z	
1386	a, b, c, d, e, f, g, h, j, k, l, m, n, o, p, q, r, s, t, v	
1387	a, b, f	
1457	d, e, h, j,	

Total number of blocks: 69

Company Details

Particulars of the Applicant

Sydney Marine Sand Pty Limited (SMS) is a privately owned Australian company, which was incorporated in 2000 explicitly to investigate the largely unexplored NSW continental shelf for marine aggregate (sand). The Company has applied for a Mineral Exploration Licence (MEL) in Commonwealth waters some 5.6km off the NSW coast.

SMS is seeking innovative solutions to the limited existing sand resources for the Sydney construction industry and is keen to promote consideration of marine aggregate (marine sand extracted from the seabed and delivered directly to market by boat) as a responsible and reliable alternative to Sydney's long-term construction material needs.

Address for service of notices to the Applicant

Sydney Marine Sand Pty Limited
PO Box 408
Cremorne
NSW 2090

admin@sydneymarinesand.com.au

Likely Effects of the Exploration on the Environment

The proposed exploration work programs will meet with the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, and *Environmental Protection (Impact of Proposals) Act 1974*, and will comply with State requirements and any conditions attached to the granted MEL. Established environmental protection procedures will be used throughout the program of works.

The afore-mentioned programs will have no to very little impact on the marine environment. The exploration would involve detailed mapping of the seafloor morphology and seabed types using advanced acoustic and video technology as well as the recovery of small surface and subsurface samples to determine the physical characteristics of any identified resource.

The acoustic surveys proposed (multibeam echosounder and sub-bottom profiling) have no impact on the environment and are routinely used in investigations of marine environments in Australia and overseas for a variety of resource, environmental and research projects. Data on the seabed morphology and subsurface stratigraphy is gathered remotely by these methods using acoustic signals, which are transmitted from the vessel or towfish to the seabed with the reflected acoustic signals gathered by receivers attached to the vessel or towed behind the vessel. These types of equipment are used by government agencies and private industry to map the seabed and the frequencies at which they operate have been assessed to have no impact on marine animals, specifically whales.

The sampling and vibracoring programs are site specific and the recovered sediment samples very small. The surface sediment sampling will be by means of a grab sampler that recovers a sample up to 3 kg in weight from the seabed.

Vibracores are obtained primarily to gather shallow sub-surface geological data and samples from the cores are analysed to accurately characterise the physical properties and spatial extent of the deposit. The cores are up to 6.0 metres in length and have a diameter of 76 mm. All material from the vibracore is recovered and no sediment is returned to the seabed. No drilling muds or associated compounds are used in vibracoring. Disturbance as a result of the vibracoring is restricted to the drill hole and this technique has far less impact on the environment compared to similar mineral exploration drilling programs onshore.

It is important to note that this MEL application is in Commonwealth waters and extends beyond the 3 nautical mile limit (5.6 km) offshore in water depths of between 50m and 80m. The exploration is to examine the suitability of ancient sand deposits that formed thousands of years ago and that are not part of the present day beach sediment budget. The proposed exploration will have no impact on the adjacent beaches.

Other Information for Consideration of the Application

Rationale

Sydney Marine Sand's motivation for wanting to explore the continental shelf off NSW for marine aggregate is to assess long-term supply options for the Sydney construction sand market within the context of sensible and risk-based resource management for the region. The Company wants to gather data on marine aggregate resources in order that these deposits can be properly assessed against current and proposed onshore sources. The impacts of both can then be compared. Although this application is for **exploration only**, it needs to be placed in the broader context of overall sand demand and supply for Sydney.

There is a looming sand supply shortage in Sydney. A number of government sponsored studies of current and potential sources of construction sand for Sydney have confirmed that sand sourced within the Sydney basin would soon be in critically short supply (Pienmunne and Whitehouse 2001; Ray and MacRae, 2006). Large volumes of sand are consumed on an annual basis by the construction industry in Sydney and there is a need to plan long-term to secure sand resources.

Sydney's construction industry consumes up to 7 Million tonnes per annum (Mtpa) of fine aggregate (sand) annually and in the medium term (next 20 years) 137 Mt of sand would be required and in the long term (next 40 years) 291 Mt of sand would be required to meet the predicted demand (Pienmunne & Whitehouse, 2001). The Pienmunne & Whitehouse (2001) report emphasised the need to secure long term construction sand resources for the Sydney region and put forward a number of options for the long-term supply of sand to the Sydney market, one being marine aggregate deposits on the NSW inner continental shelf.

Currently all construction sand in Sydney is obtained from onshore resources, such as dunes, rivers and sandstone quarries. Onshore sand mining often requires the destruction of vegetation and the creation of large pits or lakes, which causes major damage to the landscape and the environment.

Sydney already has a shortage of sand with imports from outside the Sydney planning region running at 1 Mtpa. Many of the sand resources are near depletion, not available due to other land uses or zoning, are far away from the city and/or located in environmentally sensitive areas (Langedijk, 2008). As a result, construction sand is becoming scarcer and sand costs are increasing. The problem will be exacerbated when several large, long-running quarries close in the next few years, notably Penrith Lakes (2012-14) and Kurnell (~2014). This will create shortfalls of both gravel and more significantly, fine to coarse sand (up to 3.4 Mtpa) for the construction industry.

The shortfall will have to be met by either increased production from friable sandstone areas within the Sydney Planning Region (Maroota and Somersby) and/or imports from outside the planning region (Newnes Plateau, Southern Highlands and Stockton Bight). Only Maroota and Somersby are within the greater Sydney metropolitan area, while the others are over 150km from the Sydney market. The great distances travelled to deliver the sand to market will have significant environmental and social costs. The challenge for the Government (and industry) is to consider all available options in developing an acceptable long term resource management strategy.

In Sydney delivery of all sand, to and within the city, is by truck. In their report for the Business Council of Australia on the growth of freight movements, Port Jackson Partners (2005) found that on present trends there would be an increase of 65 percent on the number of trucks on the main interstate roads and a 90 percent increase in articulated truck movements in metropolitan areas within the next 15 years. The consequences of these increases are congestion on public roads plus another 700,000 tonnes of carbon dioxide emissions and an estimated rise of \$70 million a year in additional accident costs. Another impact and cost to government will be wear and tear on roads caused by the increased truck movements. A Bureau of Transport and Regional Economics report (BTRE, 2007) estimated that traffic congestion in Sydney cost \$3.5 billion in lost productivity in 2005 and, if unchecked, this could rise to \$7.8 billion by 2020.

The extra 3.4 Mtpa anticipated shortfall in the supply of fine aggregate for Sydney would result in an additional 226,000 truck movements per year (round trip, up to over 150km each way) to deliver these resources to the Sydney market, adding further to congestion on NSW roads both within Sydney and the surrounding areas and adding significantly to the delivered cost of sand to market. Marine aggregate resources, if developed, could be supplied by sea directly to the markets of Sydney, Wollongong and Newcastle for distribution by road or rail. This will bring a huge environmental benefit by reducing truck traffic on the regions already busy roads

One of the great benefits of the marine aggregate industry is its ability to deliver large volumes of aggregate close to the heart of urban areas, so greatly reducing the impact of heavy trucks. Less trucks means less road pavement deterioration, less congestion, better air quality and lower CO2 emissions due to exhaust fumes, less noise generation and less road accidents and fatalities caused by heavy trucks. In the UK one typical sand dredger load is equivalent to 250 truck loads of sand.

In addition to the impacts of truck transport, local regional communities adjacent to the remote extraction sites have voiced that they do not want to become the sandpit for Sydney. Local communities are vehemently opposed to expanding extraction sites in their area and are already concerned with land clearing and the resulting loss of biodiversity, toxic dust produced during extraction and processing, and the impact of extraction on water resources and indigenous sites. In recent years there has been considerable local opposition to proposed new or expanding sand extraction operations at Kurnell, Maroota, Somersby, Newnes Plateau and in the Nepean River. Marine sand represents a possible and potentially environmentally acceptable alternative to current construction sand sources, an alternative which remains largely unexplored and ignored.

Although extraction of construction materials from marine environments is well established internationally, marine mineral exploration and extraction is a new industry in NSW and the company understands the need for community engagement. The project's success will be dependent on acceptance of a new aggregate supply paradigm to include offshore resources. The proposition will need to include the relative impacts of onshore and offshore extraction and the delivery of the product to market. To improve community understanding of the project, the company will upload all exploration data to its website www.sydneymarinesand.com.au. An open and transparent exchange of information with stakeholders will enable interested members of the community to remain fully informed.

Beach Nourishment

In addition to being a supplementary source of fine sand for the Sydney construction market, marine aggregate also offers a real opportunity for developing the best coastal management solution to coastal erosion affecting beaches on the NSW coast – beach replenishment. Beach

replenishment, or nourishment, with offshore sands is a proven coastal protection method both nationally (Queensland, South Australia) and internationally (USA, The Netherlands) where large volumes of clean sand with very little fine material and sharing a similar origin and character (grainsize, colour, sorting) to the native beach sand are required. Trucking sand in to a beach is costly - financially, socially and environmentally. Delivering sand by sea is a far more socially and environmentally acceptable and practical solution, as has been demonstrated elsewhere in Australia and overseas.

Local councils have identified beach nourishment as an appropriate means of maintaining beach amenity and protecting development along their local beaches. Two Sydney local councils, Sutherland Shire Council and Warringah Council, are seriously considering marine aggregate deposits offshore as a potential source of sand to nourish their severely eroded beaches (e.g. Cameron and Corbett 2005). Also, Sydney Coastal Council Group Inc., which consists of 15 local councils, supports the extraction of sand from offshore for beach nourishment and commissioned AECOM to carry out a scoping study into maintaining Sydney's beach amenity against climate change induced sea level rise through beach sand nourishment (AECOM, 2010). Similarly, Patterson Britton and Partners (2006) undertook a scoping study for Byron Shire Council in northern NSW on the feasibility of offshore sand extraction from the Cape Byron sand lobe for beach nourishment.

State Government Authorities have listed numerous areas as being at risk from shoreline erosion around the Australian coast, including the Coastal Council of NSW that has identified many locations on the NSW coast where valuable land, buildings and infrastructure are threatened by possible shoreline erosion. These authorities recognise that offshore sand supplies exist in abundance along the coast and suggest that these deposits could be accessed for nourishment of the depleted beaches and that government should consider this option in the near future.

Langedijk (2008) suggests that commercial extraction of marine sand for the construction industry could offer an opportunity for developing a beach nourishment program. Employing a dredger for beach nourishment would be more economical if the dredger is being used for commercial sand extraction, owing to the high costs of mobilising a dredger. No suitably sized dredgers for beach nourishment currently reside in Australia. The costs to mobilise and demobilise a large international trailing suction hopper dredger to site is between \$5 million (Patterson Britton and Partners, 2006) and \$15 million (AECOM, 2008). A trailing suction hopper dredger is suitable for both tasks and could, for example, carry out beach nourishment works when not required for commercial sand extraction.

Summary

There is a clear shortage of construction sand for Sydney and a growing need by councils to source suitable material for beach nourishment. The suitability of marine aggregate as a replacement and/or adjunct to traditional sources of sand for the construction industry, and their undoubted suitability for beach nourishment, frames the question as to why we as a community accept ongoing degradation of highly valued land resources through sand extraction to the exclusion of other potentially more environmentally responsible supply alternatives. A considered review of sand resource alternatives is overdue – a review which seriously considers exploration of our marine sand resources is warranted and underlines the importance of a fresh approach to entrenched and outdated perceptions of extractive resource management for the Sydney Region.

References

- AECOM, 2010 Beach Sand Nourishment Scoping Study – Maintaining Sydney's beach amenity against climate change sea level rise. Report for Sydney Coastal Councils Group Inc. 111pp.
- AGSO, 1993 Preliminary results of AGSO RV Rig Seismic survey 112 Leg b: Offshore Sydney Basin Continental Shelf and Slope Geochemistry, Sedimentology and Geology. AGSO Project 121.37. Record Number 1993/5.
- Bureau of Transport and Regional Economics [BTRE], 2007 Estimating urban traffic and congestion cost trends for Australian cities, Working paper 71, BTRE, Canberra ACT.
- Cameron, D. and Corbett, D. 2005 To Nourish or Not to Nourish? Offshore Sand Sources and Coastal Erosion. Paper presented at the 2005 NSW Coastal Conference.
- Colwell J.B. and Roy P.S., 1983 Description of subsurface sediments from the east Australian continental shelf (Sonne Cruise SO-15). Unpublished Record 83/21, Bureau of Mineral Resources, Australia. 66pp.
- Davies P.J., 1979 Marine geology of the continental shelf off southeast Australia. Bureau of Mineral Resources, Geology and Geophysics, Bulletin No. 195. 51pp.
- Gordon A.D. and Hoffman J.G., 1989 Seabed Information, 1:25,000 Sheets: Bate Bay, Sydney Heads, Broken Bay, Gosford, Public Works Department New South Wales Coast and Rivers Branch.
- Jordan, A., Davies, P., Ingleton, T., Mesley, E., Neilson, J. and Pritchard, T., 2010 Seabed habitat mapping of the continental shelf waters of NSW. Department of Environment, Climate Change and Water, Sydney, 210pp.
- Langedijk, J.M.P.A., 2008 Beach Nourishment to Mitigate the Impact of Sea Level Rise in Southeast Australia. Unpublished MSc Thesis, Delft University of Technology and The University of Sydney. 105pp.
- Marshall J.F., 1980 Continental shelf sediments: southern Queensland and northern New South Wales. Bureau of Mineral Resources Bulletin 207. 39pp.
- Patterson Britton and Partners, 2006 Scoping study on the feasibility to access the Cape Byron sand lobe for sand extraction for beach nourishment. Report for Byron Shire Council. 205pp.
- Public Works Department NSW, Coast & Rivers Branch, 1989 Broken Bay 82310-575 and Gosford 83042-1001 Seabed Information 1:25,000 maps.
- Pienmunne and Whitehouse, 2001 Supply and demand for construction sand in the Sydney planning region. Geological Survey of New South Wales, Report GS2001/086 (unpublished).
- Ray and MacRae, 2006 Supply and transport of construction materials for the Sydney Region to 2031. Geos Mining report for Department of Planning NSW. 36pp.

- Roy, P.S., 1983 Quaternary Geology. In: C. Herbert (ed.) *Geology of the Sydney 1:100,000 sheet 9130*. Geological Survey of New South Wales, Department of Mineral Resources, 41-92pp.
- Roy, P.S., 1984 The geology of marine sediments on the south Sydney inner shelf, Southeastern Australia. Geological Survey of New South Wales, Department of Mineral Resources, Report No. GS 1984/158, Parts I and II.
- Roy, P.S., 2001 Sand deposits of the NSW inner continental shelf. Geoscience Surveys. 167pp.
- Roy, P.S. and Walsh, I.L., 1982 Quaternary Sediment in coastal embayments, Sydney metropolitan region. Geological Survey of New South Wales, Department of Mineral Resources, GS 1982/343, 55pp.
- Roy, PS, Cowell, PJ, Ferland, MA, and Thom, BG, 1994 Wave dominated coasts, in Carter, RWG, and Woodroffe, CD, eds., *Coastal evolution*: Cambridge, Cambridge University Press, p. 121-186.
- Roy, P.S., Zhuang W-Y., Birch G.F., Cowell, P.J. and Li, C., 1997 Quaternary geology and placer mineral potential of the Foster-Tuncurry shelf, southeast Australia. Report GS 1992/201. Geological Survey of New South Wales, Department of Mineral Resources. 405pp (unpublished).

C9.2 Pittwater Native Vegetation Management Plan - Adoption

Meeting: Natural Environment Committee

Date: 3 December 2012

STRATEGY: Biodiversity Management, Vegetation Management

ACTION: To protect threatened species and habitats
Complete the local Vegetation Mapping and Management Plan

PURPOSE OF REPORT

To report to Council on the public exhibition of the Draft Pittwater Vegetation Management Plan and submissions received, and to recommend its adoption.

1.0 BACKGROUND

- 1.1 On 4 June 2012, Council resolved to place the draft Plan on public exhibition. Copies of the Plan were placed in Council's Customer Service Centres (Mona Vale and Avalon) and on the Pittwater Council website. The Manly Daily also ran articles on the subject, and an article was placed in "Cooee", Council's environmental newsletter. The exhibition period ran from 21 July 2012 to 18 August 2012.
- 1.2 Ongoing and new management actions are provided in the first section of the report and are prioritised and cross-referenced to other sections in the plan. These actions aim to conserve native vegetation where possible and mitigate relevant Key Threatening Processes as per the Threatened Species Conservation Act 1995. The actions are focussed on habitat retention, enhancement of wildlife corridors, fire management, and controlling invasive species.
- 1.3. Vegetation Community profiles have been included in the appendices of the management plan which profile all vegetation communities known or having the potential to occur in the LGA. These profiles give scientific information as well as details of the vegetation community in or near the LGA, and are consistent with profiles used across NSW. These can be included on the Council website for future community education purposes.
- 1.4 The management plan helps meet the objectives of the Vegetation Strategy within the Pittwater Strategic Plan 2020, and specifically aid in habitat management, updating and creating Plans of Management for bushland reserves, identification of vegetation communities at risk and minimising risk elements, conditions for development, community engagement and grant applications.

2.0 ISSUES

2.1 Key elements addressed in the Pittwater Vegetation Management Plan:

The plan provides the following outcomes:

- A literature review of State and Catchment Management Authority (CMA) databases and previous vegetation studies;
- Update information on relevant legislation and recovery plans;
- Provision and prioritising of vegetation management issues and actions;
-

Strategic measures and actions for native vegetation management including bushfire burning regimes, as well as restoration objectives and how to monitor restoration;

- An outline of the vegetation survey methodology, desktop data analysis and production of vegetation mapping;
- Historical discussion (including pre-1750 vegetation mapping) which indicates change over time, and;
- Provision of vegetation classifications and native vegetation profiles for landscaping (as appendices and supporting documents).

2.2 **Plan of Management Process**

After development and preparation of the Draft Plan, Council endorsed the Pittwater Native Vegetation Management Plan for public exhibition and community comment. After submissions have been received and assessed, the Plan is then reported back to Council and recommended for adoption.

2.3 **Community Consultation**

Various user groups, interested organisations and individuals were consulted during the preparation of this Management Plan.

The consultation process included two meetings:

The Plan was presented as a discussion topic at the Natural Environment Reference Group meeting on 8 August (attended by 12 reference group members including one Councillor, and 6 Council staff); and,

It was presented at a public focus group meeting with individual residents and stakeholders on 13 August, attended by 7 residents and 1 Council staff. This meeting was advertised in the Manly Daily, on the Council website and in "Cooee" which is circulated to local stakeholders. Both meetings involved asking four key questions in relation to the management of native vegetation in Pittwater as well as discussion on the most appropriate title for the Plan.

2.4 **Submissions Received / Assessment of Issues Raised**

Following exhibition of the Draft Plan, Council received seven (7) submissions from local residents and two (2) submissions from local stakeholder groups covering the following topics and issues. Where appropriate, discussion items from the two meetings have also been included.

Firstly, the title "Pittwater Vegetation Management Plan" was debated at the Natural Environment Reference Group meeting and the public focus group meeting. The general feeling was that the current title could be implied to include management of vegetation in areas such as sporting fields and shopping centres, which it does not cover. As it applies to native vegetation (including both remnant bushland/trees and planted native vegetation), the general consensus among both meeting groups was to retitle the Plan "**Pittwater Native Vegetation Management Plan**", so this has been implemented. For consistency, the supporting documents have been retitled "Pittwater Native Vegetation Management Plan – Appendices" and "Pittwater Native Vegetation Classification, pre-1750 Mapping and Vegetation Profiles" (which has now amalgamated the "Native Vegetation Profiles for Landscaping" document as an appendix). All references to these titles were then updated throughout all documents.

Issue Raised	Relevant Section(s) in Management Plan	Council Response
Scope for the Pittwater Vegetation Management Plan should ideally include parks, private lands and mangroves and sea grasses	All. (Title changed to better reflect intended scope of the Plan)	The Plan is only intended to include bushland reserves and not parks used as open space or for sports. The Plan also does cover private land although access was limited. Does not include mangroves and seagrass as management strategies for marine vegetation is undertaken by the DPI (Industry and Investment formerly Fisheries)
State policy of land release for development which will invariably alter the ecosystem	N/A	Noted. Council does not have a "policy for land release" as we are guided by State Government requirements on this issue and respond accordingly
State the budget for these management activities	Summary Table P10	These are intended as strategies for the future of which the budget for each has not yet been allocated
Sub head "Corridors and Loss of Connectivity" – priority rank should be upgraded to "high" because in the growing urban landscape connectivity is obviously under pressure when it is the key to preserving a viable size for habitats.	Summary Table P10	Noted. Priority upgraded to "high" in recognition of importance
Items on feral deer, goats and pigs not relevant to Pittwater	Summary Table P11	Noted. Items removed from table
Invasion by domestic pets may be an item to add and may be high priority	Summary Table P11	Council manages via Companion Animals Act and does undertake feral animal control
"education regarding the likely effects ..." state recipient(s) for education	P8 Section 2 and P15	Noted. Amended to "educate residents regarding the likely effects..."
Should this include Wandering Jew and Asparagus Fern?	Summary Table P11	No, this table relates to mitigation of Key Threatening Processes – Wandering Jew and Asparagus Fern are not listed by OEH as Key Threatening Processes
Disturbances listed should not be limited to anthropogenic impacts and should include natural impacts like bush fires	Section 3.10 P26	Anthropogenic impacts are listed as a Key Threatening Process and do not include natural processes within the declaration from OEH

Issue Raised	Relevant Section(s) in Management Plan	Council Response
I wonder why access to private land was limited	Section 5.1 P39	It was impossible for the consultants to gain permission from a large number of residents to enter private land for the extent and scale of this study
Should Low Frequency fires also be included in the first section	Table 4 P46	Low frequency fires are not a listed Key Threatening Process

Some submissions also pointed out typos, grammatical errors and repetition within the Plan, all of which have been noted and amended.

A number of submissions as well as discussion items from the two focus meetings involved general ideas in which/how to improve the management of native vegetation on both public and private land. Unless included in the above table, many of the other items focussed on ideas/methods as to raising the profile of native vegetation among the community so that it is more highly valued and therefore better protected. Rather than being placed into the Plan itself which already covers similar themes, these ideas have been noted and will be taken on board by Council when determining implementation of the recommended actions in due course.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

This Plan provides for the diverse needs of all sectors of the community by increasing the focus on vegetation and habitat conservation. The Plan provides many opportunities for volunteering and the emphasis on protection of native vegetation and participation in such activities creates a sense of ownership and belonging for residents and stakeholders.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The project provides direction for vegetation management with emphasis on threatened species, conserving locally significant species, identification of key threatening processes, rehabilitation of vegetation communities through management and weed and pest removal, and enhancement of wildlife corridors and reserves.

3.3 Enhancing our Working & Learning (Economic)

Actions as proposed in the Plan are representative of long term strategies to improve the focus on native vegetation through education, and some aspects and themes can be incorporated into the Coastal Environment Centre's educational programs and other natural environment programs for schools.

3.4 Leading an Effective & Collaborative Council (Governance)

The plan provides an effective use of community assets by improving natural area amenity which native vegetation is viewed as a significant aspect of. The recommended refinements as a result of public feedback will improve amenity overall in this regard.

3.5 Integrating our Built Environment (Infrastructure)

The Pittwater Native Vegetation Management Plan is applicable across the entire Pittwater LGA and this includes within urban areas. Management actions and recommendations will align with and provide future direction for the Pittwater LEP, DCP and current and future land release areas.

EXECUTIVE SUMMARY

4.1 This draft management plan has been prepared to:

- Assist Council in improving the viability of native vegetation in Pittwater and to assist in the management of habitat and linkages within the LGA on both public and private land
- To aid in the direct management of vegetation in Council reserves, and to assist in providing direction for the management of vegetation within development on private land;
- Integrate sustainable principles into future management; and
- Comply with legislative changes particularly the *Local Government Act 1993* and the *Threatened Species Conservation Act 1995*.

4.2 Nine (9) submissions were received during the public exhibition period, as well as the discussion items recorded during the two meetings. Where appropriate these have been incorporated into the Plan.

4.3 This report recommends that Council adopt the Pittwater Native Vegetation Management Plan (and supporting documents).

RECOMMENDATION

1. That the public submissions on the Draft Pittwater Vegetation Management Plan be noted.
2. That the Pittwater Native Vegetation Management Plan, as tabled, be adopted.

Report prepared by
Matt Hansen – Principal Officer Natural Environment & Education

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION

C9.3 NSW Government Coastal Management Reforms - Stage 1

Meeting: Natural Environment Committee

Date: 3 December 2012

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

ACTION: Provide planning, design, investigation and management of beaches, coastline and estuaries.
Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.
Co-ordinate review of LEP/DCP to include sustainability and climate change initiatives and provisions.
Respond to reforms in Planning process and advocate on behalf of Council.

PURPOSE OF REPORT

To advise Council of a range of legislative, policy and planning reforms in regard to the management of the NSW coastal zone, recently introduced by the state government and known as the Stage 1 Coastal Management Reforms.

1.0 BACKGROUND

On 8 September 2012, the NSW Government announced its Stage 1 Coastal Management Reforms which include amongst other provisions, repealing the NSW Sea Level Rise Policy Statement (2009), amending the *Coastal Protection Act 1979* and clarifying what information in regard to projected sea level rise impacts councils should include on section 149 certificates.

1.1 Removal of Sea Level Rise Planning Benchmarks

The NSW Chief Scientist and Engineer has assessed the science behind the NSW Government's sea level rise planning benchmarks as being adequate. Furthermore, the Chief Scientist has endorsed the ongoing use of sea level rise projections that draw upon international modelling collaborations; as long as such projections are refined, reviewed and updated on a regular basis for local use through a process of formal consultations with experts in the field.

Nevertheless, the NSW Government has repealed the NSW Sea Level Rise Policy Statement (the Policy) and in doing so has also removed the state sea level rise planning benchmarks (0.4m by 2050 and 0.9m by 2100, relative to 1990 mean sea level) that were contained in the Policy. The NSW Government will no longer recommend SLR planning benchmarks for use by local government.

Due to what it considers to be significant uncertainty inherent in the longer term projections for sea level rise as well as the potential for regional variations in sea level the NSW Government does not consider it appropriate to recommend a common set of state-wide, sea level rise planning benchmarks.

Coastal councils have been advised through the Office of Environment and Heritage (OEH), and based upon advice provided by the Crown Solicitor, to “consider information on historical and projected future sea level rise that is widely accepted by competent scientific opinion” when determining local future hazards which may be affected by sea level rise.

1.2 Temporary Coastal Protection Works

Amendments to the *Coastal Protection Act 1979* (CP Act), commencing shortly, will enable coastal landowners to more readily protect beach-front properties from erosion impacts. The changes will also halve the maximum penalties for offences under the CP Act relating to inappropriate temporary coastal protection works on beaches.

The placement of large, sand filled geo-textile bags formerly known as ‘emergency coastal protection works’ will now be known as ‘temporary coastal protection works’ with the following provisions:

- the works will be able to be installed at any time on public or private land, landowners will no longer need to wait until erosion is occurring or imminent;
- current restrictions that limit private landowners to installing such works on their land only once and only for 12 months will be lifted;
- landowners will no longer need to obtain a certificate from councils or the OEH before installing works on private land, however a certificate will still be required for work on public land; and
- the time that these works will be allowed to remain on public land will be doubled to 2 years.

1.3 Other Actions Included as a Part of the Stage 1 Coastal Management Reforms

Supporting actions necessary to implement the proposed Stage 1 Coastal Management Reforms will be undertaken by the Minister and the relevant state agencies and include:

- developing a guide for the preparation of coastal hazard mapping by coastal councils;
- preparing a business case for an expert advice centre, as proposed by the NSW Chief Scientist and Engineer, to provide independent advice to councils;
- providing councils with a 12 months extension to prepare their coastal zone management plans with their communities to allow time for councils to determine their future coastal hazards that reflect their local conditions;
- the Minister will defer certifying any further coastal zone management plans while the Stage 2 Coastal Management Reforms are developed to enable the Government to consider how these plans may be better integrated with other legislation;
- preparing a fact sheet for communities on the roles of the SES and councils in coastal erosion emergency management, to clarify the existing arrangements;
- issuing a Planning Circular clarifying what information councils should put on section 149 certificates relating to projected sea level rise impacts; and
- amending the range of statutory and non-statutory guidelines prepared in support of the *Coastal Protection Act 1979* to reflect the recent amendments to the CP Act in regard to temporary coastal protection works and in regard to notations required on planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979*.

The Coastal Ministerial Taskforce, supported by the Coastal Expert Panel, will continue to meet to develop Stage 2 Coastal Erosion Management Reforms for strategic coastal planning and management in the longer term.

2.0 ISSUES

The Stage 1 Coastal Reforms will have significant implications for coastal councils, especially those such as Pittwater that are in the process of preparing local environmental plans, coastal hazard mapping, development controls and coastal zone management plans that take into consideration the impacts of climate change and in particular sea level rise.

2.1 **Sea Level Rise Planning Benchmarks**

The Department of Planning and Infrastructure has advised that any reference to the NSW sea level rise planning benchmarks in current planning documents should be taken as meaning a 'council's adopted sea level rise projections'. Councils have been encouraged to make interim arrangements in this regard and to give local sea level rise projections due and proper consideration.

Pittwater Council independently adopted the NSW Sea Level Rise Planning Benchmarks in December 2009 shortly after the NSW Sea Level Rise Policy Statement was published. In view of the Chief Scientists advice and as there is currently no alternative expert advice or robust local data available that would justify setting a local SLR level, Council should continue to rely on the existing benchmarks for strategic planning purposes.

In the longer term, however, given that the IPCC Fifth Assessment Report is due for staged release throughout 2014, councils will be obliged to make their own assessments and resolve as to how they will plan for and accommodate sea level rise projections in coastal strategic planning and management.

A number of Council planning policies, management plans, hazard mapping, development controls and the draft Pittwater LEP utilise or make reference to the NSW Sea Level Rise Planning Benchmarks. These documents will need to be reviewed in the context of the specific provisions of the coastal management reforms already announced and the further advice to be provided by relevant state agencies.

The OEH (on behalf of the NSW Government) has taken legal advice from the Crown Solicitor in regard to potential liabilities that may arise from the abolition of the NSW SLR planning benchmarks and has recommended that coastal councils consider seeking their own independent legal advice should they also have concerns in this regard.

On behalf of its member Councils, the Sydney Coastal Councils Group (SCCG) has written to the NSW Minister for the Environment seeking that the NSW Government releases the Crown Solicitors advice to local Government. At the time of writing this report, no advice had been received from the Minister.

Hunter Councils Inc (ROC) has engaged Local Government Legal to provide advice to its member councils regarding the liability issues for local government of some of the Stage 1 Coastal Management Reforms. As the matter is relevant to all coastal councils, Hunter Councils Inc has decided to forward copies of the legal advice to the general managers of all NSW coastal councils for their further information.

Due to the very recent release of this advice, however, relevant staff members have not had an opportunity to properly consider the liability implications for Pittwater Council as this report was being finalised.

2.2 **Coastal and Floodplain Risk Management**

Much recent coastal and flood risk management work undertaken by Council in accordance with NSW Government Manuals and Guidelines will be affected by the Coastal Management Reforms.

Flood Risk Management

The following flood risk studies and plans utilise the NSW Sea Level Rise Policy Statement and associated planning benchmarks as well as the planning horizons contained in the Policy. Databases and mapping prepared in conjunction with these studies will inform planning policy and development controls. Properties identified with hazard affectations by these studies may also be the subject of advice provided by way of section 149 planning certificate notations.

Whilst OEH has recommended that councils should continue to utilise and prepare their flood risk management studies and plans in accordance with the Floodplain Development Manual, the following studies may require review and amendment in the near future if the state government supports assessments based upon shorter planning horizons and/or design lives for development or moves towards a range of allowances when determining appropriate climate change scenarios and sea level rise projections:

- Pittwater Foreshore Floodplain Mapping of Sea level Rise Impacts Report.
- Pittwater Overland Flow Mapping and Flood Study.
- Careel Creek Catchment Flood Study.
- Narrabeen Lagoon Flood Study.
- Greater Mackerel Floodplain Risk Management Study and Plan.
- Newport Flood Risk Management Study and Plan
- Mona Vale Flood Risk Management Study

Council will now need to determine how and when sea level rise projections will be reviewed and updated and how databases as well as development controls that utilise these projections can be amended in a timely and equitable manner. This will be an important consideration where floor level controls are applied to development and set based upon a projected rise in sea level over a defined planning period.

Coastal Risk Management

The Pittwater Beaches Hazard Identification and Sea Level Rise Vulnerability Study has been completed to draft stage and utilises the SLR planning benchmarks and planning horizons contained in the Policy in the mapping and identification of coastal erosion and inundation hazards associated with sea level rise.

The state government has advised that a guide for the preparation of coastal erosion hazard mapping by councils will be prepared by OEH in the near future. As a result it would be prudent to delay the completion and exhibition of the draft Hazard Identification and Vulnerability Study, until the implications of the new guide are better understood. To the extent that the new guide requires the draft Study to be amended, additional time and money will be required to undertake this work and the Delivery Program and associated budgets will need to be adjusted accordingly.

Under the Direction of the previous Minister for the Environment, Pittwater Council has prepared, exhibited, adopted and gazetted the Coastal Erosion Emergency Action Sub-plan for Bilgola Beach and Mona Vale Basin Beach. The current Minister has certified the Sub-plan which is now in force. To the extent that the Sub-plan now varies from the provisions of the Stage 1 Coastal Management Reforms, however, it cannot lawfully apply.

The Sub-plan will require review and amendment, which could be undertaken as a part of the preparation of coastal zone management plans (CZMP) for these beaches. This task, however, has not been included or funded under Council's Delivery Program.

Pittwater Council has also received Ministerial Direction to prepare CZMPs for Bilgola Beach and Mona Vale Basin Beach. Council has been successful in gaining funding for this project under the NSW Coastal Management Program.

As the CZMPs will rely upon the hazard mapping and vulnerability assessments contained in the Coastal Hazard and Vulnerability Study, it will be most difficult to commence let alone complete the CZMPs without this information. The Minister has granted coastal councils a 12 months extension to complete CZMPs that are currently grant funded or have been commenced but are yet to be completed. The CZMPs for Bilgola Beach and Mona Vale Basin Beach will now be due at the end of June 2014.

Council has also been advised by the Minister that it has been successful in gaining a grant of \$120,000 (to be matched dollar for dollar) under the NSW Coastal Management Program in order to undertake a Coastal Zone Management Plan for all remaining Pittwater ocean beaches (with the exception of Bilgola Beach and Mona Vale Basin Beach).

The CZMP for Pittwater Beaches will also be informed by the Coastal Hazard and Vulnerability Study and will need to be programmed with this in mind. Consequently, it is likely that the completion date for this plan will now coincide with that for the Bilgola Beach and Mona Vale Basin Beach CZMP and as such, all Pittwater ocean beaches should be included in and managed under the one CZMP.

A further \$40,000 has been granted to Council under the NSW Estuary Management Program to undertake a project to identify the Adaptive Responses of Pittwater Estuarine Foreshores to Sea Level Rise. As the scope of this project has been developed on the basis of the Policy and associated SLR Benchmarks, the outputs of the project will require revision, with the agreement of the OEH, before the grant is accepted by Council.

NSW Planning Reforms

The extensive review of the NSW Planning System envisaged by the state government in its green paper entitled 'A New Planning System for NSW' also raises a number of issues in respect of the orderly management of the NSW coastal zone. A number of proposed changes as well as interim reforms currently underway have significant implications for the coastal landscape in Pittwater.

The green paper proposes to convert all State Environmental Planning Policies, Ministerial Directions and statutory guidelines to a lesser number (10 to 12) of simpler, general policies. Current coastal zone management policies and coastal Ministerial Directions now in place, including SEPP 71 – Coastal Protection, the *NSW Coastal Policy 1997* and the NSW Coastal Design Guidelines are likely to be abolished and replaced by one of the proposed policies. It is uncertain, at this stage, as to whether these new policies will be given statutory weight.

As an interim reform the NSW Government has introduced a Bill (which received assent on 21 November 2012) to amend the *Environmental Planning and Assessment Act 1979*, one of the major effects of which will be to down-grade the weight that is to be given to Development Control Plans (DCPs) in the development assessment process.

A consent authority will not be able to give effect to a provision in a DCP where it would be inconsistent or incompatible with an Environmental Planning Instrument (EPI), or have the practical effect of preventing or unreasonably restricting development that would be otherwise permissible under an EPI.

As Pittwater LEP93 does not incorporate coastal hazard clauses or any hazard mapping, Council will be more reliant upon the provisions of SEPP 71 in order to give effect to many of the coastal hazard provisions in Pittwater 21 DCP, once the amending Act commences.

In the absence of provisions in the Standard Instrument LEP to include subzones or to provide an E5 Environmental Protection Zone (that would prohibit a wide range of land uses including residential accommodation) there is currently no opportunity for coastal councils to explicitly define lands that are subject to unacceptable risks associated with coastal hazards.

Councils will be obliged instead to continuously amend any hazard mapping incorporated into LEPs as new information or more accurate scientific projections of sea level rise impacts become available, especially where that council applies and relies upon hazard related controls contained in its DCP.

Also of concern should be the ongoing reliance of the NSW Government on statutory and non-statutory guidelines, instead of clear and prescriptive sub-ordinate legislation, to give effect to principal legislation and to implement planning policy.

An unfortunate consequence of inconsistent application of guidelines by local government is likely to be an increase in legal challenges to development assessments and determinations, particularly where neighbouring councils adopt markedly different planning provisions or development controls to manage sea level rise impacts.

2.3 Program and Budget Considerations

Council's contributions to match grant funding for coastal projects under the NSW Coastal Management Program have been allocated in the 2012/13 Delivery Program. Due to the late announcement of successful grant projects (18 October 2012) and the introduction of the Stage 1 Coastal Management Reforms, there is now little likelihood that any of the funding for CZMPs (Council's total contribution being \$145,000) will be expended in the current financial year.

OEH anticipates having the coastal hazard mapping guide for councils finalised early in the New Year. When the guide is released, the extent of the changes to the Coastal Hazard Identification and Vulnerability Study as well as the extent of the revisions required to the Emergency Action Sub-plan will be better understood and could be more accurately costed. At this stage it is anticipated that the additional costs associated with reviewing and amending these documents is likely to exceed \$45,000.

The consequential delays in completing existing and/or commencing new coastal management studies and plans could result in the need to revote up to \$200,000 of beaches and coastal management funds for inclusion in the 2013/14 and 2014/15 Delivery Programs.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

Communication of the risks associated with natural coastal hazards, particularly those hazards likely to be exacerbated by sea level rise, can raise community awareness thereby reducing the potential risk to life and property and increasing the overall resilience of our coastal communities.

3.2 Valuing & Caring for our Natural Environment (Environmental)

Evaluating and accommodating projected climate change in coastal planning and management strategies can help to reduce potentially devastating impacts upon inter-tidal ecosystems, groundwater dependent ecosystems, wetlands, riparian corridors, water quality and foreshore erosion.

3.3 Enhancing our Working & Learning (Economic)

By ensuring that adequate planning provisions are in place to address the risks associated with natural hazards, especially those likely to be exacerbated by climate change, governments can reduce uncertainty surrounding the development potential of affected properties and thereby increase opportunities for development investment.

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

In preparing policies and development controls to accommodate changing future risks associated with sea level rise impacts, Council will need to be mindful of its duty of care in appropriately managing risks to life and property in order to gain indemnity under the provisions of section 733 of the *Local Government Act 1979*.

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

Council will need to determine appropriate strategies to manage current and future risks associated with natural coastal hazards to enable development to proceed on affected lands whilst it remains reasonable and feasible to do so.

4.0 **EXECUTIVE SUMMARY**

- 4.1 The NSW Government has introduced a range of legislative, policy and planning changes, known as the Stage 1 Coastal Management Reforms, for the ongoing management of the NSW coastal zone.
- 4.2 Reforms announced on 8 September 2012 include amendments to the *Coastal Protection Act 1979* to better enable private property owners to undertake temporary coastal protection works on their own properties and public land, repealing the NSW Sea Level Rise Policy Statement 2009 (including the sea level rise planning benchmarks) and clarifying the type of information that Councils should provide on s149 certificates in regard to sea level rise impacts.
- 4.3 Together with proposed amendments to the NSW Planning System and interim planning reforms already in progress, the coastal management reforms announced as Stage 1 and those proposed for Stage 2 will fundamentally change the roles and responsibilities of local government in managing current and future risks associated with hazards in the coastal zone.
- 4.4 The Stage 1 Coastal Management Reforms will necessitate a review of coastal and floodplain management studies and plans as well as changes to the scheduling of projects already included in the Delivery Program.
- 4.5 The Minister for the Environment has recently notified Pittwater Council of a number of successful grant applications under the NSW Coastal and Estuary Management Programs for projects proposed to be undertaken by Council to better manage potential sea level rise impacts within the Pittwater estuary and on the open coastline.

RECOMMENDATION

- 1. That the update on the Stage 1 Coastal Management Reforms announced by the NSW Government be noted.
- 2. That Council write to the Office of Environment and Heritage (OEH) outlining the programming difficulties and additional costs that the Stage 1 Coastal Management Reforms are likely to cause Pittwater Council and seek assistance from the Department in clarifying the timeframes for the completion of coastal zone studies and management plans as well as sharing the associated, additional costs of amending existing studies and plans.

3. That the draft Pittwater Beaches Hazard Identification and Sea Level Rise Vulnerability Study be held in abeyance, not to be completed or exhibited, until such time as the proposed Guide for the Preparation of Coastal Hazard Mapping for Coastal Councils has been finalised and published by the NSW Government and the implications of the Guide are better understood.
4. That the GM accepts the grant of \$120,000 for the preparation of a coastal zone management plan for Pittwater Beaches, subject to OEH confirming that the project may be staged and funded over the 2013/14 and 2014/15 Financial Years in order to utilise the information contained in the Pittwater Beaches Hazard Identification and Sea Level Rise Vulnerability Study, once completed.
5. That the GM accepts the grant of \$40,000 for the preparation of the Adaptive Responses of Pittwater Estuarine Foreshores to Sea Level Rise Study, subject to OEH concurring with the revised project scope and brief.
6. That the further detail of the Stage 2 Coastal Management Reforms be reported to Council when the information is released by the NSW Government.

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

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT AND CLIMATE CHANGE

C9.4	Floodplain Management Association National Conference 28-31 May 2013
-------------	---

Meeting: Natural Environment Committee

Date: 3 December 2012

STRATEGY: Community Engagement, Education & Awareness

ACTION: Link with other councils and organisations to deliver educational outcomes at a regional level

PURPOSE OF REPORT

To nominate one (1) Councillor delegate to attend the Floodplain Management Association National Conference at Tweed Heads from 28-31 May 2013.

1.0 BACKGROUND

- 1.1 The 53rd Floodplain Management Association Conference (formerly known as the Floodplain Management Authorities Conference) is being held at Twin Towns Clubs and Resorts, Tweed Heads, from 28-31 May 2013.
- 1.2 The theme for this year's conference is National Floodplain Management - shared experiences, national solutions. The conference is expected to attract over 300 practitioners who are interested in, or working within, floodplain management. Attendees will include Commonwealth, State and Local Government representatives, research and education organisations as well as consultants, engineers, land-use planners and community volunteer organisations.
- 1.3 Provision has been made in the 2012/2013 budget for one Councillor to attend.

2.0 ISSUES

- 2.1 Nominate one (1) Councillor delegate to attend the 53rd Floodplain Management Association Conference.

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required for this report.

RECOMMENDATION

That Council nominate one elected member delegate to attend the 53rd Floodplain Management Association Conference at Tweed Heads from 28-31 May 2013.

Report prepared by

Jennifer Pang

MANAGER, CATCHMENT MANAGEMENT AND CLIMATE CHANGE

C9.5	Minutes of the Careel Creek Floodplain Working Group Meeting on 30 October 2012
-------------	--

Meeting: Natural Environment Committee

Date: 3 December 2012

STRATEGY: Risk Management Co-ordination

ACTION: Develop and implement a program to undertake natural hazard risk management studies in accordance with Risk Management Guidelines
Provide an appropriate set of development controls relating to mitigation and management of risks and hazards

PURPOSE OF REPORT

To consider the draft minutes of the 1st Careel Creek Floodplain Working Group (CCFWG) meeting held at Avalon Recreation Centre on 30 October 2012 (refer **Attachment 1**).

1.0 BACKGROUND

- 1.1 The CCFWG is a forum that assists Pittwater Council in the preparation, development and implementation of floodplain studies and plans for the Careel Creek catchment. The role of the Floodplain Working Group is set out in the NSW Government's Floodplain Development Manual.
- 1.2 The Careel Creek Catchment covers the suburbs of Avalon and part of Bilgola Plateau on Sydney's Northern Beaches. The lower portion of the catchment flows through Avalon residential areas and the Avalon shopping village before flowing into Careel Bay on the south-eastern side of the Pittwater Estuary. The 1999 Careel Creek Drainage Catchment Flood Study identified about 400 properties in the Careel Creek Catchment as flood-affected in a 100 year ARI flood event.
- 1.3 Pittwater Council is carrying out an updated flood study to define the flood behaviour in the Careel Creek Catchment with newer catchment information and the consideration of climate change impacts that was not incorporated into the 1999 flood study. WMA Water, an independent company specializing in flooding and floodplain risk management, is currently undertaking the updated study.
- 1.4 The primary function of this working group is to be an advisory body to Council on matters concerning the development, implementation and review of the updated Careel Creek Flood Study. The working group meetings provide a forum for the discussions between Council staff, local residents, interested groups and government authorities on technical, social, economic, environmental and cultural issues.

2.0 ISSUES

- 2.1 The current project seeks to update the 1999 Careel Creek Drainage Catchment Flood Study, which comprised hydrologic and hydraulic modelling that is now more than 10 years old. The updated study still will reflect current catchment conditions utilising the most up-to-date topographical data and floodplain modelling techniques, and will incorporate a detailed climate change assessment.

Under the NSW Government Flood Prone Land Policy, management of flood prone land is primarily the responsibility of councils. The Floodplain Management Process that councils follow in order to identify, understand and manage flood risk is outlined below:

- The Flood Study (Current Stage-updated flood study) defines the nature and extent of the flood problem.
- The Floodplain Risk Management Study assesses management options with respect to existing and proposed development.
- The Floodplain Risk management Plan provides Council with a management plan for the floodplain, and is often undertaken in conjunction with the Floodplain Risk Management Study.
- Implementation of the Plan involves enacting the recommendations of the Floodplain Risk Management Plan to mitigate flood risks to life and property.

2.2 Community consultation is an important component of the Careel Creek Flood Study. The local knowledge of residents and business operators personal experiences of flooding are an important source of information.

There are a number of ways Council is engaging with the Careel Creek residents:

- Through an online questionnaire. The questionnaire greatly assists in collating people's knowledge and experience about previous flooding history and existing flood problem areas.
- The formation of the Community Working Group from self-nominated community representations.
- A website has been established to keep the community informed on the study progress. The website has further information on flooding in Careel Creek Catchment and will be updated throughout the study as new information becomes available. Community members will also be able to email WMAwater or mail their views and comments to WMA Water so they can be considered during the course of the study

2.3 Careel Creek Flood Study Update – A verbal update by WMA Water was provided on the progress of the Flood Study.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

4.1 The anticipated date for completion of the first Draft of the Careel Creek Flood Study remains on track for March 2013.

RECOMMENDATION

That the information provided in the report be noted.

Report prepared by
Melanie Schwecke, Project Leader: Water Management

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE



DRAFT Minutes

Careel Creek Floodplain Working Group

Held in Activity Room 1, Avalon Recreation Centre,
Old Barrenjoey Road on

30 October 2012

Meeting commenced at 5:05 pm

Careel Creek Floodplain Working Group	
Established:	30 October 2012
Function:	To enable community participation during the preparation of the Careel Creek Catchment Flood Study in accordance with the NSW Government's Floodplain Development Manual (2005).
Administration:	This Working Group is administered by Pittwater Council
Composition / Membership as at establishment:	<p>One (1) Councillor (who shall be Chairperson of Community Working Group) plus one (1) alternative councillor. All Councillors are invited to attend.</p> <p>Up to four (4) community representatives who reside or work within the Careel Creek Catchment study area.</p> <p>Up to one (1) community representative from Pittwater community groups, subject to the group's inclusion on Councils "Register of Community Groups".</p> <p>Interested observers are invited to attend.</p> <p>State Government representatives as required, including:</p> <ul style="list-style-type: none"> • Office of Environment and Heritage • State Emergency Service (representing State Headquarters, Region Controller and Local Controller) • Department of Primary Industries (Catchments & Lands) • Sydney Water • Department of Planning & Infrastructure.
Quorum:	Five (5) members provided one is a Councillor, two Community representatives and one NSW Government representative.
Reporting Procedures:	Business of the Community Working Group to be reported directly to Council as required.
Responsible Business Unit:	Catchment Management and Climate Change
Meetings	Meetings are held as required
Council Members Appointed:	Cr McTaggart (Pittwater) Cr Grace (Pittwater)

Members of the Working Group namely

Pittwater Council Members

Cr Alex McTaggart (Chairperson)
Cr Bob Grace (Delegate)

Citizen Representatives

Mr Roger Treagus
Mr Rick Stevens
Mr Conrad Grayson
Mr Peter Heber

Stakeholder Representatives

Mr Geoff Searl (Avalon Beach Historical Society)
Ms Kerry Mc Ewan (Barrenjoey High School)

State Government Representatives

NSW Office of Environment and Heritage (OEH)
State Emergency Service Sydney Northern Region

And the following Council Advisors

Manager, Catchment Management and Climate Change
Project Leader – Water Management

are requested to be in attendance.

All other Councillors are free to attend as Observers and are invited to do so and to engage in discussion, but not in voting in any matter before the Working Group.

Attendance:

Pittwater Council Members

Cr Bob Grace

Citizen Representatives & Stakeholder Representatives

Mr Geoff Searl

Mr Rick Stevens

Mr Conrad Grayson

Ms Kerry McEwan

State Government Representatives

Mr Greg Davis (Office of Environment and Heritage)

Mr Wayne Lyne (SES)

Mr Mark Darling (SES)

And the following Council Advisors

Ms Jennifer Pang

Dr Melanie Schwecke

In attendance

Mr Rhys Hardwick-Jones – Consultant – WMA Water

1.0 APOLOGIES

Councillor Alex McTaggart
Mr Roger Treagus – Pittwater Council Citizen Representative
Mr Peter Heber – Pittwater Council Citizen Representative

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

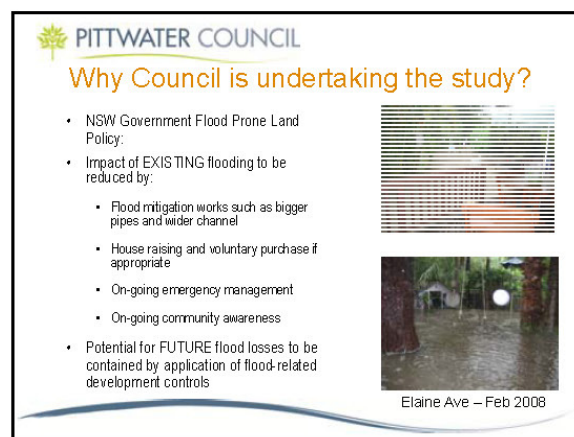
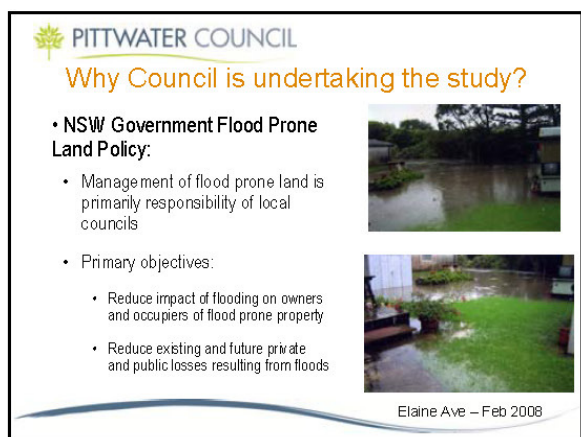
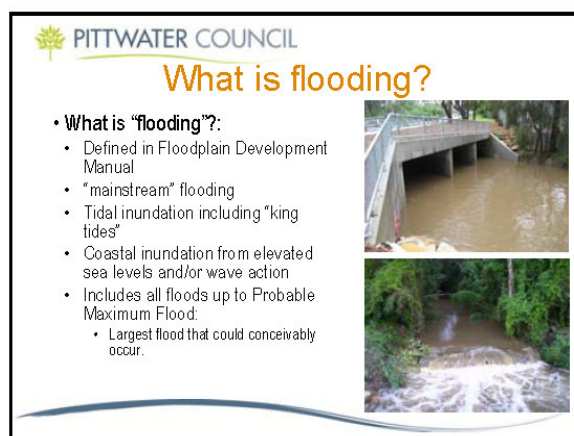
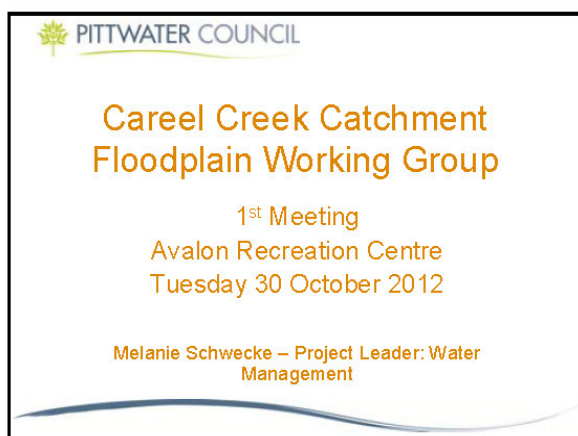
3.0 CONFIRMATION OF MINUTES

As this is the first meeting, no minutes were noted

4.0 WORKING GROUP BUSINESS

4.1 Careel Creek Flood Study Proceedings in brief:

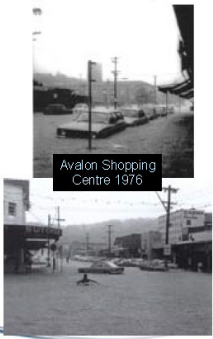
A verbal introduction along with the following PowerPoint presentation was given by Melanie Schwecke – Project Leader: Water Management (Pittwater Council)



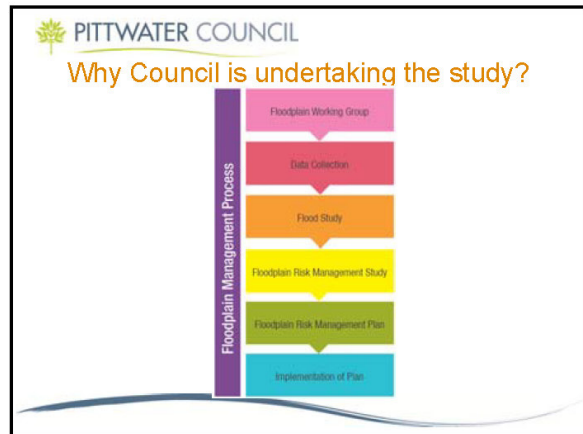
PITTWATER COUNCIL

Why Council is undertaking the study?

- **NSW Government Floodplain Development Manual:**
 - Provides practical guidance to assist local Councils fulfill obligations of Flood Prone Land Policy
 - Outlines a Risk Management Process to be followed:
 - Floodplain Risk Management Process
 - First released in 1966, current is 2005
 - Manual has required assessment of impacts of climate change (sea level rise and increased rainfall intensities) as part of Floodplain Risk Management Process since 1966




Photos Courtesy of Avalon Beach Historical Society




PITTWATER COUNCIL

Updating the Careel Creek Flood Study

- The original flood study was conducted in 1999
- Current study incorporates changes to the catchment



Avalon Flood- Feb, 3rd 2008

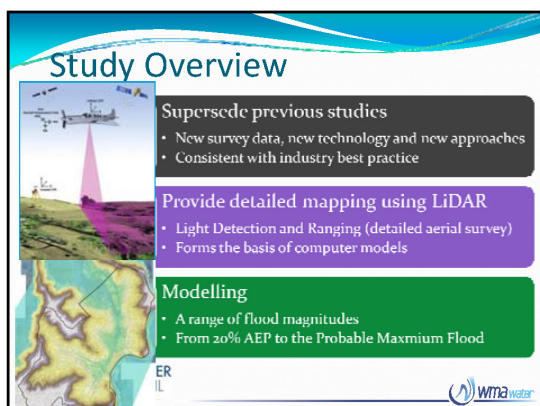
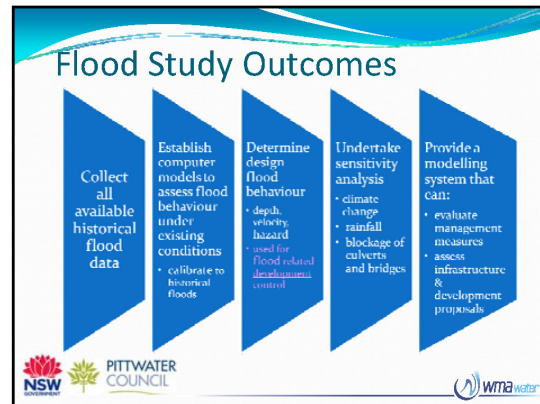
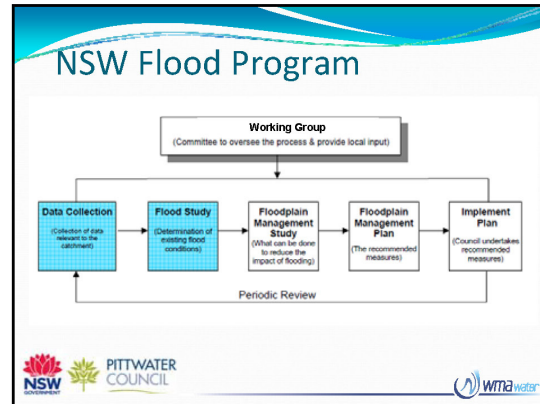
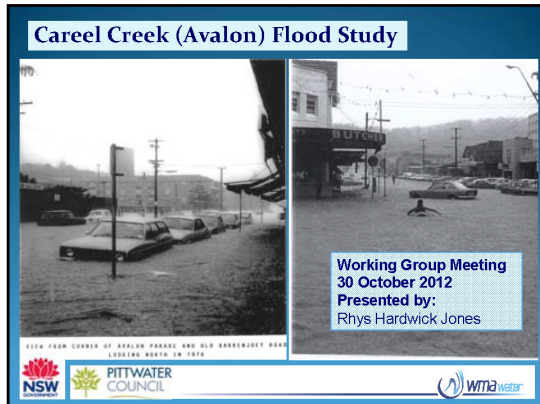


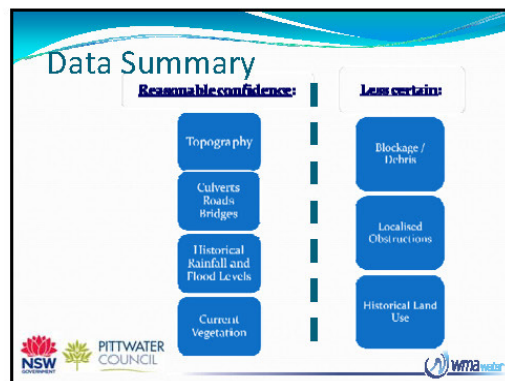
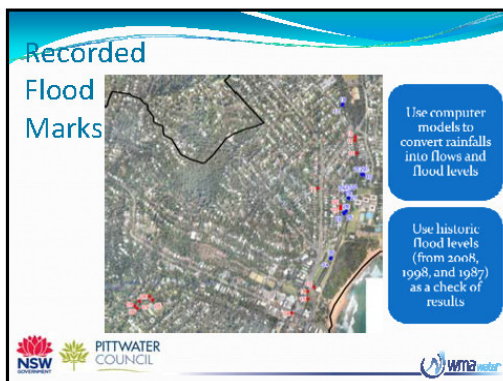
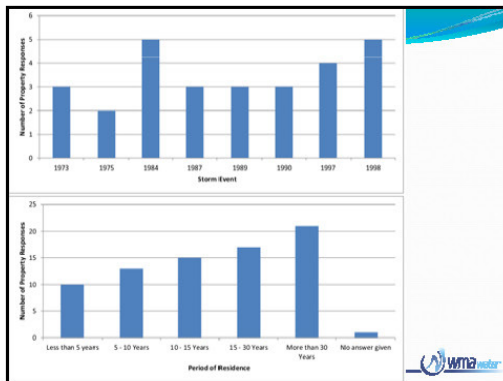
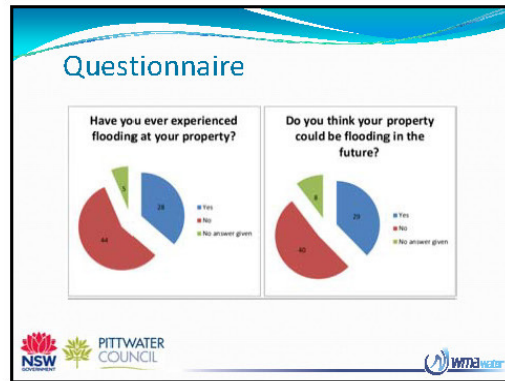
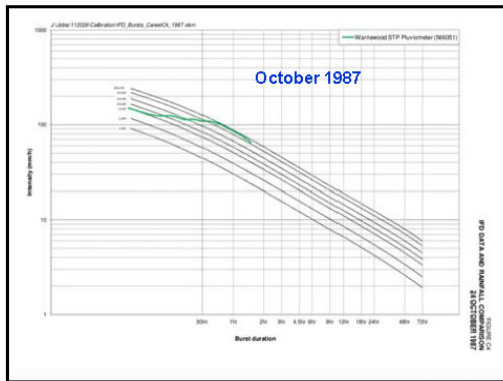
Notes from the Working Group

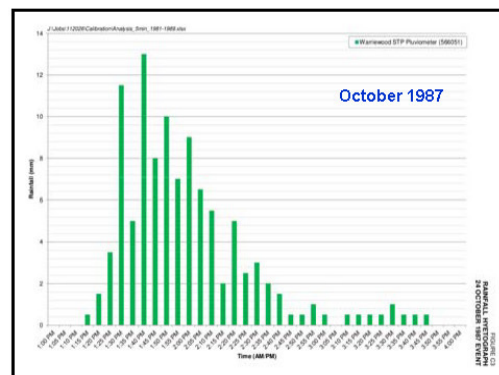
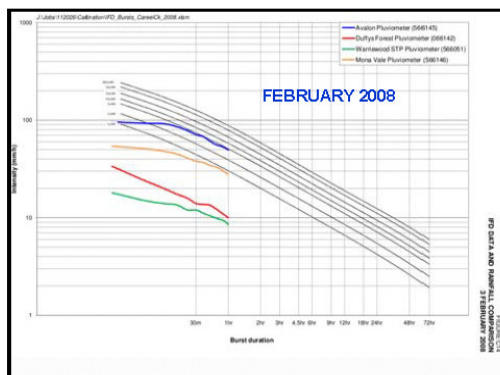
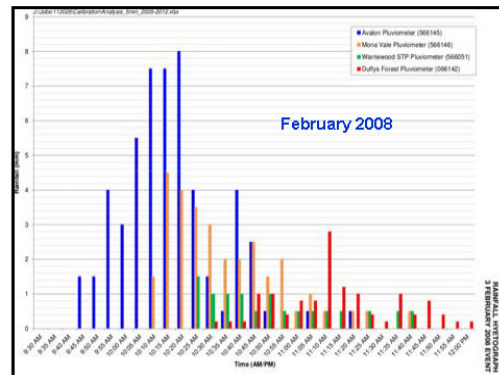
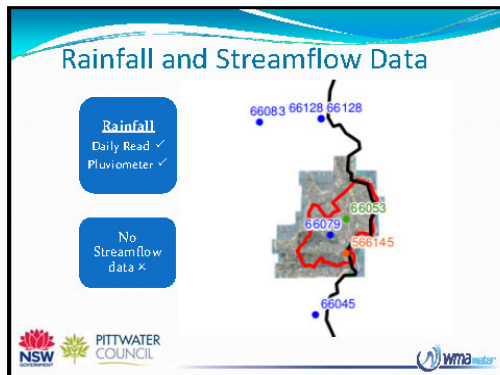
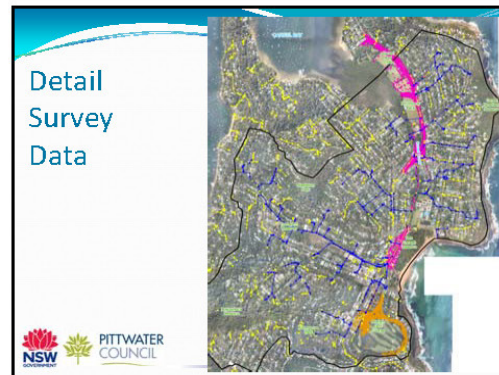
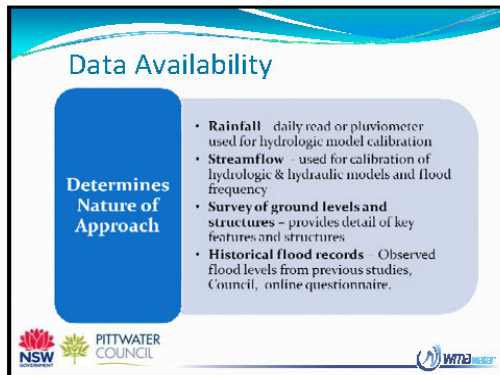
That the information be noted.

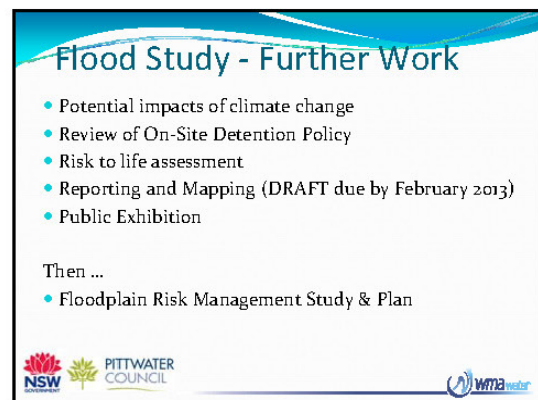
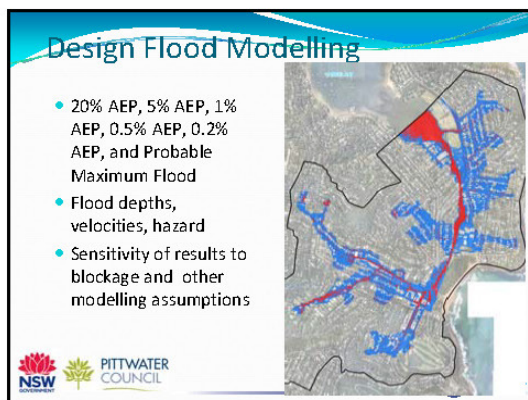
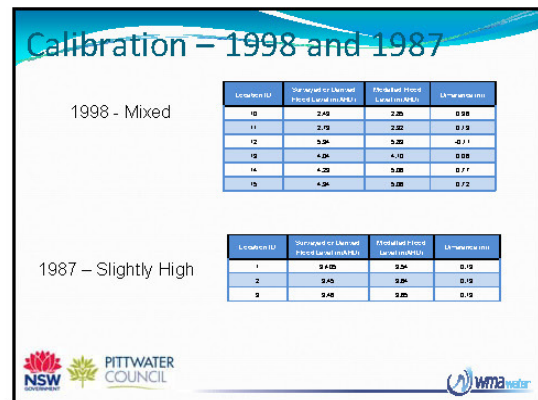
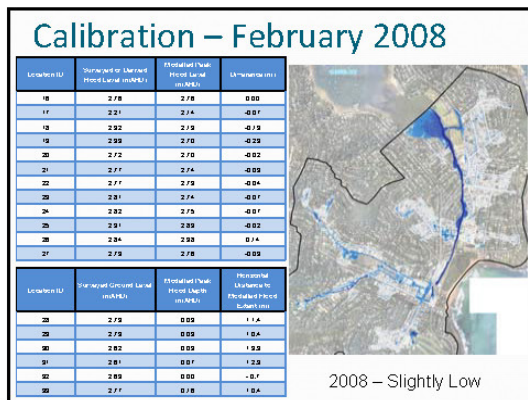
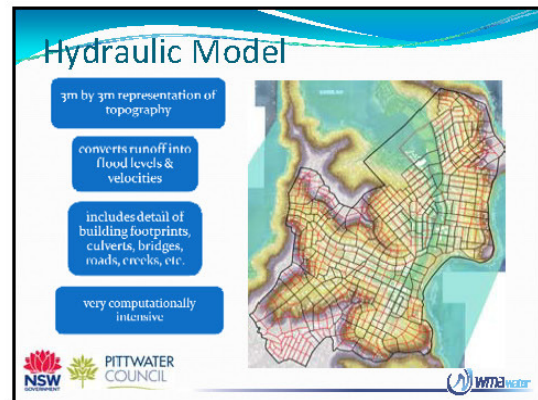
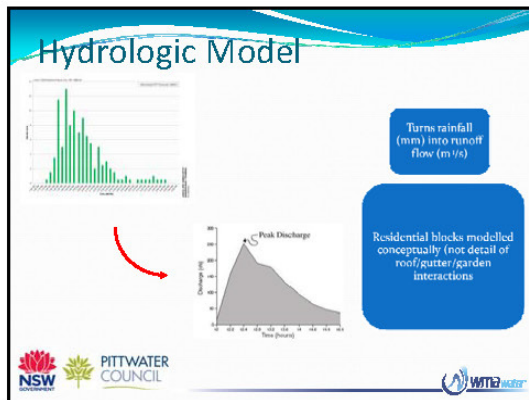
4.2 Careel Creek Flood Study Proceedings in brief:

A verbal update along with a PowerPoint presentation was given by Rhys Hardwick-Jones from WMA Water.









Notes from the Working Group
That the information be noted.

5.0 GENERAL BUSINESS

Nil

6.0 NEXT MEETING

The Chair thanked everyone for their participation in this very effective forum and requested that the next meeting be scheduled for Thursday 21 March 2013 from 5pm to 7pm at Avalon Recreation Centre – Annexe (Old Avalon Scout Hall)



There being no further business the meeting concluded at 6.25pm.

C9.6	Minutes of the Natural Environment Reference Group Meeting held on 14 November 2012
-------------	--

Meeting: Natural Environment Committee

Date: 3 December 2012

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Natural Environment Reference Group Minutes of 14 November 2012 (see **Attachment 1**).

1.0 BACKGROUND

- 1.1 The Natural Environment Reference Group has a primary role of assisting the Pittwater 2020 Strategic Plan process by critically analysing and reviewing the Strategic Goals aligned to the Pittwater Natural Environment and providing Reference Points for further consideration by Council.
- 1.2 The Natural Environment Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals. The attached Minutes relate to Discussion Papers on

- *Council's Revolving Energy Fund*
- *Projects Update*
- *Pittwater Waterbird Survey*

2.0 ISSUES

2.1 NE4.1 – Council's Revolving Energy Fund

A presentation on the Council's Revolving Energy Program, its energy and cost saving initiatives to date, as well as new initiatives were discussed. The benefits being achieved include:

- a significant reduction in mains supply energy use through use of energy saving devices and practices including solar power, light sensors and LED
- corresponding reduction in greenhouse gas emissions compared to status quo.
- Reduction in energy bills despite additional facilities coming on line
- reduced exposure to future energy cost escalations
- improved safety and amenity for the community

provides a positive example of what can be achieved and for the community to replicate as an LGA response

2.2 **NE4.2 - Projects Update**

An update of projects being undertaken to enhance the natural environment was provided. Highlights include:

- Bush regeneration and bushfire hazard reduction works by contractors and volunteers at numerous bushland reserves
- Acquisition of previous private bushland to create the Ingleside Chase Reserve - now over 70 hectares extending from Elanora Hts in the south to Mona Vale Road in the north
- Ingleside Chase Reserve access trail from Irrawong Reserve via waterfall to Ingleside Road.
- Ingleside Chase/Mullet Creek bush regeneration / weed eradication utilising Environmental Trust funding
- Warriewood Valley creekline restorations and riparian corridor enhancements as part of the land release
- Bilgola Beach northern step access
- Coastal walkway renovations
- Feral animal control programs
- Bushland Plans of Management and Scenic Streets Register
- Waterbird Survey - see separate Discussion Paper

The importance of the Special Rate Variation funding as well as S94 funding for Warriewood Valley outcomes were highlighted.

How do we attract 'younger' volunteers to assist with bushland regeneration?

2.3 **NE4.3 – Pittwater Waterbird Survey**

A presentation on the results of the Waterbird Survey highlighted and reinforced that Pittwater is an important area for migratory and resident waterbirds, in particular foreshore, mudflat and wetland/mangrove habitats.

Waterbirds are under pressure from:

- changes to their habitat including climate change influences
- unleashed dogs as well as leashed dogs with owners on beaches, foreshores and mudflats disturbing waterbird roosting, feeding and breeding areas as well as attacking birds
- cats and other feral animals

Discussion on this topic raised the following Reference Points:

- This group look at designing appropriate signage for migratory bird habitat
- That the Community Groups alert members via newsletters, etc
- Media Release for Manly Daily/other press
- Mayoral Column mention
- Update to be brought to next NE Reference Group meeting.

In this regard Council will work with the Reference Group to design appropriate signage and other measures to reinforce the importance of the Pittwater area for migratory and resident waterbirds and problems associated with dogs, cats and other feral animals.

2.4 Emerging Issues

5.1 CABRA - SHOROC Common Waste Service Collection System

Reference points:

- Investigate having a presentation by Kimbriki/at Kimbriki re SHOROC initiative/forward path on waste management.
- Manager, Environmental Compliance, to forward update on waste management to reference group members.
- Regular updates on the waste management program be brought to the NE Reference Group.

3.0 SUSTAINABILITY ASSESSMENT

The Natural Environment Reference Group has a specific focus on Key Direction 2 – Valuing and caring for our Natural Environment with the primary aims to:

- Reduce our ecological footprint
- Protect our bushland and biodiversity
- Improve the health of our beaches and waterways.

4.0 EXECUTIVE SUMMARY

- 4.1 The Natural Environment Reference Group has provided a number of Discussion and Reference Points that will assist Council and the community.

RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 14 November 2012 that relate to the Discussion Papers on:

- ***Council's Revolving Energy Fund***
- ***Projects Update***
- ***Pittwater Waterbird Survey***

and the Actions and Progress to date, along with further initiatives and reference points to strengthen these initiatives be noted and this information be taken into consideration as part of Council's Strategic Plan, Delivery Plan and specific management plan processes.

Report prepared by

Chris Hunt

DIRECTOR – URBAN & ENVIRONMENTAL ASSETS

MINUTES

Natural Environment Reference Group Meeting

held at the Coastal Environment Centre,
Lake Park Road, North Narrabeen on

14 November 2012

Commencing at 4.03pm



Attendance:

Cr Jacqui Townsend, Chairperson

Members:

Ms Marita Macrae, Avalon Preservation Trust / Pittwater Natural Heritage Association
Ms Frances Holdaway, Careel Bay, Pittwater Protection Association
Ms Margaret Makin, Bayview–Church Point Residents Association
Mr Fred Murray-Walker, Clareville and Bilgola Residents Association
Ms Dianne Campbell, Scotland Island Residents Association
Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society
Mr Hans Hui, Newport Residents Association
Ms Caroline McWilliam, Newport Residents Association
Mr Stuart Taylor, Palm Beach Whale Beach Association
Mr Martin Porter, Surfrider Foundation
Mr Alan Yuille, West Pittwater Community Association
Mr Robert Williams, Pittwater Resident Representative
Ms Roberta Conroy, Pittwater Resident Representative

Council Officers:

Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Peter Rodham, Environmental Health Officer
Mr Les Munn, Manager, Recreation, Reserves & Building Services
Mr Mark Beharrell, Manager, Natural Environment & Education
Ms Jodi Harvey, Natural Environment & Education Officer
Ms Pamela Tasker, Administration Officer/Minute Secretary

Natural Environment Reference Group Meeting
--

TABLE OF CONTENTS

Item No	Item	Page No
1.0	Apologies	4
2.0	Declarations of Pecuniary Interest / Non-Pecuniary Conflict of Interest	4
3.0	Confirmation of Minutes	4
4.0	Discussion Topics	5
NE4.1	Council's Revolving Energy Fund	5
NE4.2	Projects Update	6
NE4.3	Pittwater Waterbird Survey	8
5.0	Emerging Issues	9
5.1	CABRA – SHOROC Common Waste Service Collection System	9
5.2	Reference Group Strategic Directions Workshop	10
6.0	Next Meeting	10

1.0 Apologies

Notes:

1. Apologies were received from:

- Cr Alex McTaggart (Chair)
- Mr Roger Treagus, Pittwater Resident Representative
- Mr John Waring, Clareville and Bilgola Residents Association
- Mr David Williams, Bayview–Church Point Residents Association

and leave of absence was granted from the Natural Environment Reference Group Meeting held on 14 November 2012.

2. The Reference Group members accepted the apologies.

3. Cr Jacqui Townsend (Mayor) attended on behalf of Cr McTaggart and assumed the Chair.

4. Mr Fred Murray-Walker attended as the alternative delegate for the Clareville and Bilgola Residents Association.

5. Ms Susan Young of the Newport Residents Association has tendered her resignation due to her election to Council. The Association has nominated Ms Caroline McWilliam as replacement delegate.

6. Mr Cecil Ellis, Pittwater Resident Representative, has tendered his resignation as he has been appointed to a position at Council.

2.0 Declarations of Pecuniary Interest / Non-Pecuniary Conflict of Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Meeting of the Natural Environment Reference Group Meeting held on 8 August 2012 be confirmed as a true and accurate record of that meeting.

(Mr Hans Hui / Ms Roberta Conroy)

4.0 Discussion Topics

NE4.1 Council's Revolving Energy Fund (REF)

Proceedings in Brief

Mr Peter Rodham, Environmental Health Officer, addressed the meeting on this item.

DISCUSSION POINTS:

Q: It is good that increased efficiencies are offsetting increased usage, but what are some of the examples of increased usage?

A: See point 2.1.3 in report provided. Examples include new sports facilities; upgrades to lighting at sportsgrounds thus increasing amenity through enabling night use; irrigation watering systems in parks; increased population through land releases such as the Warriewood Valley development which has increased demand; Newport Recreation Centre; security lighting such as that currently being installed on the Yellow Brick Road at Avalon.

Mr Rodham further explained that the savings from reduced electricity usage are then available to be put into other amenity upgrades such as energy efficient lights, Solar PV systems, solar hot water systems, energy efficient air conditioners, solar lighting at rockpools and upgrades to lighting at sportsgrounds throughout Pittwater.

Q: Can you let me know more about rockpool solar lights?

A: The latest solar lighting installation at Mona Vale rockpool is via solar cells inset into the poles (rather than solar panels on top of the pole) which is less obvious to the eye. This also overcomes the problem created by birds sitting (and defecating) on solar panels which reduces solar performance. Council is currently adding a third pole at the baby pool to increase light output at this rockpool. The solar lighting installed will now be able to be run all night and is more environmentally sustainable. The conversion to solar does cost more initially, but the decrease in running expenses offsets this cost. Also, the seed funding put into this initiative has in turn attracted further grants which all helps with funding further green initiatives.

Q: Has Council looked at converting street lighting over to solar lights?

A: Street lighting is controlled by Ausgrid which is State Government owned. There are safety considerations and specific legislation governing street lighting, so solar power is not suitable (due to the decrease in the brightness of solar lighting or failing batteries). However, Pittwater is part of a working group comprised of many councils. The working group is looking at the rapidly improving technology with a view to eventually converting to more energy efficient street lights. Maybe one day a solar street lighting solution will be found.

Q: Does Council have a set carbon reduction goal?

A: Council has not set a specific greenhouse target, but through initiatives such as the REF we are making every effort to minimise our carbon footprint and at the same time reducing our costs to the ratepayer.

Q: There are different costs on the light sensors in the attached table. Can you explain why?

A: The variation in cost of the sensor lights is due to different standards (or type of sensor) required in different infrastructure scenarios. We have used different types of sensors in amenities such as toilets, offices, outside buildings, etc.

REFERENCE GROUP RECOMMENDATION

1. That Mr Rodham be thanked for his presentation.
2. That Council be congratulated for being so forward thinking on green initiatives.

(Ms Margaret Makin / Ms Roberta Conroy)

NE4.2 Projects Update

Proceedings in Brief

Mr Les Munn, Manager – Reserves, Recreation & Building Services - addressed the meeting on this item.

DISCUSSION POINTS:

Reserves and Bushland Maintenance / Volunteer Groups:

Council employs a number of specialist contractors and supports numerous volunteer groups working on bush regeneration, weed eradication etc. There are management plans and controls governing all Council parks and reserves, bushland and public access areas, etc. Council does have contractors working in these areas now, but maintenance is quite expensive and bushland management is under funded due to demands on money from other areas of Council. Some SRV funding has been directed to this effort, but Council relies largely on our volunteer groups. There is still a cost to Council in supporting volunteers, however, such as support staff and the use of contractors for various ongoing tasks.

Volunteer groups consist largely of an older demographic and Council is currently looking at ways of getting young people involved. Many younger people are keen on initiatives such as bush regeneration and the schools have done much to encourage this interest. The challenge for Council is to structure the groups so as to encourage a wider range of ages and interests across membership.

Warriewood Valley:

Narrabeen Creek Rehabilitation: the creek had to be realigned as it was encroaching on townhouses and putting them in danger of flooding. The creeks through the Warriewood Valley were much degraded due to factors such as inappropriate filling. Creekline rehabilitation has involved correcting these problems, bringing creeks back to a more natural flow and state, replanting of riparian plants to filter water, etc. The use of stones and rocks to line creekbeds has worked very well in terms of bank protection and filtration. Council used recycled materials wherever possible.

The addition of public walkways along creeks and through wetlands has been very popular and has opened up the valley to residents.

The State Government cap on S94 developer contributions may have a significant impact on what we can afford to do. At present it looks like the contribution will fall from \$62k per dwelling to \$50k or less. The Warriewood Valley Strategic Review is currently being finalised which will assist.

The eastern low lying end of Macpherson Street (around the STP) will be reconstructed at a higher level. This project is funded by the existing Warriewood Valley S94 developer contributions plan and is scheduled for construction in the 2013/2014 financial year.

Upper Mullet Creek Catchment:

Ms Marita Macrae updated members on the work being done by the Pittwater Natural Heritage Association in the Upper Mullet Creek Catchment. The Association is concentrating its rehabilitation efforts higher up on the catchment. Tax deductible donations and NSW Environmental Trust grants have guaranteed funding over the next few years, the longevity being seen as beneficial to project outcomes. The work is being carried out in partnership with Council and neighbouring landowners, and flora and fauna studies are being undertaken in addition to bush regeneration and catchment rehabilitation. The entire project is being time series filmed to show outcomes, achievements, etc. It was noted that the public donations and Environmental Trust Grant might not have been available if the catchment area had still been in private ownership. The subject land is now part of the Ingleside Chase Reserve, in private ownership.

Turimetta Headland:

The draft Plan of Management is nearing completion. The headland had several issues, in particular the presence of the blowhole and the need for emergency access; local residents' coastal views; and maintaining bushland habitat. The Plan of Management will address these issues and seek to achieve a reasonable balance.

Streets and Walkways:

Pittwater's Most Scenic Streets Register: Council received some great contributions from local residents who photographed their streetscapes and this is available on the Council website.

Pittwater Streetscape Management Guidelines: Mr Fred Murray-Walker of CABRA sought clarification on Council policy on plantings on Council Reserves. This was raised as some local residents' plantings were now impeding free access across a local park.

It was advised that Council can take action on unauthorised planting on Council land, if made aware. Council will contact the landowner and request the removal of encroachments. There are hundreds of properties across Pittwater where owners have planted on nature strips and public pathways like the coastal walk. Public access always takes precedence.

It is also Council policy to maintain public stairways, but it is the owner's responsibility to maintain private connecting stairs and access paths. A lot of Council land is utilised informally as access paths and walkways, such as drainage reserves, easements, etc. The use of this land may not always be appropriate for pedestrian access and requests for mowing or pruning may not always bring the desired results. Connections that are of the required standard are generally signposted as 'Pathway'. Those that are not to the standard are generally 'Public Land' to differentiate.

Mr Munn's presentation included many projects now completed or in progress. For further detail a copy of the PowerPoint presentation is at Appendix 1 to this Agenda for member's information.

NE4.3 Pittwater Waterbird Survey

Proceedings in Brief

Ms Jodi Harvey, Natural Environment & Education Officer, addressed the meeting on this item.

DISCUSSION POINTS:

It was noted that the greatest disturbances to waterbird habitats were caused by human activity and dogs off leash which far outweighed the potential threat of climate change.

Q: Careel Bay seems to be an anomaly in that it is not an offleash designated area but still shows substantial disturbance counts of dogs off leash in that area.

A: Council has prohibited dogs and cats from the Careel Bay wetlands and mudflats to protect migratory and residential water birds. The area is fenced and signposted.

Dogs are prohibited on all Pittwater coastal and estuary beaches with the exception of two locations.

Q: Would signage be a good idea to advise people that their own activities and those of their dogs disturb waterbirds?

A: Council has erected signs in the past but the signs tend to disappear.

Pittwater Natural Heritage have erected signs with photographs of local waterbirds in the hope of educating people in responsible behaviour for themselves and their dogs. Although people don't necessarily abide by official directives, they might be swayed through an increased awareness of the need for protection of the waterbird habitat.

Climate Change – Sea Level Rise (SLR)

Previously during climate change events, the salt marshes and mangroves used by waterbirds had the time and space to 'migrate' to higher ground. Rapid SLR coupled with the encroachment of development on these areas means less time to adapt and less room to move. It is likely that the salt marshes will disappear if the projected SLR does occur.

Hornsby Council conducted a study which included farm dams as these have replaced drained mangrove as habitat. They are looking at raising water levels where salt marshes have been degraded, but some very good waterbird habitat remains around the Hawkesbury – Wisemans Ferry area. Ms Campbell is providing access to this report for any interested members.

REFERENCE POINTS:

- **This group look at designing appropriate signage for migratory bird habitat**
- **That the Community Groups alert members via newsletters etc.**
- **Media Release for Manly Daily / other press**
- **Mayoral Column mention**
- **Update to be brought to next NE Reference Group meeting.**

REFERENCE GROUP RECOMMENDATION

1. That the report on the Pittwater Waterbird Survey be noted and Ms Harvey be thanked for her presentation.
2. That this group look into designing appropriate signage to be erected at appropriate migratory bird habitat locations.
3. That Council prepare an appropriate media release for the Manly Daily or other press.
4. That an awareness of the impact of humans and dogs on migratory bird habitat be included in a Mayoral Column.
5. That an update on progress on these initiatives be brought to the next Natural Environment Reference Group meeting in February 2013.

(Ms Marita Macrae / Ms Margaret Makin)

5.0 Emerging Issues

5.1 CABRA – SHOROC Common Waste Service Collection System

Mr Fred Murray-Walker of the Clareville & Bilgola Residents Association reiterated that the residents in his area still had major issues with the proposed Waste Management Strategy, in particular the elimination of the green waste collection service and the introduction of recyclables comingling. The objections are largely based on problems envisaged with collection due to the access difficulties in the Clareville / Bilgola area.

The benefits of the proposed collection system were both financial and environmental. It was recognised that a substantial campaign of education and information was required prior to implementation to 'sell' residents on the benefits. Measures included:

- a lot of community consultation planned over next 3 years
- waste management is expensive
- Kimbriki technology will manage the waste much more efficiently
- savings in money and pollution problems
- landfill is very expensive and not sustainable
- recycling, composting etc will increase
- an education roll out is planned on why there has to be change

Kimbriki is not currently able to handle putrescibles, and there will be a short period between closure at Belrose and completion of the upgrade at Kimbriki. During this interim period waste will be shipped to Illawarra.

It was suggested Council could investigate establishing a register for people who need help, such as the elderly or those living in areas where access is particularly difficult. The assistance could be rendered by volunteers living in the locality perhaps?

REFERENCE POINTS:

- Investigate having a presentation by Kimbriki / at Kimbriki re SHOROC initiative / forward path on waste management.
- Manager, Environmental Compliance, to forward update on waste management to reference groups members.
- Regular updates on the waste management program be brought to the NE Reference Group

REFERENCE GROUP RECOMMENDATION

1. That Council investigate arranging a presentation by Kimbriki / at Kimbriki re SHOROC initiative / forward path on waste management.
2. That the Manager, Environmental Compliance, forward an update on waste management to NE Reference Groups members.
3. That regular updates on the waste management program be brought to the NE Reference Group.

(Martin Porter / Dianne Campbell)

5.2 Reference Group Workshop

Members were reminded that the combined Reference Group Workshop convened to consider points that have been developed as part of the Community Strategic Plan would be held at the Coastal Environment Centre, 4.30pm on Tuesday 20 November 2012.

6.0 Next Meeting

The next meeting of the Natural Environment Reference Group is scheduled to be held at 4.00pm on Wednesday, 13 February, 2013.

**There being no further business
the meeting concluded at 5.57pm
on Wednesday 14 November 2012**

Council Meeting

10.0 Adoption of Community, Recreation and Economic Development Committee Recommendations

11.0 Adoption of Natural Environment Committee Recommendations

12.0 Councillor Questions on Notice

Question 1 – Cr McTaggart

Why have the refuse bins been removed from the Taylors Point Wharf vicinity? Was the removal at the request of URM, staff or nearby residents? Is the rubbish from boats or houses?

Response:

The Principal Officer, Reserves and Recreation, advises that staff removed the bins at Taylors Point Wharf and to erect “Illegal Dumping” signs in their place. This was in response to observations from staff and complaints from residents that the area was being used as a de facto tip site by both members of the community and boat owners who were dumping rubbish from their cars or boats. Since the bins were removed there has been minimal dumping taking place.

Question 2 – Cr McTaggart

Professor West has written several times to Council regarding the pot holes in the road reserve adjacent to Palm Beach Surf Club. Will staff respond to Professor West's repeated requests to fill the pot holes and compact some roadbase?

Response:

The Manager, Urban Infrastructure advises that Council will undertake work to fill these depressions in the next two weeks. Due to the nature of the material in this location ongoing maintenance will be needed.

Question 3 – Cr McTaggart

I notice that the Turimetta Headland Draft Plan of Management makes reference and provision for hang gliders. As this is a popular sport at Eric Green Reserve, Newport, what provision is being made at that location to manage hang glider use?

Response:

The Principal Officer, Reserves and Recreation, advises that the arrangements at Turimetta Headland were in response to a specific request by the local club to merge landing and take-off sites due to safety issues. There are a number of sites that have been used historically by hang gliders including North Mona Vale Headland, South Mona Vale Headland and Eric Green Reserve. Council has not received any correspondence to formalise the use of Eric Green Reserve, but we have had site meetings with the Northern Beaches Paragliding & Hangliding Club concerning both North Mona Vale Headland and South Mona Vale Headland.

Appendix 1 - Confidential Items

Confidential Advice

**Confidential Evaluation Report - EOI 01/12 - Renovations to Avalon
Beach Surf Life Saving Club**

COMMERCIAL IN CONFIDENCE ADVICE

Item No: C8.3

Re: Commercial in Confidence Advice - Evaluation Report - EOI 01/12 -
Renovations to Avalon Beach Surf Life Saving Club

From: Paul Reid,
Manager, Corporate Strategy & Commercial
Les Munn
Manager, Reserves, Recreation & Building Services

Meeting: Community, Recreation & Economic Development Committee

Date: 3 December 2012

The abovementioned matter is listed as Item No. C8.3 in Open Session in the Agenda.

The detailed analysis of the EOI is attached.

Paul Reid,
MANAGER, CORPORATE STRATEGY & COMMERCIAL

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES

Commercial in Confidence - Evaluation Report - EOI 01/12 Renovations to Avalon Beach Surf Life Saving Club

PURPOSE OF REPORT

To consider the result of the Expression of Interest E01/12 for the renovation of the Avalon Surf Club and to approve the procedure to go to a selective tender process.

1.0 BACKGROUND

- 1.1 Avalon Beach Surf Life Saving Club is an important piece of Council infrastructure providing support to the areas surf life saving services and a gathering point for the community for various events. The club was last renovated in 1960 and is in serious need of rectification works to keep in safe working order.

2.0 ISSUES

2.1 Expression of Interest Release

Expression of Interest documents were initially released via architect and member of Avalon Beach Surf Life Saving Club, Robert Hopton, in August 2012. The Expression of Interest was also advertised in the Sydney Morning Herald on Saturday 20 October 2012.

2.2 Expressions of Interest Close

As per the call for Expressions of Interest, the expressions of interest could be received via the official Tender Box or via email prior to the closing specified EOI closing time/date of 11.00am, Monday 12 November 2012.

Thirty-one (31) expressions of interest were received via email with a further three (3) collected from the tender box and were duly registered by Council, as follows, in alphabetic order:

ALARMZONE
ARMAT CONSTRUCTIONS PTY LTD
AXIS BUILDING GROUP
BERMAGUI CONSTRUCTIONS PTY LTD
BUILDPLAN GROUP PTY LTD
C & M
CLASSIC ARCHITECTURAL
COLEMAN & FAIRBURN BUILDERS
CVA CONSTRUCTIONS
FORMULA INTERIORS
FS HOUGH BUILDERS
GARTNER ROSE
GRINDLEY PTY LTD
ICHOR PTY LTD
ILLUKA CONSTRUCTIONS PTY LTD
INAPHASE
INTEGRITY CONSTRUCTIONS
KEYSTONE PROJECTS GROUP
KINSLEY CONTRUCTIONS

MOMENTUM BUILT
 N MOIT & SONS PTY LTD
 NORDARCON
 NORTHSHORE CONSTRUCTIONS PTY LTD
 OLYMPIA GROUP
 PATTERSON BUILDING GROUP
 PROJECT BUILDING EXCELLENCE
 QUESTECH
 RAPID CONSTRUCTIONS
 ROTRIC CONTRUCTIONS
 SAFIN PTY LTD
 SUDIRO CONTRACTING
 TAYLOR CONSTRUCTION GROUP
 TJD ELECTRICAL
 UNITY NSW PTY LTD

2.2 Evaluation

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Robert Hopton – Avalon Beach Surf Life Saving Club
 Paul Reid – Manager, Corporate Strategy & Commercial
 John Berry – Group Leader, Building Services
 Peter Baartz – Senior Officer Procurement & Fleet (independent)

Note: Each panel member was required to declare any conflict of interest or pecuniary interest associated with the tender or any of the Companies that have submitted an Expression of Interest

2.3 Assessment process

2.3.1 Stage 1: Tender Compliance and initial cull

- (a) An initial review was conducted by the Evaluation Panel (EP) to identify any non-conforming Expressions of Interest. Expressions of Interest were assessed against the following criteria:

Criteria	Weight %
Financial capacity	30
Methodology	30
Capability and track record	30
Value adding	10
Total	100

- (b) Submissions received from seven (7) respondents were found to be conforming and covered the specification to sufficient degree to allow further assessment. These respondents were:

BUILDPLAN GROUP PTY LTD
GRINDLEY PTY LTD
ICHOR PTY LTD
ILLUKA CONSTRUCTIONS PTY LTD
KEYSTONE PROJECTS GROUP
PATTERSON BUILDING GROUP
UNITY NSW PTY LTD

- (c) Tenders received from twenty-six (26) respondents did not conform. A lack of information was received in most cases against the scored criteria with these submissions being subsequently culled in stage 1.

ALARMZONE
ARMAT CONSTRUCTIONS PTY LTD
AXIS BUILDING GROUP
BERMAGUI CONSTRUCTIONS PTY LTD
C & M
CLASSIC ARCHITECTURAL
COLEMAN & FAIRBURN BUILDERS
CVA CONSTRUCTIONS
FORMULA INTERIORS
FS HOUGH BUILDERS
GARTNER ROSE
INAPHASE
INTEGRITY CONSTRUCTIONS
KINSLEY CONSTRUCTIONS
MOMENTUM BUILT
N MOIT & SONS PTY LTD
NORDARCON
NORTHSHORE CONSTRUCTIONS PTY LTD
OLYMPIA GROUP
PROJECT BUILDING EXCELLENCE
QUESTECH
RAPID CONSTRUCTIONS
ROTRIC CONSTRUCTIONS
SAFIN PTY LTD
SUDIRO CONTRACTING
TJD ELECTRICAL

- (d) The submission received from Taylor Construction was withdrawn by the company before the assessment.

2.3.2 Stage 2: Detailed Evaluation of Remaining Tenders

- The Expression of Interest received from Buildplan Group Pty Ltd for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Buildplan were able to detail relevant commercial and government experience and an adequate methodology.
 - The EP considered Buildplan to be of adequate financial standing in being able to move on to the tender stage.
- The Expression of Interest received from Grindley Pty Ltd for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Grindley have a strong track record in large building projects and provided sufficiently detailed methodology.
 - The EP considered Buildplan to be of adequate financial standing in being able to move on to the tender stage.
- The Expression of Interest received from Ichor Pty Ltd for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - A detailed methodology was provided for the proposed project with relevant experience also being in evidence.
 - The EP considered Ichor to be of strong financial standing and capable of delivering the requirements of the project.
- The Expression of Interest received from Illuka Constructions Pty Ltd for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Relevant local reference sites (Northern Beaches surf clubs) are in evidence in the EOI with a sufficiently detailed methodology provided for the proposed project.
 - The EP considered the statements made by Illuka Constructions in relation to their financial position to be sufficient to enable them to move to the tender stage
- The Expression of Interest received from Keystone Projects Group for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Relevant project experience is in evidence with a detailed methodology provided for the proposed project.
 - The EP considered the financial position to be of sufficient good standing to enable them to move to the tender stage
 - A good response was noted in relation to the value add component of the EOI.

- The Expression of Interest received from Patterson Building Group for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Relevant local reference sites (Northern Beaches surf clubs) are in evidence in the EOI with a sufficiently detailed methodology provided for the proposed project.
 - A good response was noted in relation to the value add component of the EOI.
 - The EP considered Patterson Building Group to be of strong financial standing and capable of delivering the requirements of the project.
- The Expression of Interest received from Unity NSW Pty Ltd for the provision of renovations to Avalon Beach Surf Life Saving is recommended to proceed to the tender stage.
 - Relevant experience was in evidence in the EOI with a sufficiently detailed methodology provided for the proposed project.
 - A strong response was noted in relation to the value add component of the EOI.
 - The EP considered Unity NSW Pty Ltd to be of strong financial standing and capable of delivering the requirements of the project.

3.0 RECOMMENDATION AND ACCEPTANCE

1. That the expressions of interest from the following Companies for renovations to Avalon Beach Surf Life Saving Club be accepted and that these companies be invited to submit detailed tenders through a subsequent select tender process.

BUILDPLAN GROUP PTY LTD
 GRINDLEY PTY LTD
 ICHOR PTY LTD
 ILLUKA CONSTRUCTIONS PTY LTD
 KEYSTONE PROJECTS GROUP
 PATTERSON BUILDING GROUP
 UNITY NSW PTY LTD

2. That upon receipt of Council resolution, the unsuccessful respondents be notified of the EOI outcome and thanked for their participation.

PITTWATER COUNCIL EVALUATION SCORES

E01/12 – Renovations to Avalon Beach Surf Life Saving Club

Criteria	Weighting	Unity NSW Pty Ltd		Ichor Constructions		Buildplan		Keystone	
SCORED CRITERIA		Score (100)	Weighted score	Score (100)	Weighted score	Score (100)	Weighted score	Score (100)	Weighted score
Financial capacity	30%	90	27	75	22.5	80	24	60	18
Methodology	30%	80	24	90	27	60	18	80	24
Capability and track record	30%	80	24	60	18	90	27	80	24
Value adding	10%	100	10	70	7	50	5	90	9
TOTAL	100%	85		74.5		74		75	

Criteria	Weighting	Grindley Construction		Patterson Building Group		Illuka Constructions	
SCORED CRITERIA		Score (100)	Weighted score	Score (100)	Weighted score	Score (100)	Weighted score
Financial capacity	30%	60	18	90	27	60	18
Methodology	30%	80	24	80	24	80	24
Capability and track record	30%	90	27	90	27	90	27
Value adding	10%	50	5	90	9	75	7.5
TOTAL	100%	74		87		76.5	

Pittwater Council Evaluation Score Sheet

EVALUATION SCORESHEET

The Evaluation Panel uses the following rating scale to score its level of the confidence that the Respondent/Tenderer would do what it claims it would do to meet the contractual requirements, based on the Evaluation Panel's assessment of the Respondent's/Tenderer's strengths and weaknesses.

Note: Where proposals score less than 50 in any criterion they are to be ruled non-compliant and assessed no further. Detailed reasons for non-compliance are to be recorded.

Absolutely Risk-Free. Superior response to criterion. Exceedingly innovative and flexible. Greatly exceeds the evaluation criterion. Comprehensively documented. All proposals and claims comprehensively detailed and substantiated. Unequivocal support from the referees. Minimum contract management.	100
Statistically Risk-Free. Outstanding response to criterion. Highly innovative and flexible. Comprehensively meets the evaluation criterion. Completely documented. All proposals and claims fully detailed and substantiated. Unequivocal support from the referees.	90
Minimal Risk but Acceptable. Excellent response to criterion. Very innovative and flexible. Comfortably meets the evaluation criterion. Very well documented, with only minor omissions acceptable without change. Minor lack of substantiation of claims. Referees happy with the Tenderer.	80
Minor Risk but Acceptable. Very good response to criterion. Innovative and flexible. Satisfactorily meets the evaluation criterion. Well documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with minor changes. Referees happy with the respondent/tenderer but report minor shortcomings.	70
Some Risk but Acceptable. Good response to criterion. Minor innovation and flexibility. Satisfactorily meets the evaluation criterion. Satisfactorily documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with important changes. Referees have reservations about past performance.	60
Risky and Barely Acceptable. Acceptable response to criterion, but some non-critical elements are unworkable. Minor innovation and flexibility. Just meets the evaluation criterion. Satisfactorily documented, with important deficiencies and shortcomings not fully resolved with clarification, and manageable only with significant changes. Referees have experienced poor performance in the past.	50
Risky and Unacceptable. (Proposal is Non-Compliant) Problematic response to criterion, with some important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criterion. Barely documented, with important deficiencies and shortcomings not resolved by clarification, and manageable only with substantial restructuring and extra Contract Manager effort. Referees report past failures.	40
Very Risky and Unacceptable. (Proposal is Non-Compliant) Poor response to criterion with many important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criterion. Barely documented, with important flaws not resolved by clarification, and manageable only with a major re-write and excessive effort by the Contract Manager. Referees report past failures.	30
Extremely Risky and Unacceptable. (Proposal is Non-Compliant) Unsatisfactory response to criterion with the fundamentals lacking. No innovation and inflexible. Does not meet the evaluation criterion. Poorly documented, the Respondent/Tenderer has provided minimal information even with clarification. The respondent/tenderer has made an effort but possesses minimal capability and experience. One or more referees are unable to recommend the tenderer.	20
Unequivocally Risky. (Proposal is Non-Compliant) Incomplete response to criterion. No innovation and inflexible. Does not meet the evaluation criterion. Lacks documentation. Respondent/Tenderer has provided some information but the submission/tender is not genuine. Is out of its depth. Is unsuited to the required services. No likelihood of the Respondent/Tenderer making any effort to manage the risks. No referees cited.	10