

Agenda

Council Meeting

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

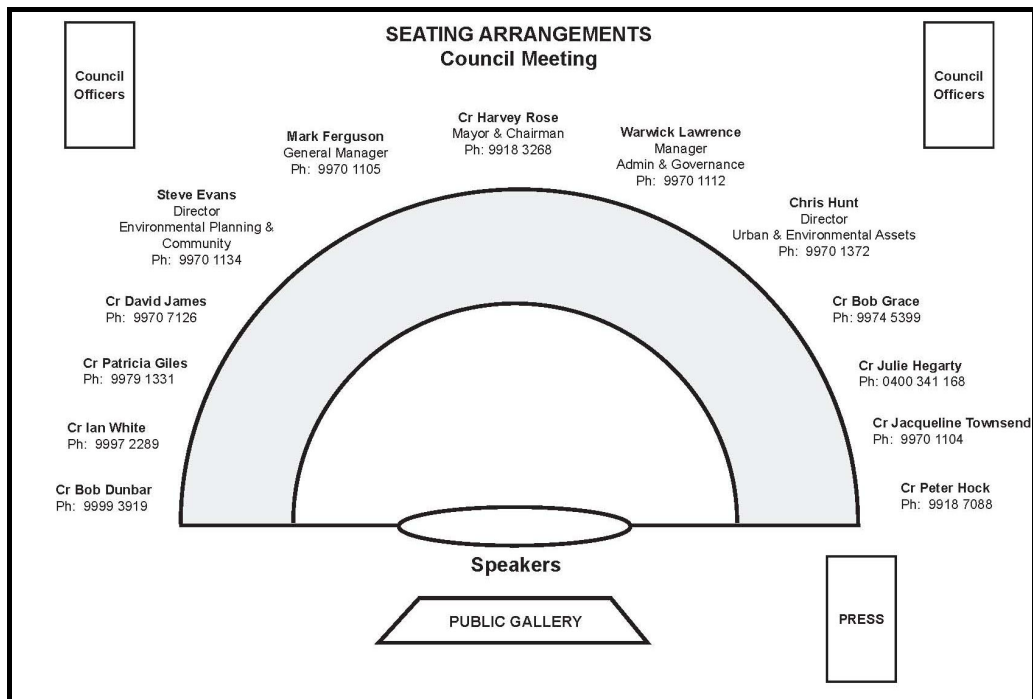
5 September 2011

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

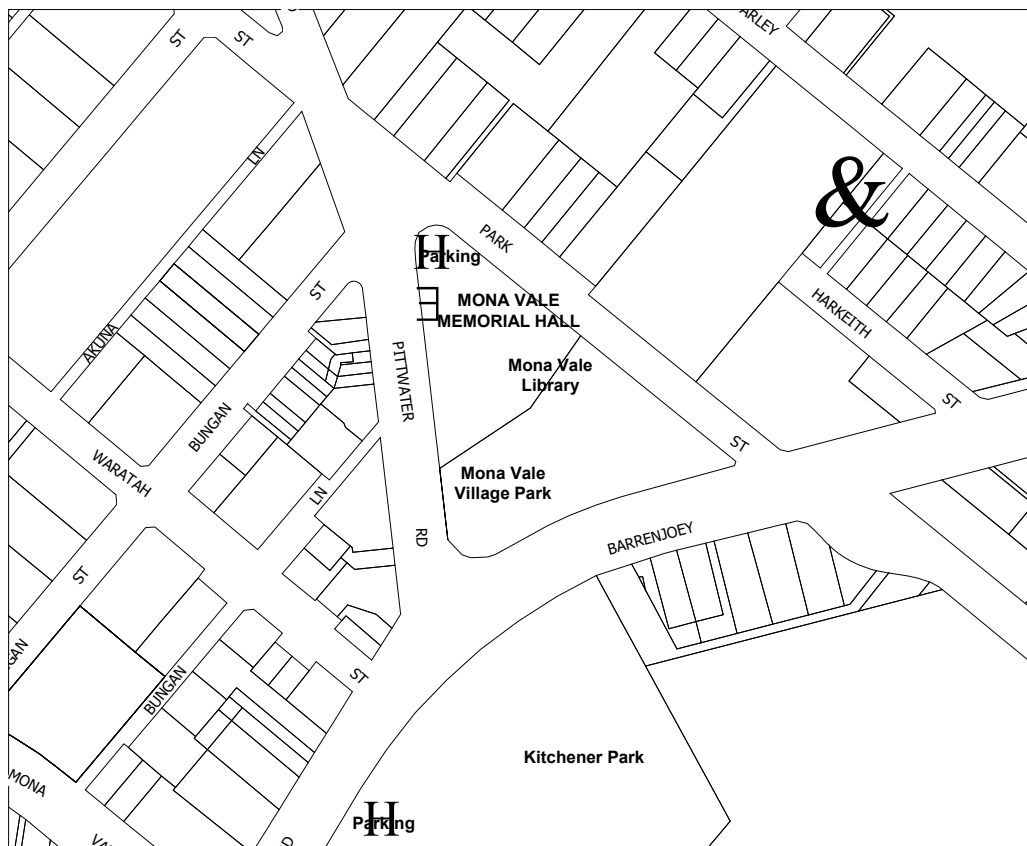
Mark Ferguson
GENERAL MANAGER



Seating Arrangements



Meeting Location



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

Council Meeting

Acknowledgement of Country

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

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

Council Meeting

1.0 Apologies

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

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

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

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

- "(1) [Pecuniary interest] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.*
- (2) [Remoteness] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."*

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

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

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

* A reportable political donation is a donation of:

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

3.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 15 August 2011.

4.0 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.

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.

5.0 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.*

6.0 Mayoral Minutes - Nil

7.0 Council Meeting Business

C7.1 Election of Mayor - 2011/2012 Mayoral Term

Meeting: Council

Date: 5 September 2011

STRATEGY: Business Management

ACTION: Legislative requirement to elect Mayor

PURPOSE OF REPORT

To elect a Councillor to the office of Mayor for the 2011/2012 Mayoral Term, being September 2011 to September 2012.

1.0 BACKGROUND

- 1.1 Section 290 (1)(b) of the Local Government Act 1993 requires the election of a Mayor, elected by Councillors, to be conducted at a meeting during the month of September. The Mayor of the day is entitled to chair this meeting even if he is not elected to Council. If the Mayor chooses not to chair the meeting then the first item of business will be to elect a Chairperson until a successor is declared elected at the meeting.
- 1.2 The procedure for election of Mayor by Councillors is set out in Clause 394 and Schedule 7 of the Local Government (General) Regulation 2005.
- .

2.0 ISSUES

- 2.1 Clause 394 of the Local Government (General) Regulation 2005 provides that where a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7 of the Regulation. The provisions of Schedule 7 are summarised as follows:
- 2.2 The General Manager or a person appointed by the General Manager is the Returning Officer.
- 2.3 A nomination for the Office of Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- 2.4 There is no prescribed form of "nomination paper". However, for convenience, "nomination papers" have been prepared and distributed and will also be available to Councillors at the meeting. Nominations are to be delivered or sent to the Returning Officer. The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.
- 2.5 If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:
- (a) Preferential Ballot
 - (b) Ordinary Ballot
 - (c) Open Voting

The election is to be held at the Council Meeting at which the Council resolves on the method of voting. The Mayor is Chairperson of the meeting until the Returning Officer conducts the Ballot.

2.6 If the method is by Preferential or Ordinary Ballot, it shall be by Secret Vote.

2.7 Open voting means by a show of hands or similar means.

2.8 (A) Preferential Ballots

Councillors are to mark their votes by placing the numbers '1', '2' and so on, against the listed candidates' names so as to indicate the order of their preference for all the candidates.

The formality of a ballot paper under this part is to be determined in accordance with Clause 345 (1) (b)(c) & (5) of the Local Government (General) Regulation 2005.

An informal ballot paper must be rejected at the count.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidate with second preferences on those ballot papers.

A candidate who then has an absolute majority of votes is elected but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

In this clause 'absolute majority' in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot papers.

Tied Candidates

- (1) If, on any count of votes, there are **two** candidates in, or remaining in, the election and the numbers of votes cast for the **two** candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are **three** or more candidates in, or remaining in, the election and the numbers of votes cast for **two** or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

(B) Ordinary Ballot (Secret ballot) / Open Voting (by show of hands or similar)

The formality of a ballot paper at an Ordinary ballot is to be determined in accordance with Clause 345 (1)(b)(c) & (6) of the Local Government (General) Regulation 2005.

If there are three or more candidates, separate and continuing ballots / votes are taken to exclude the candidate with the lowest number of votes, until only **two** candidates remain.

When there are only **two** candidates, or when there are only **two** candidates remaining, a ballot / vote is taken. The candidate with the highest number of votes is elected.

If there are only **two** candidates and they are tied, the **one** elected is to be chosen by lot.

The Returning Officer decides the manner in which votes are to be marked on the ballot paper at an ordinary ballot.

2.9 Summary of Procedure

A summary of the procedure is as follows:

- (a) Councillors will be called upon by the Returning Officer to submit their nomination papers.
- (b) Nominations received will be read to the Meeting by the Returning Officer, who will ask if any of the candidates so nominated wish to decline the nomination.
- (c) If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2005 as quoted above. Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.
- (d) If a ballot is required, ballot papers will be prepared and distributed to Councillors for marking:
 - (i) Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted; and
 - (ii) When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning Officer will announce the results to the meeting.
- (e) If the election is by Open Vote, then votes to exclude candidates (if more than two) and votes to elect a candidate will be taken by show of hands and recorded by the Returning Officer.

The General Manager or a person appointed by the General Manager is the Returning Officer.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment

4.0 EXECUTIVE SUMMARY

- 4.1 Nominations shall be called for candidates for the Office of Mayor for the 2011/2012 Mayoral Term.
- 4.2 That in the event that two or more candidates accept nomination for the Office of Mayor, Council needs to determine whether the election of Mayor for the 2011/2012 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
- 4.3 An election will then be held in accordance with the provisions of the Local Government (General) Regulation 2005.

RECOMMENDATION

1. That nominations be called for candidates for the Office of Mayor for the 2011/2012 Mayoral Term.
2. That in the event that two or more candidates accept nomination for the Office of Mayor, Council determine whether the election of Mayor for the 2011/2012 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C7.2 Election of Deputy Mayor - 2011/2012 Mayoral Term

Meeting: Council

Date: 5 September 2011

STRATEGY: Business Management

ACTION: Legislative requirement to elect Deputy Mayor

PURPOSE OF REPORT

To elect a Councillor to the office of Deputy Mayor for the 2011/2012 Mayoral Term, being September 2011 to September 2012.

1.0 BACKGROUND

- 1.1 Section 231 of the Local Government Act, 1993 empowers the Council to elect one of its members as Deputy Mayor for the Mayoral Term or for a shorter term.

2.0 ISSUES

- 2.1 Section 231 of the Local Government Act, 1993 empowers the Council to elect one of its members to be Deputy Mayor for the Mayoral Term or for a shorter term. It is usual for the Deputy Mayoral term to coincide with the Mayoral Term.
- 2.2 The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the functions of his/her Office.
- 2.3 The nomination and election of a Deputy Mayor is carried out in the same manner as the nomination and election of the Mayor.
- 2.4 There is no prescribed form of "nomination paper". However, for convenience "nomination papers" have been prepared and distributed and will also be available to Councillors at the meeting. Nominations are to be delivered or sent to the Returning Officer and will be accepted at the Council meeting.
-

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 This report does not require a sustainability assessment
-

4.0 EXECUTIVE SUMMARY

- 4.1 Nominations are required for candidates for the Office of Deputy Mayor for the 2011/2012 Mayoral Term.
- 4.2 In the event that two or more candidates accept nomination for the Office of Deputy Mayor, Council shall determine whether the election of Deputy Mayor for the 2011/2012 Mayoral Term, is to proceed by preferential ballot, by ordinary ballot or by open voting.

- 4.3. In the event of more than one nomination for the position of Deputy Mayor, an election will be held in accordance with the provisions of the Local Government (General) Regulation 2005.
- 4.4. In the past the Deputy Mayor has been elected for the full Mayoral Term.

RECOMMENDATION

1. That nominations be called for candidates for the Office of Deputy Mayor for the 2011/2012 Mayoral Term.
2. That in the event that two or more candidates accepting nomination for the Office of Deputy Mayor, Council determine whether the election of Deputy Mayor for the 2011/2012 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.
4. That the Deputy Mayor be elected for the full 2011/2012 Mayoral Term.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C7.3	NOTICE OF MOTION - Sydney Coastal Councils Group (Motion submitted by Cr Townsend)
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Meeting: Council

Date: 5 September 2011

NOTICE OF MOTION

BACKGROUND

The Sydney Coastal Councils Group (SCCG) is due to elect its executive at its meeting of the 10th September 2011. In view of this timing and given that Pittwater's review of delegates to this committee will not be considered until the 19th September it is considered necessary for Council to endorse its delegate to the SCCG prior to this date.

Motion

That Council determine its delegate to the Sydney Coastal Councils Group for the next 12 months.

Cr J Townsend
Deputy Mayor

C7.4 Review of Council's Code of Meeting Practice

Meeting: Council

Date: 5 September 2011

STRATEGY: **Business Management**

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

PURPOSE OF REPORT

To amend Council's Code of Meeting Practice to address, issues that were previously contained in a separate Council Policy, directions received from the Department of Local Government, matters raised by the Community Engagement and Information Reference Group, responding to submissions received during the exhibition period or to amend the code to improve the administrative requirements and operations of the Pittwater Council and its Committee meetings.

1.0 BACKGROUND

- 1.1 Council last reviewed its Code of Meeting Practice at its meeting held on 3 November 2008.
- 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 As a result of the Council's Policy Review a number of policies were identified that required incorporation into Council's Code of Meeting Practice, thus making those policies redundant.
- 1.6 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.
- 1.7 The amendments proposed are only those proposed for Part 1 of the Code.
- 1.8 The amended Code was placed on public exhibition for a period of 28 days with submissions received up to 42 days from the date the code was placed on public exhibition.
- 1.9 In addition to the usual public exhibition period the draft Code was also circulated for comment to members of the Council's Community Engagement and Information Reference Group.

- 1.10 One formal submission was received as a result of the public exhibition period and a submission was also received from one reference group member.
- 1.11 Council now needs to adopt an amended Code of Meeting Practice after considering the submissions received.

2.0 ISSUES

- 2.1 The inclusion into the code of those policy issues identified during the policy review process.
- 2.2 Amendment of the code to provide for actual administrative processes and practices or direction from the Department of Local Government
- 2.3 Consideration of the issues raised in the two submissions received.
- 2.4 Attached to this report (refer **Attachment 1**) is a copy of the submissions received from the Newport Residents Association Inc and the member of the Community Engagement and Information Reference Group with his personal details deleted due to privacy reasons.
- 2.5 It is noted that the submission received from the Reference Group member also raises issues not related to the Code of Meeting Practice (which have been responded to separately) and as such only those issues raised in relation to the Code will be addressed in this report.
- 2.6 Both submissions focus on the Section relating to - Residents Questions (Section 28)
- 2.7 In addition to the submissions received the matter of the proposed amendments to Residents Questions was raised at the Community Engagement and Information Reference Group meeting. The Reference Group was strongly against any amendment to the previous guideline and felt that it was appropriate that members of the community be provide with a formal opportunity to ask questions and as such the previous arrangement should be maintained. The Reference Group also were supportive of allowing a supplementary question should clarification of either question be required.
- 2.8 Should this proposal be adopted it would mean that residents could ask up to three (3) questions, which is not supported.
- 2.9 The comments in the submission made in relation to Section 28 (11) in the draft Code (relating to the restriction of asking questions relating to matters involving current dealings with Council) has merit and as such that section should be deleted. Obviously should the question relate to a confidential matter the response to the question may be that due to the confidential nature of the matter that a response cannot be provided at that time.
- 2.10 The submission from the Reference Group member states that it is inappropriate to “hard code” the previous guideline into a policy but should be either relaxed or deleted and rather leave it to the Chairman to deal with questions as he/she sees fit.
- 2.11 After due consideration of the matters raised in the two submissions and the comments made at the Reference Group meeting it is proposed that the previous guideline of allowing the submission of questions in writing by 6.15pm at the Council meeting be maintained and that the section referred to in Item 2.9 above be deleted.

- 2.12 It is also noted that the previous guidelines for the time set aside for Public Forum were overlooked in drafting the new Code of Meeting Practice. As a result I have included the previous guidelines in the new code under the section relating to Public Forums (Section 25), without amendment.
- 2.13 The Section in the Code relating to Residents Questions (Clause 28) has now been amended to allow the submission of questions in writing by 6.15pm on the day of the Council meeting.
- 2.14 Attached to this report is the amended policy recommended for adoption (refer **Attachment 2**).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 No effect on this assessment

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 No effect on this assessment

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 No effect on this assessment

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The review of the Code of Meeting Practice is required to ensure that 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)

- 3.5.1 No effect on this assessment

4.0 EXECUTIVE SUMMARY

- 4.1 As a result of Council's Policy review several policies were identified to be more appropriate for inclusion in the Code of Meeting Practice rather than as stand alone policies.
- 4.2 The Code has not been reviewed since 3 November 2008.
- 4.3 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.
- 4.4 The amendments to the Code were placed on public exhibition for 28 days and circulated to members of the Community Engagement and Information Reference Group members, following which two submissions were received.

- 4.5 The proposed Code was also considered at the Community Engagement and Information Reference Group meeting held on the 24 August 2011 which supported the previous guideline for residents Questions as well as a supplementary question to allow clarification of a question should there be such a need.
- 4.6 The submissions received and the recommendations of the Community Engagement and Information Reference Group have been taken into consideration and it is proposed to maintain the previous Guideline for residents questions except for the deletion of the clause restricting questions on matters involving current dealings with Council..
- 4.7 The attached Code of Meeting Practice is recommended for adoption.

RECOMMENDATION

That the attached Code of Meeting Practice be adopted.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE



Newport Residents Association Inc.

RECEIVED MONA VALE

18 JUL 2011

CUSTOMER SERVICE

PO Box 1180

Newport Beach NSW 2106

President - Kyle Hill 0412 221 962

Vice President - Selena Webber (selenawebber@hotmail.com)

Hon. Secretary - Sue Young (smyoung@tpg.com.au)

Hon. Treasurer - Gavin Butler (gebutler@aapt.net.au)

www.newport.org.au

15th July 2011

The General Manager,
Pittwater Council
PO Box 882,
Mona Vale NSW 1660

Dear Sir

Re Council Meetings – Code of Meeting Practice Review - Doc Set No.3767924

We refer to the above review document and wish to raise issue with it especially in relation to Item 28 that deals with Residents Questions at council meetings.

Firstly Item 28 (4) which is currently worded as follows;

'That all questions be in writing or made electronically and lodged with the General Manager no later than 12 noon on the Thursday prior to the Council meeting at which it is to be considered.'

This is a preposterous recommendation that all questions must be submitted by the Thursday before the meeting being the same day that the meeting Agenda is published. The effect of this is the prevention of a resident to ask any question on any matter that has come to light in the Agenda. We are aware that a resident can register to speak for or against an Agenda item but that does not allow them to ask a question about that matter, thereby denying them the chance to get an answer to their concern before a matter is dealt with by Council. The effect of this change is that if there is **any** question regarding any of the financial, investments or other reports and items included in the Agenda a resident is unable to raise a query until the following meeting, generally the next month, which by then most councillors consider as old matters.

Item 28 (4) should be altered so that the current practice of submitting questions just prior to the meeting is reinstated to the procedure.

Secondly Items 28 (11) which is currently worded as follows;

'Matters involving current dealings with Council (eg development applications, contractual matters, tenders or legal matters etc)'

Whilst this item is a direct reproduction of the guidelines to Residents questions contained at the front of any Agenda we believe this is in itself an inappropriate restriction. Additionally whilst the wording gives some examples the wording could actually be interpreted to cover anything at all. Further to prevent a resident asking any question about major rezoning issue, DA issues, affordable housing issue, as examples, is an inappropriate restriction on the rights of residents. At

each Council meeting there is a Chairman who is more than capable of ensuring that questions are reasonable and generally within guidelines and we believe the Chairman currently handles these matters quite appropriately. This item should not be hard coded into a code of practice which allows it to be administered in black & white and together with the proposals under Items 28 (4) becomes an effective gag on residents.

Item 28 (11) should be deleted.

Thirdly Item 28 (12) which is currently worded as follows;

'The person submitting the question will read out only the question as submitted.'

This item should be deleted as it flows from the procedure under Item 28 (4) which we recommend be deleted with the previous practice reinstated.

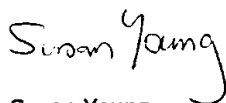
In summary we believe that the Code of Meeting Practice should reflect the stated objective that is currently outlined in the current council meeting agendas which state the following;

'THE PURPOSE OF RESIDENT QUESTION TIME IS TO PROVIDE THE COMMUNITY WITH A FORUM TO ASK QUESTIONS OF THE ELECTED COUNCIL ON MATTERS THAT CONCERN OR INTEREST INDIVIDUAL MEMBERS OF THE COMMUNITY'

We believe a number of the recommendations that are contained in the new drafted code of meeting practice as noted above contravene this objective.

We also believe that the appointed Chairman of any council meeting is an able person who is more than capable of ensuring resident question time is not abused but that the residents are allowed their rights to ask those questions as outlined in the stated objective and therefore these changes are completely unnecessary.

Yours sincerely,



Susan Young
Secretary

cc NSW Ombudsman
HSBC Centre, Level 24,
580 George St
Sydney. NSW 2000

Minister for Local Government
Governor Macquarie Tower
Level 33, 1 Farrer Place
Sydney. NSW 2000

[REDACTED]

Sent: 11/07/2011 05:31:33 PM

[REDACTED]

Subject: Re: Code of Meeting Practice Review - Public Exhibition

Pamela,

Do you know whether this Code of Meeting Practice Review is to be added to the Agenda at the next reference group meeting? If not it should be as any review finalisation should be deferred until after that meeting.

The proposed changes are outrageous and are essentially a gag on any matter on the meeting agenda or any matter that is currently being dealt with by council e.g. DA, rezoning, contractual, tenders or legal. I also note that the suggestions made at the Reference Group Feb 2011 meeting, whilst being referred to by Warwick Lawrence, have not been incorporated for discussion in this review.

One final point is that Council Management have recommended and Councillors adopted a change to this reference groups name from 'Governance' to 'Community Engagement and Information', I don't see how a new 'Code of Meeting Practice' does not fall within the discussion ambits of this reference groups new name meaning.

I would appreciate it if you could pass a hard copy of this onto this Reference Groups Chairman, Mr Bob Grace as I know he has no access to e-mails at home.

Thanks and regards

[REDACTED]



PITTWATER COUNCIL

Code of Meeting Practice

ECM Subject: Council Meetings - Code of Practice (DocSet No: 3767924)

Document Controller - Manager, Administration & Governance

CODE OF MEETING PRACTICE

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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:	20/12/93	Supplementary Provisions
	4/7/94	
	8/8/94	
	7/11/94	
	29/5/95	
	28/8/95	
	18/9/95	
	23/10/95	
	26/8/96	
	4/11/96	
	25/11/96	
	5/5/97	
	25/8/97	
	2/2/98	
	23/3/98	
	29/3/99	
	12/11/2001	
	11/03/2002	
	15/04/2002	
	13/05/2002	
	14/04/2003	
	12/05/2003	
	11/08/2003	
	13/02/2006	
	3/09/2007	
	22/10/07	
	24/04/08	
	03/11/08	

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 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 the Council, 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).

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) Business by Exception
- 8) Council Meeting Business
- 9) Principal Committee Business
- 10) Councillor Questions with Notice
- 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 negated 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 negated, 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 negated (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) 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 negated 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 negated 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 negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, 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 negated 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.

Community, Recreation and Economic Development Committee

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

C8.1 Surf Club Subsidies

Meeting: Community, Recreation & Economic Development Committee

Date: 5 September 2011

STRATEGY: Recreational Management

ACTION: Continue to support the local surf life saving clubs.

PURPOSE OF REPORT

To determine the level of annual subsidy to be provided to each of the nine Surf Clubs in the Pittwater area and the controlling body, Surf Life Saving Sydney Northern Beaches Inc.

1.0 BACKGROUND

- 1.1 Council provides an annual subsidy to the Volunteer Surf Life Saving Association to assist in the normal operation of the surf clubs.
- 1.2 Since its inception, Pittwater Council has provided support for the Volunteer Surf Life Saving movement, part of which is the payment of an annual subsidy to each of the nine Pittwater Surf Clubs and to the parent group, Surf Life Saving Sydney Northern Beaches Inc (SLSSNB).

2.0 ISSUES

2.1 Level of Subsidy

- Council's direct cash subsidy for 2010/2011 season was \$73,490.
- This comprised a payment of \$6,890 to each of the nine (9) Surf Clubs, \$5,740 to SLSSNB for beach management and administration and a shared user charge of \$5,740 for Warringah Surf Rescue, giving a total of \$73,490.
- A written request from Gordon Lang, President of SLSSNB, for the payment of subsidies for the 20011/2012 season, has been received (refer **Attachment 1**).
- A breakdown of the surf club's allocation of subsidies has been received and is included as **Attachment 2**.
- SLSSNB has requested an increase of 3.3% for this year's subsidy.
- An increase of 2.8% is recommended in line with the State Government's direction for rate increases.

2.2 Comparison of Annual Applications for Funding Subsidies

Basis of Application	2008/2009	2009/2010	2010/2011	2011/2012
Grant to each of the Pittwater Clubs (9)	\$60,435	\$60,435	\$62,010	\$63,747
Branch Management & Administration	\$5,595	\$5,595	\$5,740	\$5,901
Inshore Rescue Boat (2 boats included in the 1998/99/2000 costs)	NIL	NIL	NIL	NIL
Warringah Surf Rescue Duty Officer	NIL	NIL	NIL	NIL
Warringah Surf Rescue – Shared User Charge	\$5,595	\$5,595	\$5,740	\$5,901
TOTAL	\$71,625	\$71,625	\$73,490	\$75,549

Apart from direct cash subsidy payments, Council during 2010/2011 also provided financial support to the Surf Clubs and volunteer life saving movement, in the following areas:

Rate rebate for the 2010/11 year to Palm Beach Surf Club under a Deed of Agreement which quantifies the net benefit to the community by the Surf Club.	\$39,500
A rate rebate to Whale Beach Surf Club for the 2010/11 year paid to Whale Beach Surf Club under a similar Deed of Agreement.	\$ 7,762
General maintenance of Surf Club buildings carried out during the 2010/11 financial year on Surf Club buildings (includes supervision and maintenance).	\$76,770
Capital expenditure on Surf Club buildings for the 2010/11 financial year	\$66,242
Miscellaneous items eg, Parking Stickers (1174 @ \$300.00 each incl GST)	\$352,000
Water consumption at Surf Club buildings	\$27,391
Waiver of fees for Surf Education classes at Pittwater beaches 17 classes @\$90 each	\$1,530

A further \$898,734 was expended on Contract Lifeguard Services.

The total annual contribution to the operation of surf life saving and lifeguard services and facilities on Pittwater beaches during 2010/2011 was approximately **\$1,469,929**.

2.3 SRV Assistance with Surf Club Infrastructure

The introduction of the Special Rate Variation will also see the injection of over \$2.3M of additional funding into surf club building infrastructure over the next 10 years.

2.4 Level of Subsidy Requested

a) Cash Subsidy

The total cash subsidy requested for the nine Surf Clubs for 2011/12 is: \$63,747

The total cash subsidy requested for Branch Management Operations is: \$11,802

The total cash subsidy provided to the Surf Clubs and Surf Club Operations is: \$75,549

b) Rate Rebates

The 100% rate rebate for Palm Beach Surf Club for 10/11 is: \$39,500

The 50% rate rebate for Whale Beach Surf Club for 10/11 is: \$7,762

The total rate subsidy requested by Palm Beach Surf Club (100%) and Whale Beach Surf Club (50%) is: \$47,262

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The continued support of the local surf clubs by Council recognises the importance of the volunteer surf life saving movement to the Pittwater community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The report will have no impact on this strategy.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The report will have no impact on this strategy.

4.0 EXECUTIVE SUMMARY

- 4.1 Since its inception, Pittwater Council has provided support for the Volunteer Surf Life Saving movement, part of which is the payment of an annual subsidy to each of the nine (9) Pittwater Surf Clubs and to the parent group, Surf Life Saving Sydney Northern Beaches Inc (SLSSNB).

RECOMMENDATION

1. That the subsidies offered to the surf clubs this financial year be increased by 2.8% on the 2010/2011 financial year which is in line with the rate increase approved by the State Government.
2. That Council pay a total direct cash subsidy of \$75,549 being:
 - A payment of \$7,083 to each of the nine (9) Surf Clubs in the Pittwater area.
 - A payment of \$5,901 to Surf Life Saving Sydney Northern Beaches Inc for management and administration costs and IRB operations.
 - A shared user charge of \$5,901 to Warringah Surf Rescue.
3. That a rates subsidy of \$39,500 to Palm Beach Surf Club, and \$7,762 to Whale Beach Surf Club for 2009/10, be approved.
4. That the total amount of funding expended on supporting surf life saving and lifeguard services and facilities on Pittwater beaches in 2010/11 was \$1,469,929 be noted.
5. That the additional funding from the Special Rate Variation toward surf club building infrastructure which will inject \$2.3 million over a 10 year period be noted.
6. That Surf Life Saving Sydney Northern Beaches Inc and the nine (9) Surf Clubs be invited to a cheque presentation at the Council meeting to be held on Tuesday 4 October 2011.

Report prepared by
Nikki Griffith, Reserves & Recreation Officer

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES



ABN 31 416 737 307

Unit 2/5 Vuko Place
Warriewood, NSW 2102

Tel: 02 9913 8066 Fax: 02 9913 9066

Email: info@surflifesaving.net.au
www.surflifesaving.net.au

21 July 2011

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
Mona Vale NSW 2103

Dear Mark

Re: Financial Assistance to Surf Life Saving Services – Pittwater

We are pleased to report on the performance of the nine (9) Pittwater Council area Surf Life Saving Clubs for the 2010/11 season and advise that all Clubs have worked diligently in meeting their duty of care standards to the community.

Again in season 2010/2011 no lives were lost during our patrols thanks to the vigilance and service of our members.

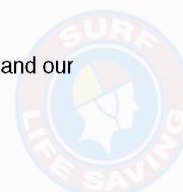
For your information we would like to provide some performance statistics for the past season:

Rescues	490
Emergency Care	3,003
Preventions	8,333
Membership - Total	6,038
Membership - Patrolling	2,337
Patrolling Member Hours	58,524

In addition to patrol hours, we estimate that on average each member invests an equal amount of their personal time in education and training to achieve higher levels of lifesaving awards; physical training; and club activities and administration.

Our performance and service on the beach and within the community is only possible with the generous support of a number of benefactors and supporters, one such vital supporter is Pittwater Council.

Over the years Pittwater Council has provided financial support to our 9 Clubs and our Branch Support Services.



THE 21 CLUBS ON THE NORTHERN BEACHES



Last season Pittwater Council generously provided financial support to the Pittwater Clubs and Branch as follows:

Clubs (\$6,890 each)	\$62,010
Branch	\$5,740
Warringah Surfcom	\$5,740
Total	\$73,490

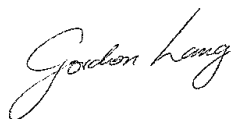
The attached table illustrates how the grants were spent at each Club.

For season 2011/2012, we request a 3.3 % CPI increase (ABS March quarter) bringing the figures to:

Clubs (\$7,117 each)	\$64,053
Branch	\$5,929
Warringah Surfcom	\$5,929
Total	\$75,911

We would like to take this opportunity to thank the Mayor and Councillors, the management team and staff of Pittwater Council for their strong support of Surf Life Saving within Pittwater and look forward to your continued support in the future.

Yours faithfully



Gordon Lang
President

PITTWATER COUNCIL GRANTS 2010/11 REPORT

Beach	Item	Cost	Status	Who Benefits
North Palm Beach \$6,890	Contributed towards replacement cost of new 4WD vehicle. Purchase of two radios.	\$6,890	Completed	The community and the members.
Palm Beach \$6,890	Repairs, maintenance and engine overhaul of Bobcat ATV.	\$6,890	Completed	The community and the members.
Whale Beach \$6,890	Purchased of an Achilles 385 IRB hull. Purchased of a Laerdal Heart Start Defibrillator.	\$11,581 \$2,528	Completed	1. Club members who use the equipment for rescues. 2. The public who swim and seek recreation at Whale Beach. They are assured the club responsible for their safe keeping has up to date equipment in prime working order.
Avalon Beach \$6,890	Two Radios Medical Box ATV Radio harnesses and waterproof bags IRB Motor \$2315 First Aid supplies and oxygen Electricity and general running expenses	\$1,540 \$400 \$900 \$2,315 \$1,500	Completed	The community & patrol members
Bilgola \$6,890	Contribute towards the cost of purchase a new IRB motor, new adjustable foot straps, a new propeller guard, repair of our IRB hulls and servicing of our Oxy Vivas.	\$7,000 (plus)	Completed	Bilgola SLSC patrolling members & Beach goers

C8.2 2012 Avalon Tattoo

Meeting: Community, Recreation & Economic Development Committee

Date: 5 September 2011

STRATEGY: Recreational Management

ACTION: To authorise the Exercising of the “right of entry” for the 2012 Avalon Tattoo

PURPOSE OF REPORT

To effectively co-ordinate the administration of the Council’s Freedom of Entry (FOE) rights and the exercising of that authority for the 2012 Avalon Tattoo.

1.0 BACKGROUND

- 1.1 Council at its meeting of 1 March 2010 resolved to:-
“grant to the three local cadet units (TS CONDAMINE, 201 ACU and 305 SQN AAFC) the right of Freedom of Entry to the Pittwater Local Government Area for 2010”.
- 1.2 The Avalon Tattoo has become an annual event which is co-ordinated by the Avalon Beach RSL Sub-Branch, is held in June and contained within the Avalon Commercial Precinct. The first Avalon Tattoo was held in 2007.
- 1.3 Granting of the FOE upon military units is mostly ceremonial and gives the right of general entry to the unit to parade through the streets on ceremonial occasions and to be present at official functions.
- 1.4 The exercising of the FOE of the City enables local government bodies to honour a distinguished unit of the armed forces, and so strengthens the ties between citizens and servicemen and women.
- 1.5 The Freedom of Entry approved by the Council in 2010 was granted to TS Condamine, 201ACU and 305 SQN AAFC.
- 1.6 The Avalon Beach RSL Sub-Branch co-ordinator advises that it is planned that only one unit exercise their right at the annual Avalon Tattoo in 2012, being 305 SQN Air Force Cadets with the challenge made by the senior local police officer, accompanied by the Mayor, as a prelude to the march past by all participants (refer **Attachment 1**).

2.0 ISSUES

- 2.1 The 305 Squadron Australian Air Force Cadets have requested the opportunity to exercise the right to “enter” the Pittwater Local Government Area on Saturday 16 June 2012 as part of the Avalon Tattoo.
- 2.2 The Freedom of Entry to the Pittwater Local Government Area was granted by Council on 1 March 2010 to three local cadet units (TS Condamine, 201 ACU and 305 SQN AAFC).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The granting of the FOE is the ceremonial recognition of the confidence, trust and friendship existing between the local area and its military personnel. This request would signal recognition by the people of Pittwater of the strong local tradition of providing cadets for the three branches of the armed forces.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 No impact on the natural environment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 No impact.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 This report co-ordinates the administrative requirement of approving the exercising of the authority for Freedom of Entry to the Pittwater Local Government Area.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 No impact on the built environment.

4.0 EXECUTIVE SUMMARY

- 4.1 The Freedom of Entry to the Pittwater Local Government Area was granted to the three local cadet units (TS Condamine, 201 ACU and 305 SQN AAFC) by Council on the 1 March 2010.
- 4.2 A request has been received by the Avalon Beach RSL Sub Branch (refer **Attachment 1**) for the exercising of the right to “enter” the city by the 305 Squadron Australian Air Force Cadets on Saturday 16 June 2012 as part of the Avalon Tattoo.

RECOMMENDATION

That Council grant the right of entry to the Pittwater Local Government Area to the 305 Squadron Australian Air Force Cadets on Saturday 16 June 2012 as part of the Avalon Tattoo.

Report prepared by
Nikki Griffith – Reserves and Recreation Officer

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES



19th August 2011

Nikki Griffith
 Reserves & Recreation Officer
 PH: 9970 1355
 Fax: 9970 1389
 Mobile: 0417 426 925

EXERCISING OF FREEDOM OF ENTRY AT ANNUAL AVALON TATTOOS

Dear Nikki,

1. The fifth annual Avalon Tattoo, a free community event, sponsored by the Avalon Beach RSL Sub Branch, in cooperation with the Pittwater Council, held on Saturday 18th June 2011, has developed from the initial Reserve and Cadets Expo in 2007 to what is now a mini Edinburgh Tattoo. The emphasis remains on the cooperation between the ADF, Cadets and Community Services particularly with the youth of today being the future of Australia. The Avalon Beach RSL Sub Branch is committed to fostering ADF Reserves and Cadets and interacting with the community, particularly Community Services. The participation of a wide range of organisations and bands, including pipe bands, has added a greater dimension to the Tattoo.
2. As noted in the Avalon RSL Sub-Branch letter to the Pittwater Council General Manager dated 25th July 2011, in 2010, Pittwater Council granted Freedom of Entry to the three local Cadet Units and one Service will exercise that right each year in conjunction with a march past; being 201 Army Cadet Unit in 2011 with the salute taken by Her Excellency Professor Marie Bashir AC CVO Governor of NSW. As the future of TS CONDAMINE remains uncertain, in 2012, 305 Squadron Australian Air Force Cadets (AAFC) will conduct that ceremony.
3. The Exercising of the Right of Freedom of Entry is a symbolic ceremony as part of a parade which, at the Tattoo, precedes a march past. While it does not require specific permission from the Granting Authority, it is courteous administrative practice for the conduct and timing of the Exercising ceremony to be negotiated between the Authority and the unit Exercising the Right. At

the Tattoo it does not involve any financial or administrative commitment from Pittwater Council other than the presence of the Mayor, if available, to be in the company of the senior local legal representative; in this case, the senior NSW police officer present.

4. The letter of 25th July was to acknowledge the support and cooperation of Pittwater Council for the Avalon Tattoo and, while the Avalon RSL Sub-Branch believes the current procedures to be most satisfactory, in view of the indications that future Tattoos will increase in size, to determine if Council preferred to formalize any support.

5. While not wishing to set a precedent which could necessitate other units elsewhere having to seek approval, in the interests of equanimity and the spirit of cooperation, the approval and concurrence of Pittwater Council to Exercise the Freedom of Entry of a Cadet Unit at each annual Tattoo is requested.

Yours sincerely



(G.V. Sloper)
Commodore AM RAN (Rtd)
President

C8.3	Minutes of the Community, Recreation & Economic Development Reference Group Meeting of 3 August 2011
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Meeting: Community, Recreation & Economic Development Committee

Date: 5 September 2011

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 3 August 2011 (**Refer 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 solutions
 - 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

- 2.1 There were no specific Reference Points identified at this meeting that require action other than administrative matters. The minutes reflect a constructive and robust discussion on both of the major topics that were considered.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

To present to Council the Minutes of the Community, Recreation and Economic Development Reference Group contained in the minutes of the meeting of 3 August 2011 for Council's consideration.

RECOMMENDATION

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 3 August 2011 (**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

3 August 2011

Commencing at 4.00pm



Attendance:

Cr Ian White, Chairperson

Members

Pittwater Community Arts – Ms Lorrie Morgan
Newport Residents Association – Dr Ruth A Fink Latukefu
Clareville & Bilgola Plateau Residents Association – Ms Jennie MacKenzie
West Pittwater Community Association – Mr Paul Purvis/Ms Penny Gleen
Pittwater Community Arts – Ms Bronwyn Hammond
Pittwater Community Gardens Association Incorporated – Ms Rosalba Courtney
Sustainability Pittwater – Mr Anthony Robinson
Pittwater Resident Representative – Ms Mischa Moraza
Pittwater Resident Representative – Mr Alan Porter
Pittwater Resident Representative – Mr Les Wingham

Council Advisors

Mr Lindsay Godfrey, Manager Community, Library & Economic Development
Ms Melinda Hewitt, Social, Community & Economic Development Coordinator
Mr Paul William-Smith, Regional Economic Development Coordinator
Ms Sherryn McPherson, Administration Officer/Minute Secretary

Community, Recreation & Economic Development Reference Group Meeting

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CRED4.2	Development of a new Social Plan	
5.0	Emerging Business	
6.0	Next Meeting	

**The Director, Environmental Planning & Community
has approved the inclusion of
all reports in this Minutes.**

1.0 Apologies

Notes:

1. Apologies were received from

Ms Heath Blanshard - Pittwater Community Gardens Association Incorporated
Mr Steve McInnes - Surf Life Saving Northern Beaches
Ms Sandra Skelly - Pittwater Resident Representative
Mr Hans Hui - Newport Residents Association

and leave of absence was granted from the Community Recreation & Economic Development Reference Group Meeting held on 3 August 2011.

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 & Economic Development Reference Group Meeting held on 4 May 2011, be confirmed as a true and accurate record of that meeting.

(Mr Alan Porter / Ms Jennie MacKenzie)

4.0 Discussion Topics

CRED4.1 Economic Development

Proceedings in Brief

Mr Lindsay Godfrey (Manager, Community Library and Economic Development) addressed the meeting on this item.

MATTERS ARISING FROM THE DISCUSSION:

Referring to Question 1 of the Agenda – What are the main types of services (medical, legal, accounting), retail shopping (supermarket) etc needed for our small centres (Avalon, Newport etc) and in what ways could Council encourage and support these business to stay and grow?

Council would like our villages to remain open and vibrant, to do this Pittwater the community will need to assist in naming the services they require and support the small local business to ensure they remain available and local.

What sorts of services do we want / need and how can we keep them alive and vibrant?

- The Transport Industry is currently conducting regional research consisting of a 5 – 10 year plan to pre-empt the requirements / increase or decrease of trucks and drivers to accommodate the changing retail structure. As a result, basic services and everyday items is projected to remain an essential part of life, however, the retail industry will change over the next 5 – 10 years and shopping online will be the way of the future. If people are concerned about ordering bulky goods and hardware items, they can look beyond going to Brookvale as needs can be met and delivered to the community from external areas.
- The area needs to continue providing good amenities, improving the paving in the area and accessibility into shops. The increase of cars and parking is an issue which makes shopping an issue for the older generations in regards to accessibility which also need to be addressed to assist people with a disability.
- Online shopping is decreasing in some forms, a review has shown fewer people are grocery shopping online, it has been reported to be more economical to go to the local shop than purchasing online.
- Enhance and improve our village centres to include more lively and social atmosphere, encourage and create places where the community can congregate. Newport and Avalon is a great example. We need to decrease the larger service facilities such as banks and increase the social atmosphere for youth, families and older generations with places such as fine dining, coffee shops and cafes. Bike paths surrounding and leading to the cafes / restaurants would also encourage exercise and social interaction.

In the future we will see a video and book stores will decrease, what shops would we like to remain, What mix of services do we want available?

- We need to focus on what the community needs and building on the quality of what is already established.
- The Community would like to keep our villages small and specialized and continue to support the small local businesses. It would be good to provide more emphasis on outdoor eating and social areas with appropriate alcohol licences.

Q: To assist our local business, do we have registers for what local companies and services are available to our community and where they are located within our villages?

A: Pittwater Life does contain a listing of the local business with in the area which is available to the community.

- The younger generations are currently sourcing local entertainment outside for example Cinemas, retail shopping at Chatswood and lively Café atmospheres. The area is lacking in these facilities and accessibility is also a problem.
- Less retail in the area – to keep a vibrant area, we are going to need unique shops that will keep people coming back to the area.
- Encouraging activities in the area for example the northern end of Hyde Park in the city has a chess area with pieces standing up to 1 metre high. It a hub of activity where people congregate and at a low cost.

Strengths we have sometimes get forgotten. We need to build on these and support informal connections within the community.

Large amounts of people are moving to the Pittwater area. Is it easy for them to locate and see what is available?

- A centralized Information Centre would assist the community, tourists and visitors in the area with locating local business with additional details of what and where services are available.
- The group has previously discussed the question can Real Estates control this information especially for the people moving, buying and renting in the area.

Q: Change is constant and authorities both State and Federal will be asking Local Government how is Pittwater going to accommodate the increase of population and how are we going to handle it. How do we expect smaller villages to cope? They will struggle with rent when we are only selling the basic essentials. Unless there is a change in some of the smaller centres such as Bilgola Plateau, North Avalon and Clareville they will find it hard to survive.

A: As a community, is it a decision we need to make to support and shop in our local shops. If we want to see them retained do we as a community get behind them and pay the extra prices to keep them going if they are important to us.

- Is there some way that we can work with local Chambers of Commerce to place there business details in an on-line database, so as people can search for the chemist, grocery shop and newsagent in the local area? It would be local business responsibility to manage this and to promote themselves and which would assist the community with what services are available to them.
- Would like to see the return of old milk bar style cafés, which would contain the vibrant and young atmosphere for the younger generations to congregate and socialise. Concerns have been raised in the past with our younger people occupying open public space in Pittwater. Whilst some people can find this confronting when seeing large groups of youth, the young people (as members of our community) have a right to occupy our public spaces and we need to encourage this.

What items do we as a community travel outside our immediate area to purchase and should these items should be available locally?

- Mona Vale is a great hub of activity and provides a lot of amenity to the community. Shopping, eating and entertainment are all available. The mall attracts the younger generations while Mona Vale attracts the older generations with the more boutique and café style atmosphere.

REFERENCE POINT

The group is encouraged to supply additional comments to the questions supplied in the Agenda via email to the remaining questions on the sheet.

CRED4.2: Develop a New Social Plan for Pittwater

Proceedings in Brief

Ms Melinda Hewitt (Social, Community and Economic Development Coordinator) addressed the meeting on this item.

MATTERS ARISING FROM THE DISCUSSION:

A review of the previous Social Plan provided to the Reference Group was beneficial as it assisted in identifying what we have accomplished and also provided a good foundation for how we can build on our work and continue to work with the community to meet their needs.

The Reference Group's response to the broad community survey was helpful and the survey has now been made available on-line for the community to complete.

The Social Plan is on the homepage of Pittwater Council Website for easy accessibility. The web lists opportunities for the community to get involved in the consultation, with on-line surveys, face to face sessions and will also provide up to date information for the community throughout the process.

Approximately 30 people attended the library consultation session for the Pittwater Social Plan on the 4 August 2011 for the "Have Your Say" session and provided quality feedback and contributed to future ideas for the area.

Statistics and demographic profiling can explain the life cycle of communities. The Pittwater area reflects a large number of the young people migrating out of the area with a very low number of people attending University in the area (which is most likely attributed to lack of tertiary institutions in the local area). In addition housing affordability and transport is also a contributing factor for this and is a major issue for Pittwater. Purchasing a first home is extremely difficult for the young people in this area.

Who is moving in and who is moving out of Pittwater? The 2011 Census is now underway and will hopefully answer these questions. Currently households are decreasing and people are moving further north and being replaced by established families.

A large percentage of houses in the area are receiving full make over's. One car families and homes are becoming completely rebuilt and show children are staying home longer and occupying 2 – 3 cars with a large percentage being 4wd's. Pittwater is already having problems with limited parking which will increase in the future.

A large majority of families migrating in from other areas are moving into the Bayview, Church Point where we have low household densities. Newport, Bilgola and Avalon are having families coming into the area. Schools are growing significantly but with limited diversity.

The area does contain large money earners, with double the number of woman working part time over other areas of Sydney.

Once the 2011 census is complete it will be interesting to compare the data of migration in and out of Pittwater from previous census' both 2001 and 2006.

The Social Planning process is at the stage of first round of consultations due to wrap up by end of September, analysis of the data gathered during consultation will occur from October to November 2011 and discussion papers to be developed from November to February 2012 with Draft going to Council and adopted by May 2012 and adoption of the plan aimed for July 2012.

Q: How and who creates the questions for the data analysis? The online youth specific survey completed was found to be very ambiguous.

A: There is an element of coding of responses and once the survey and other methods of consultation is completed it is evaluated on common themes.

Q: The postcard "Have Your Say" letting people know about the consultation, has this been sent out to the whole community? This will be a good way to target the younger generation.

A: Information on the Social Plan was included in the most recent ratepayers report, encouraging people to get online and make comments. It is anticipated that additional information will be included in the New Year's rate payer report with the aim to promote discussion and provide further feedback to the council.

In previous years the State Government made it a requirement that Local Government manage and focus on a social planning specifically, which is no longer mandatory however it is still a priority for Pittwater Council. It is anticipated that the themes and priority areas will inform the development of actions. These actions will be placed into the 4 year delivery plan, which will be reported on annually to ensure we meet these targets. Combining plans, managing and meeting targets are all rolled into the delivery plan.

An extract out of the operational plan was included in the May Agenda which addressed the actions we addressed over the previous 2 years and the Social Plan will be managed in a similar fashion and will be reviewed annually.

The Community Strategic Plan has broad indicators which are built and reviewed utilising a similar process. Performance indicators will need to be implemented, refined and meaningful at an operation level and not a high level Key Performance Indicator (KPI). We are trying to create a model and developing a plan which can be replicated this will also make Council accountable for ensuring they accomplish all target indicators and constantly reviewing the process.

The first Community Survey conducted last year, with a large focus on connectedness which scored highly and will be an ongoing question.

The Reference Group broke up into two groups to discuss the Social Plan, Group one to discuss Issues facing young people and the other issues facing older residents.

REFERENCE POINT

A copy of the Social Plan 2012 – 2016 presentation is to be distributed with the minutes.

Future Community Recreation and Economic Development Agenda Items:

November 2011 Agenda Items

- Feedback and update on progress of the Economic Development Plan.
- Discussions regarding health and well being including the future of hospital services on the Northern Beaches.

February 2012

- Melinda Hewitt, Social, Community and Economic Development Coordinator to attend the February CRED meeting and provide feedback and update on the progress of the Social Plan.

May 2012

- Presentation and discussion regarding Open Space and Recreation Strategy.
-

5.0 Emerging Business

A brief discussion was held to seek feedback from new members on how the Community Recreation and Economic Development Reference Group is operating.

Members agreed this meeting was highly productive especially with breaking into separate groups for discussions.

6.0 Next Meeting

COMMITTEE RECOMMENDATION

That the next meeting of the Community Recreation & Economic Development will be held on 2 November 2011, at the Coastal Environment Centre commencing at 4.00pm.

(Cr White / Alan Porter)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.07
ON WEDNESDAY, 3 AUGUST 2011**

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1	20th NSW Coastal Conference - 8-11 November 2011
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Meeting: Natural Environment Committee

Date: 5 September 2011

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 two (2) Councillor delegates to attend the 20th NSW Coastal Conference to be held at Tweed Heads from 8-11 November 2011.

1.0 BACKGROUND

- 1.1 Council has recently been advised that the 20th NSW Coastal Conference will be held at the Twin Towns Clubs & Resorts at Tweed Heads from 8-11 November 2011. The Council has previously approved and funded the attendance of elected member delegates at the annual NSW Coastal Conference.
- 1.2 The Conference presents new coastal research and coastal zone management initiatives in a public forum that benefits governments, management agencies, industry and the broader NSW coastal community. Conference delegates are also given an opportunity to network with politicians, scientists, academics, environmental managers and stakeholders on all aspects of coastal zone management and the major issues affecting coastal communities.

2.0 ISSUES

- 2.1 Appointment of Councillor delegates to attend the 20th NSW Coastal Conference
-

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required as result of this report.

4.0 EXECUTIVE SUMMARY

- 4.1 The annual NSW Coastal Conference is a most important event (particularly for coastal councils) bringing together the collective knowledge and experience of all spheres of government in the application of appropriate policy, science and technology to the management and conservation of our precious and finite coastal resources.
- 4.2 Provision has been made in the 2011/2012 budget for Councillors to attend conferences. There are sufficient funds available in the current year's budget for two Councillors to attend the 20th NSW Coastal Conference.

RECOMMENDATION

That Council nominate two elected member delegates to attend the 20th NSW Coastal Conference at Tweed Heads from 8 - 11 November 2011.

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

Jennifer Pang
MANAGER – CATCHMENT MANAGEMENT & CLIMATE CHANGE

C9.2	Minutes of the Natural Environment Reference Group Meeting held on 10 August 2011
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Meeting: Natural Environment Committee

Date: 5 September 2011

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 10 August 2011 (**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, in part, to a Discussion Paper on

“To respond effectively to the causes and impacts of Climate Change and Sea Level Rise”

2.0 ISSUES

2.1 NE4.1 – To respond effectively to the causes and impacts of Climate Change and Sea Level Rise

A discussion was provided on the progress of various subset elements under the Climate Action Plan Framework and the key areas of climate change risk adaptation. It was noted that:

- high risk areas such as those relating to natural hazards are being addressed as a high priority
- some elements are being addressed at a regional scale and/or by State Government
- Council's current focus on climate change mitigation looks at Council's Greenhouse Gas emissions, and that the future focus would extend to community and business Greenhouse Gas emissions.

- 2.2 A workshop/role play activity was undertaken by the Group along the theme of Sea Level Rise and Coastal Risk Communications. The information gathered from the Group is being used to inform the development of a project on developing a Coastal Zone Hazards Community Awareness Strategy.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

4.1 The Natural Environment Reference Group assists the review of Council's 2020 Strategic Plan, in particular the goals aligned to the Pittwater Natural Environment.

The attached Minutes of the Meeting held 10 August 2011 relate, in part, to:

- A Discussion Paper on *“To respond effectively to the causes and impacts of Climate Change and Sea Level Rise”*
 - An update on Discussion Topics – Towards 2012
-

RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 10 August 2011 that relate, in part, to a Discussion Paper on:

“To respond effectively to the causes and impacts of Climate Change and Sea Level Rise”

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 and Management Plan processes.

Report prepared by

Chris Hunt
DIRECTOR – URBAN & ENVIRONMENTAL ASSETS

Minutes

Natural Environment Reference Group

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

10 August 2011

Commencing at 4:04pm



Attendance:

Cr Peter Hock, Chairperson

And the following Community Representatives:

Ms Kristine Martin, Careel Bay, Pittwater Protection Association
Mr David Williams, Bayview–Church Point Residents Association
Ms Margaret Makin, Bayview–Church Point Residents Association
Mr John Waring, Clareville and Bilgola Residents Association
Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society
Mr Hans Hui, Newport Residents Association
Ms Susan Young, Newport Residents Association
Mr Trevor Holman, Palm Beach Whale Beach Association
Ms Dianne Campbell, Scotland Island Residents 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
Mr Cecil Ellis, Pittwater Resident Representative

And the following Council Advisors:

Mr Mark Beharrell, Acting Director, Urban & Environmental Assets
Ms Jennifer Pang, Manager, Catchment Management and Climate Change
Ms Janelle Keegan, Climate Change & Adaptation Officer
Ms Jane Mulrone, Community Engagement Officer
Ms Pamela Tasker, Minute Secretary

And the following Observers:

Mr Graeme Jessup, Sustainability Pittwater
Ms Lynne Czinner, Peninsula Music Club
Ms Sharon Kinniston, Scotland Island Residents Association

Natural Environment Reference Group Meeting

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1.0 Welcome and Introductions

Cr Hock welcomed those in attendance and conducted a brief introduction to members.

1.1 Apologies

Apologies were received from:

Ms Marita Macrae (Avalon Preservation Trust/Pittwater Natural Heritage Association)
Mr Roger Treagus, Pittwater Resident Representative

and leave of absence was granted from the Natural Environment Reference Group Meeting held on 10 August 2011.

The Reference Group members accepted the apologies.

Notes:

1. Mr Graeme Jessup of Sustainability Pittwater attended as an Observer and acted as a representative of Avalon Preservation Trust / Pittwater Natural Heritage Association in the absence of Ms Macrae.
2. Ms Lynne Czinner of the Peninsula Music Club attended the meeting as an observer.
3. Ms Sharon Kinniston of the Scotland Island Residents Association attended the meeting as an observer.

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 11 May 2011 be confirmed as a true and accurate record of that meeting.

(David Williams / Cr Hock)

4.0 Discussion Topics

NE4.1 To Respond Effectively to the Causes and Impacts of Climate Change and Sea Level Rise

Proceedings in Brief

Ms Jennifer Pang, Manager, Catchment Management and Climate Change addressed the meeting with a PowerPoint presentation on this item.

Questions and Answers:

- Q:** Regarding the -7% / +7% rainfall – what does this mean?
- A:** Essentially it means the range of rainfall will be greater – rainfall statistics will average out the same, but we will experience much wetter or dryer periods.
- Q:** Does this take into account extreme run off during heavy rain?
- A:** We are currently looking at overland flow mapping to identify risk areas.
- Q:** In terms of Urban Forest and Carbon Sequestration does Pittwater benefit in other than the obvious ways?
- A:** Until now Councils expending money maintaining large areas of forest or national park have not received any special benefits in terms of funding or recognition as there was no way to quantify the value of a tree. This is now being extensively researched and a value can be calculated. It is hoped that Pittwater, which is approximately 50% forest, will be assisted with either maintenance funding or acknowledgement via carbon credits into the future.

Proceedings in Brief

At 4.40pm the meeting split into three groups. Representing the roles of Council Officers, waterfront property owners or local media, each group considered a series of set questions. The meeting reconvened at 5.30pm at which time each groups reported back with their response to the question set.

Group 1 – Council Representatives:

What messages do you wish to provide to the community on SLR and coastal risk?

- the community really needs to know how to access information - to look at maps (on Council site) to know what is going to happen / how properties will be effected by SLR
- it is necessary to prepare for climate change events such as flooding and extreme weather (much the same we now prepare for fire risk) - we need to know the risks (current best practice and science) and plan for the worst case scenario
- Message: hope for the best but plan for the worst

- home owners need to know what they can do to protect their property – what can be done without Council permissions?
- we need to push the education angle – especially through schools
- provide information to the community on who is responsible for what, including legal issues – agencies like SES, police, etc.
- there needs to be stricter enforcement of development controls by the Council

How should the message be communicated?

- education through the schools programs
- make the internet site more user friendly – provide easier links to vital information
- newsletters should be more informative – circulated with rates notices, etc.
- scientific report in the Manly Daily
- interviews / publicity on local radio and other media
- introduce a system of text alerts for major weather events – people register to be updated

Group 2 – Coastal Private Property Owners:

What are your concerns about SLR and coastal risk?

- property values
- loss of beaches
- damage from storms
- insurance coverage and premiums
- issues of access, especially regarding areas with wharves such as Scotland Island
- coordination of the response
 - Councils, State Government?
 - what kind of coordinating body will oversee the responses?
 - who will pay for it?
- how often will the projections be reviewed? Projections may prove too high or too low.

How are you going to voice your concerns?

- through community organisations
- through owners associations, such as Pittwater Waterfront Owners Assoc.
- through interest groups, eg: Surf clubs, surfers and swimmers (beach users), climate action groups
- by voicing concerns about measures proposed by the coordinating body (if appointed)

What information / answers do you wish to get from Council?

- we would like guidance about available information relating to problems
- regulations applied to coastal properties in relation to SLR
- information on studies on the projected impact of SLR
- information on regulations and building standards relating to the construction of new buildings, wharves and mitigation structures such as sea walls
- information about the possibility of buy-back provisions – owners concerned that they be informed re buy-back of land or similar compensation initiatives

How do you want information provided to you?

- information in writing from the Council or the coordinating authority when regulations are introduced and when any changes are being contemplated
- searchable on the internet
- available in Council records

Group 3 – Local Media Representatives:

What will make front page news headings on SLR and coastal risk?

- human interest stories for readability
- case studies on people affected to impact on the community to change their behaviour
- range of stories – impact on homes and facilities
- local examples of mismanagement
- underground parking in flood prone areas
- provide info re who will be affected
- facilities such as parks, surf clubs – how are they affected
- future planning decisions – residential housing in high risk areas, this should never happen again
- coastal inundation mapping – what does this mean for certain properties?

What information do you wish to seek from Council?

- what contingency plans does Council have to deal with climate change events and coastal inundation?
- does infill of wetlands make flooding worse?
- what will happen to wetlands, flora and fauna with rising sea levels?
- what else will be lost – aboriginal heritage?
- how will masterplans be amended to cope with SLR – latest CSIRO date?
- has the latest CSIRO data been incorporated into the masterplans?
- what will Council do about the 'gaps' in strategy – have the gaps been identified and what is Council doing to address those gaps?
- how will Council respond to confounding and compounding factors such as tidal surges, wind, low pressure, bush fire weather etc?
- what is Council doing to stop development in high risk areas – for example underground development?

What information do you wish to seek from coastal private property owners?

- when you bought your property were you informed re SLR (S149.2 or S149.5 certificates)?
- who will you hold liable should flooding occur?
- are you aware Council is preparing / has prepared mapping of risk areas and a climate change strategy?
- what are your options if something happens to you or your property?
- what further information do you need from Council?
- what are you going to do to protect your property?

5.0 Emerging Business

Discussion Topics – Towards 2012

At the last meeting members were advised of the topics that had been dealt with at previous Natural Environment Reference Group meetings.

The two meetings that are left for the year have topics already identified.

To assist the process, staff has examined the strategies that form Key Direction 2 (Valuing and Caring for Our Natural Environment) and have identified themes that they wish to discuss with members. It is also intended that more attention be given to those strategies that have not been the focus of discussions to date.

The following topics are presented for consideration by members:

Strategy	For example:	Priority	Responsibility
	To respond effectively to the causes and impacts of climate change and sea level rise	August 2011	Catchment Management
Pollution Control	Examine building controls that may assist with reduction of pollution in natural environment		Environmental Compliance
Vegetation Strategy	Maintain urban forest		Reserves & Recreation / Natural Environment
Beach and Coastal Management	To examine coastal management in the context of Coastal Zone Management Plans	May 2012 ?	Catchment Management / Reserves and Recreation
Biodiversity			Natural Environment & Education
Waste Management	Kimbriki Recycling program		Environmental Compliance
Climate Change (Adaptation strategies)	To develop adaptation strategies in the context of a Climate Change Adaptation Plan	Feb 2013 ?	Catchment Management
Sustainability (Mitigation strategies)			Natural Environment & Education
Water Management	To further develop Integrated Urban Water Management Planning		Catchment Management

REFERENCE POINTS:

- *To be emailed to members tomorrow.*
- *Responses to Jane Mulronev within one week to co-ordinate responses and formulate a forward plan.*

6.0 Next Meeting

The next meeting of the Natural Environment Reference Group will be held on Wednesday, 9 November, 2011 at the Coastal Environment Centre, North Narrabeen, commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.09PM
ON WEDNESDAY 10 AUGUST 2011**

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
