



PITTWATER COUNCIL

# Agenda

## Council Meeting

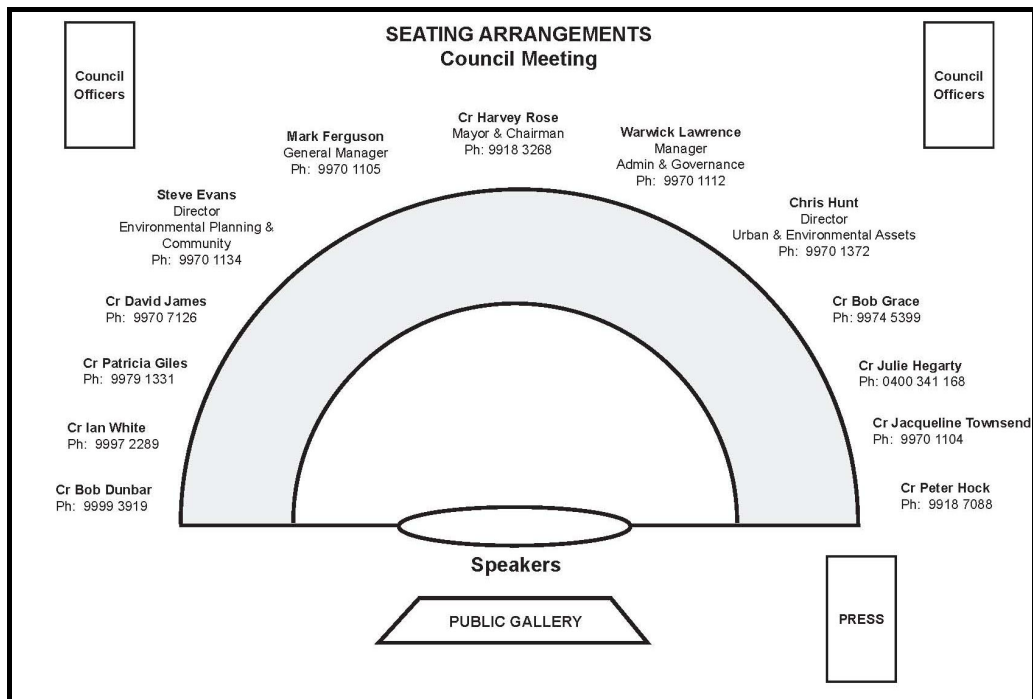
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***5 December 2011***

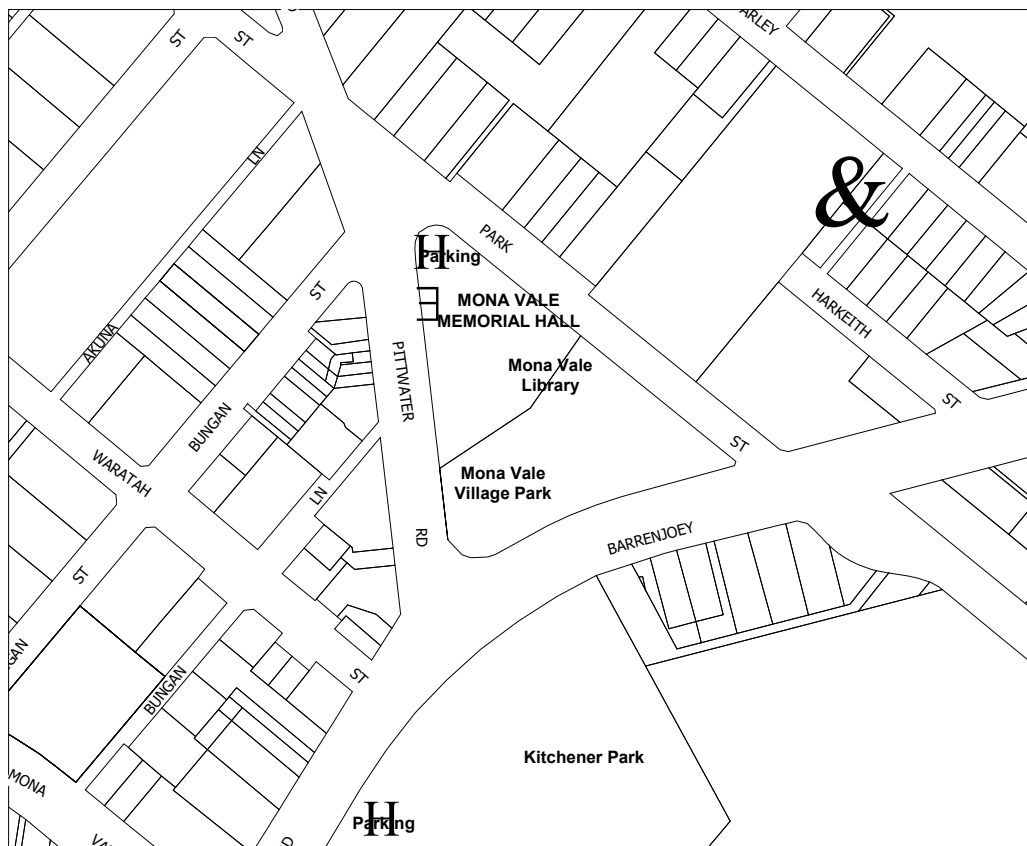
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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

## IMPORTANT NOTE FOR COUNCILLORS

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

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

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

Item No	Item	Page No
C8.1	Bayview Tennis Club - Renovation of Existing Deck and Stairs	54
C8.2	E04/11 - Design & Construction of Commuter Wharf Facility at Church Point (Stage One)	58

Mark Ferguson  
**GENERAL MANAGER**

# 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

## TABLE OF CONTENTS

Item No	Item	Page No
<b>Council Meeting</b>		
1.0	Apologies	6
2.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts.	6
3.0	Confirmation of Minutes	7
4.0	Public Addresses	7
5.0	Mayoral Minutes	8
6.0	Business by Exception (All items on the Agenda)	8
7.0	Council Meeting Business	8
C7.1	Quarterly Management Report - Quarter 1 2011/2012	9
C7.2	Consideration of Draft Constitution for One Association (Local Government and Shires Association NSW)	12
<b>Community, Recreation and Economic Development Committee</b>		
8.0	Community, Recreation and Economic Development Committee Business	53
C8.1	Bayview Tennis Club - Renovation of Existing Deck and Stairs	54
C8.2	E04/11 - Design & Construction of Commuter Wharf Facility at Church Point (Stage One)	58
C8.3	Minutes of the Community, Recreation & Economic Development Reference Group Meeting of 2 November 2011	69



Item No	Item	Page No
<b>Natural Environment Committee</b>		
<b>9.0</b>	<b>Natural Environment Committee Business</b>	<b>80</b>
C9.1	Minutes of the Natural Environment Reference Group Meeting held on 9 November 2011	81
<b>Council Meeting</b>		
<b>10.0</b>	<b>Adoption of Community, Recreation and Economic Development Committee Recommendations</b>	<b>92</b>
<b>11.0</b>	<b>Adoption of Natural Environment Committee Recommendations</b>	<b>92</b>
<b>12.0</b>	<b>Councillor Questions</b>	<b>92</b>
<b>13.0</b>	<b>Confidential Items (Appendix 1)</b>	

**Commercial in Confidence Advice - Bayview Tennis Club – Renovation of Existing Deck and Stairs**

**CONFIDENTIAL CLAUSE**

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

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

**Commercial In Confidence Advice - E04/11 - Design & Construction of Commuter Wharf Facility at Church Point (Stage One)**

**CONFIDENTIAL CLAUSE**

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

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

**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 21 November 2011.

---

### 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.**

---

### 4.0 Public Addresses

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

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
  - (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*
  - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
  - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

*Exceptions to these requirements may apply where:*

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

## **5.0 Mayoral Minutes - Nil**

---

## **6.0 Business by Exception (All items on the Agenda)**

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

---

## **7.0 Council Meeting Business**

---

---

## **C7.1 Quarterly Management Report - Quarter 1 2011/2012**

**Meeting:** Council

**Date:** 5 December 2011

---

**STRATEGY:** Business Management

**ACTION:** Develop a structure/framework for integrated Corporate Planning

---

### **PURPOSE OF REPORT**

To report on quarter one (July - September) of the 2011/2012 financial year for the 2011-2015 Delivery Program and Budget.

### **1.0 BACKGROUND**

- 1.1 Council is required to report during each quarter on the progress of the 2011 - 2015 Delivery Program and Budget. This is the first quarterly report for the 2011/2012 financial year. Budget results per Key Direction and associated Strategies are all detailed in the **Financial Report for the Period ending 30 September 2011 of the 2011 - 2012 Financial Year** that was presented to Council on 21 November. The Quarterly Report has been circulated separately and will be formally tabled at the meeting.

### **2.0 ISSUES**

#### **2.1 Reporting on the 2011 - 2012 Delivery Program**

The Quarterly Management Report provides an update on the progress of the 512 actions that are contained in the 2011-2015 Delivery Program. In this quarter one report, 236 actions are scheduled for reporting. For consistency the same format has been used for this report as in the Delivery Program.

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

---

### **3.0 SUSTAINABILITY ASSESSMENT**

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

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

- citizenship ceremony conducted in August with 56 citizens naturalised
- Social Inclusion Working Party has commenced work on a project aimed at improving social interaction opportunities for seniors
- the biennial Youth Forum was held in September with 35 young people from the four local high schools attending
- local Guringai Festival events held in July
- 306 children between the ages of 5 months and 10 years have been carerd for by 38 Family Day Care Educators over the past quarter

- the drink drive program is currently being rolled out to local pubs and clubs
- the Office of Environment and Heritage have approved \$50K of funding for a community based heritage study

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

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

- grant funding was successfully obtained for the Pittwater Overland Flow Areas Flood Risk Management
- completed 8 environmental audit inspections of commercial and industrial premises
- a solar panel array has been erected at Sydney Lakeside Holiday Park to generate sustainable electricity supplies for us in the holiday park
- ongoing patrol of reserves as part of the continuing Companion Animal education program
- liaising with Hornsby and Gosford Councils on developing regional environmental education projects through the Lower Hawkesbury area
- 150 development applications were assessed against biodiversity controls this quarter
- Sustainability education events included Sustainable House Day at the Coastal Environment Centre and Marsupial Night Stalk at Warriewood Wetlands
- supporting 33 bushcare groups on a monthly basis with several new groups in the process of being formed.

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

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

- 50,418 visits to Mona Vale Library and continued support provided to Avalon Community Library in the form of premises, staffing and a grant for resources
- development of Council's Economic Development Plan is contributing to the employment focus of the SHOROC Regional Directions Program
- three Local Business Seminars conducted during Small Business September with over 150 attendees
- the cornerstone event of Council's Sustainability Education Program - the Sustainable Living Expo – was held on 9 October 2011.

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

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

- a total of 3,476 Merit enquiries were logged during the quarter while front counter enquiries totalled 5,023
- 75 media releases were issued during the quarter and 52 media enquiries dealt with
- guidelines/procedures developed or updated during the quarter were: Fitness for Work, Grievance Procedures, Secondary Employment, Flexible Working Hours
- Annual OHAS Plan endorsed by senior management team in September
- reference group meetings for the new delivery plan year have commenced
- workshop conducted with all staff undertaking consultation to reinforce community engagement policy, procedures and guidelines
- applications submitted with NSW Maritime to complete Stage 2 of the trailer parking facility at Woorak Reserves.

### 3.5 Integrating our Built Environment (Infrastructure)

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

- preliminary design for the public carpark at Bungan Lane has been completed
- current structure of Developer Contributions administration is being reviewed to ensure continued efficient management into the future
- planning appeal numbers at historic low
- 124 development applications determined.

---

## 4.0 EXECUTIVE SUMMARY

In providing Council with this information for the period ending 30 September 2011 the following information should be noted as a summary, there are 512 active operational actions for the period 2010/11 with 236 being reported on this quarter:

- 9 ACTIONS were completed
- 127 ACTIONS are progressing as planned
- 84 ACTIONS are ongoing programs that occur yearly
- 16 ACTIONS are not progressing at this stage.

---

## RECOMMENDATION

That the Quarterly Management report for the period ended 30 September 2011 - Quarter 1 (**as tabled**) be noted.

Report prepared by

Paul Reid, Manager, Corporate Strategy & Commercial

Mark Ferguson  
**GENERAL MANAGER**

---

<b>C7.2</b>	<b>Consideration of Draft Constitution for One Association (Local Government and Shires Association NSW)</b>
-------------	--

**Meeting:** Council

**Date:** 5 December 2011

---

**STRATEGY:** Business Management

**ACTION:** To maintain and achieve democratic representation

---

## **PURPOSE OF REPORT**

The proposed amalgamation of the Local Government Association of NSW and the Shires Associations of NSW into One Association has led to the development of a draft constitution (the sixth draft version) and a number of matters are raised that need to be considered by Council. Feedback from Councils is currently being sought.

### **1.0 BACKGROUND**

1.1 The Local Government Association of NSW and the Shires Association of NSW have agreed in principle to form One Association to represent Local Government in NSW.

1.2 A draft constitution for One Association to be called tentatively the “Local Government and Shires Association of NSW” also known as “Local Government NSW” has been developed (see Attachment 1).

### **2.0 ISSUES**

2.1 Matters to be resolved regarding the draft constitution are around the following issues:

- The Board of Directors (Clause 36) – 24 elected Directors;
- Membership (Clause 6)– general purpose NSW Councils eligible for ordinary membership;
- NSW Aboriginal Lands Council Membership (Clause 6) – the 9 regions treated as Councils. The Sydney/Newcastle region is treated as an urban member and eight other regions treated as a rural/regional member;
- Voting (Clause 23) – Number of votes for election to board of Directors and for dealing with Conference motions is equal between rural/regional membership and metropolitan/urban membership. While the total number of votes is still not clear the distribution between the rural/regional and metropolitan/urban will be equal;
- Quorum (Clause 25) – Fifty percent of total delegates plus 1;
- Interim Board (Clause 71) – There will be an interim board, comprised of current office bearers of both Associations, from amalgamation day until the election of a Board of Directors;
- Rights of Directors (Clause 37) – currently Executive Members of the LGA can vote in the elections of Office bearers and in relation to motions at Conference. Executive Members of the Shires Association cannot vote in the election of Office Bearers. This issue has not been resolved.



- 2.2 Council is required to provide feedback on the draft constitution to the Local Government Association NSW and Shires Association NSW by 16 December 2011.
- 2.3 Following feedback differences between the two Associations will hopefully be resolved.
- 2.4 This will then allow for a timetable for implementation to be developed.
- 2.5 Each Association will then also decide whether a conference is required for adoption of the final draft constitution.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

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

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 A proposed amalgamation of the Local Government Association of NSW and the Shires Association of NSW has led to the development of a draft constitution for the single representative body.
- 4.2 A number of issues need to be considered within the draft constitution. These revolve mainly around the Board of Directors, membership for NSW Councils and Aboriginal Land Councils, voting, quorum, an interim board and the voting rights of directors.
- 4.3 Feedback on the draft constitution has been sought from Councils across NSW and Council is required to provide the Associations with its comments by 16 December 2011.

---

### **RECOMMENDATION**

- 1. That the draft constitution and the associated letter from the Local Government Association of NSW and the Shires Association of NSW as attached, be noted.
- 2. That Council determine any additional issues it would like the Associations to consider relating to the Draft Constitution for the single representative body.

Report prepared by

Gabrielle Angles, Principal Officer – Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

Local Government  
Association of NSW



Shires Association  
of NSW



15 November 2011

Cr Harvey Rose  
Mayor  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Dear Cr Rose,

As you would be well aware, the Local Government Association of NSW and the Shires Association of NSW have agreed in principle to form One Association to represent Local Government in NSW based on the 27 principles agreed to by the two Associations.

Attached is the copy of a draft constitution (the "sixth draft version") for One Association to be called tentatively, the "*Local Government and Shires Association of NSW*". The Association may also be known as "*Local Government NSW*", which is a business name currently owned by the two Associations.

The fifth draft of the constitution was submitted to Fair Work Australia (FWA) for a preliminary "*without prejudice*" review and the attached sixth draft now reflects amendments suggested by FWA. No major issues have been raised by FWA at this stage, although there are still matters which need to be resolved. Where appropriate, these matters are identified further in this letter.

#### **The Board of Directors**

The draft constitution provides for a Board of twenty four elected Directors:

1 X President,  
1 X Vice President (metropolitan/ urban),  
1 X Vice President (rural/ regional),  
1 X Treasurer and,  
20 other Directors, (10 from the metropolitan/ urban area and 10 from rural/regional area.)

The President and the Treasurer are elected by all members; the Vice Presidents and other Directors are elected by the appropriate membership constituency, i.e., the rural/ regional Directors and Vice President are drawn from and elected by the rural/ regional members; the metropolitan/ urban Directors and Vice President are drawn from and elected by the metropolitan/ urban members.

GPO Box 7003 Sydney NSW 2001  
L8, 28 Margaret St Sydney NSW 2000  
Tel: (02) 9242 4000 • Fax: (02) 9242 4111  
www.lgsa.org.au • lgsa@lgsa.org.au  
ABN 49 853 913 882

### **Membership**

All general purpose NSW councils are eligible for ordinary membership of the new Association, and County Councils and the Aboriginal and Land Rights Act Regions (ALRA Regions) are eligible for ordinary membership or associate membership at their election. Subscriptions for County Councils and ALRA Regions will be adjusted to reflect their final membership choice.

### **NSWALC Membership**

In the absence of long awaited advice from the Aboriginal Lands Council (ALC) as to how ALC membership should be reflected in the constitution, membership of the ALC has been based on the nine regions constituted under the Aboriginal Land Rights Act 1983. Each Region is treated as if it were a council constituted under the Local Government Act. The Sydney/ Newcastle Region is treated as a metropolitan/urban member and the remaining eight Regions are treated as rural/ regional members. If there is to be any change to this approach, it needs to be resolved quickly.

### **Voting**

The voting methodology is described within the draft constitution at Clause 23. The critical point of the methodology is that it results in the number of votes for the election of the Board of Directors, and for dealing with Conference motions for both the rural/regional membership and the metropolitan/urban membership being equal. Current modelling has both regions having 251 votes (totalling 502 permissible voting delegates), however this will change slightly when the membership intentions of the County Councils and the NSWALC become clearer. Regardless of the decisions of the County Councils and the NSWALC and therefore the final number of votes, the voting numbers between the membership areas will remain equal.

### **Quorum at Conference**

There has been some recent discussions regarding quorum at the annual Conference as a result of issues at the recent LGA Conference. It must be noted that the Quorum is the result of a mathematical calculation based on the number of total permissible voting delegates divided by two, plus 1. For example, under current modelling the quorum will be 502 (permissible voting delegates) divided by 2, plus 1 = 252.

The issue of quorum should be considered in a similar context to the rules which apply to councils. For example, if a Council has 12 Councillors, then the quorum will be  $12/2 + 1 = 7$ . The quorum does not change if a Councillor is absent, or otherwise chooses not to attend a meeting. In a similar way, the quorum of Conference will not change if Councils are unable to provide their full complement of voting delegates. Various proposals have been considered to overcome problems associated with the lack of a majority quorum. These have included, for example, reducing the quorum to a third of the delegates plus one, but the problem with these approaches is that they could allow the policies of the new Association to be set by a minority of members, not a majority. The impact on the stability of the Association is then open to question.

### **Interim Board**

From the amalgamation day, and until the election of the Board of Directors takes place it is intended that there be an interim board, which will be made up of the current office bearers of both Associations, that is, the interim board will be the 2 Presidents, the 2 Treasurers, the 4 Vice Presidents, and the 2 Immediate Past Presidents (or Vice Presidents General) as the case may be.

### **Rights of Directors – alternative Formulation**

It should be noted that under the current LGA rules, members of the Executive are entitled, by virtue of being an Executive Member, to both vote in the elections of Office Bearers, and in relation to motions at Conference. Under existing Shires Association rules, Executive members cannot vote in the election of Office Bearers simply because they are a member of the Executive (although they can vote in relation to motions).

At this stage, this issue has not been resolved between the two Associations and the views of members would be appreciated.

### **What happens next?**

Hopefully, following feedback from Councils, the two Associations can resolve any differences which may still exist and then proceed to a final draft of the rules for a new Association. Until a final draft can be agreed to, it is extremely difficult to finalise a timetable for implementation. Strictly speaking, the new constitution does not have to be adopted by a Conference [Annual or Special] of each Association as the approval of the amalgamation and the new constitution occurs through a secret ballot under the auspices of Fair Work Australia and the Australian Electoral Commission. Each Association is yet to decide whether a Conference is required.

### **What do councils need to do now?**

All Councils are requested to consider the attached draft rules and advise the Associations by 16 December 2011 of any further issues or concerns. General comments would also be appreciated.

Should you require any further information in relation to this matter, please contact the Associations' Director Corporate Services, Peter Coulton on 02 9242 4030 or [peter.coulton@lgsa.org.au](mailto:peter.coulton@lgsa.org.au).

Yours sincerely,



Cr Keith Rhoades AFSM  
President  
Local Government Association



Cr Ray Donald  
President  
Shires Association

**Confidential**

**Sixth Draft Rules for Proposed Amalgamated Organisation  
(following comments from FWA 14/10/11)**

**10 November 2011**

**LOCAL GOVERNMENT & SHIRES ASSOCIATION  
OF NEW SOUTH WALES**

**Carroll & O'Dea  
Lawyers,  
18/111 Elizabeth Street  
SYDNEY NSW 2000  
DX 183  
Tel: 9291 7100  
Ref: PJP:100769**

**i**

PJP/MXD/3371558V1

## INTERPRETATION

---

# LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NEW SOUTH WALES

## CONSTITUTION

1. (a) The name of the Organisation shall be the Local Government & Shires Association of New South Wales (the "Association") but may also be known as "[Name to be chosen]".
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

## PREAMBLE – AMALGAMATION COMPACT

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales ("LGA NSW") and the Shires Association of New South Wales ("SA NSW") to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, metropolitan/urban councils and rural/regional councils respectively) would, post the amalgamation, each have an equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management ("Board of Directors"), and arrangements for alternative access to the office of President from the two different constituencies.

## INTERPRETATION

3. Unless the context otherwise requires:

"Aboriginal Land Council" means the New South Wales Aboriginal Land Council as constituted under the *Aboriginal Land Rights Act 1983* (NSW).

"Administrator" means an Administrator appointed in accordance with Division 6 of Part 2 of Chapter 9 of the *Local Government Act 1993* (NSW) or Division 2 of Part 11 of the *Aboriginal Land Rights Act 1983* (NSW).

"ALRA Region" mean a Region constituted under the *Aboriginal Land Rights Act 1983* (NSW).

"Amalgamation" or "the Amalgamation" means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) immediately prior to the amalgamation date.

## **INTERPRETATION**

---

"Amalgamation date" means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect.

"Associate member" means a member who is not an ordinary member.

"Association" means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

"Badge" means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a delegate at a Conference.

"Board" or "the Board" means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the relevant legislation.

"Chief Executive" means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 65.

"Conference" means the Annual Conference or a Special Conference of the Association as provided by these Rules.

"Council" means a council constituted under the *Local Government Act 1993* (NSW), other than a county council, and an ALRA Region.

"Councillor" means a person elected or appointed to civic office under the *Local Government Act 1993* (NSW), but does not include an Administrator.

"County Council" means a county council established under Part 5 of Chapter 12 of the *Local Government Act 1993* (NSW).

"Director" means a member of the Board including an Office Bearer (unless the contrary intention appears from the context)

"Delegate" means an elected member of a council or an elected member of ALRA Region or an Administrator who are by virtue of this Constitution entitled to vote at an Annual Conference.

"Financial year" means the period from July 1 in one year to 30 June in the following year.

"LGA NSW", means the Local Government Association of New South Wales, an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) until the Amalgamation Date.

"Member" means a council, county council or ALRA Region that is a member of the Association, whether as an ordinary member or as an associate member.

"Metropolitan/Urban County Council" means a county council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County Council.

"Metropolitan/Urban Council" means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban Council.

---

## OBJECTS

"Office Bearer" means the President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

"Ordinary member" means a member that obtains and retains Ordinary membership pursuant to Rule 6 of these Rules.

"Relevant legislation" means Federal and State legislation relating to the registration and governance of industrial organisations of employers as applicable to the Association from time to time.

"Roll of Voters" shall mean all those delegates of members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

"Rural/Regional County Council" means a county council in the State of New South Wales other than a Metropolitan/Urban Council.

"Rural/Regional Council" means a council in the State of New South Wales which is either:

- (a) a council in the said State which is other than a Metropolitan/Urban Council; or
- (b) an ALRA Region identified in Schedule "A" attached to these Rules, other than the ALRA Region for Sydney/Newcastle.

"SA NSW" shall mean the Shires Association of New South Wales, an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) until the Amalgamation Date.

- The singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender.
- Headings are for convenience and do not affect meaning.
- A reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

## OBJECTS

4. The objects of the Association shall be in New South Wales and elsewhere:

- (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
- (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;



---

## POWERS

---

- (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
- (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
- (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
- (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
- (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
- (h) to promote, support and encourage Local Government at a State and national level;
- (i) to provide an industrial relations service to members including:
  - (i) represent the interests of members in industrial matters before courts and tribunals;
  - (ii) assist in negotiations relating to the settlement of disputes between members and their employees;
  - (iii) represent the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
  - (iv) promote training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

## POWERS

5. The Association is empowered:

- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;

---

## MEMBERSHIP

---

- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;
- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

## MEMBERSHIP

- 6. (a) Membership of the Association shall be open to Councils and County Councils in the State of New South Wales.
- (b) Membership of the Association shall be limited to:
  - (i) Ordinary Members; and
  - (ii) Associate Members.

## **MEMBERSHIP**

---

- (c) Any Council shall be eligible for ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
  - (d) County Councils and ALRA Regions shall be eligible for ordinary membership or associate membership of the Association, at the election of the Council concerned, provided that:
    - (i) the original application for membership made by such Council complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
    - (ii) the election as to the category of membership that such Council wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
    - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
    - (iv) where a Council that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that Council's existing category of membership.
  - (e) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the relevant legislation.

---

## REGISTER OF MEMBERS

---

8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
    - (i) on the day on which the notice is received by the Association; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
  - (b) in any other case:
    - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
    - (ii) on the day specified in the notice;whichever is the later.
9. A member shall cease to be a member in the following circumstances:
- (a) the member resigns in accordance with Rule 8;
  - (b) the member is a council that is dissolved;
  - (c) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
  - (d) by order of a court in accordance with the relevant legislation.
10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

## REGISTER OF MEMBERS

11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the relevant legislation.
12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

---

## **SPECIAL LEVIES**

---

### **ANNUAL SUBSCRIPTIONS**

- 13 (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
- (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.
- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.

### **SPECIAL LEVIES**

14. (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
- (i) The amount of the special levy payable by it; and
  - (ii) The purpose for which such special levy is made.

## **CONTROL AND GOVERNANCE OF THE ASSOCIATION**

---

- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

### **Disbursement of Monies Raised by Levy**

- 15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
- 16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

## **CONTROL AND GOVERNANCE OF THE ASSOCIATION**

- 17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
  - (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
  - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
  - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
  - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution is for the purpose of carrying out any such resolution;
  - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
  - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
- 18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control

---

## CONTROL AND GOVERNANCE OF THE ASSOCIATION

---

and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.

19. The Board is the Committee of Management of the Association for the purposes of the relevant legislation, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:

- (a) is consistent with any relevant policy decision of the members at a Conference; and
- (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 65), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. The Senior Executive Group shall consist of :

- (a) the President, the two Vice Presidents and the Treasurer,
- (b) two directors chosen by and from the ten (10) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
- (c) two directors chosen by and from the ten (10) directors representing Rural/Regional members of the Association elected in the immediately preceding elections

The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (b) and (c)) from which they are to be chosen.

The Senior Executive Group shall have the following functions:

- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
- ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
- (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;

## CONFERENCES

- (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;
  - (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
  - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
  - (vii) to recommend to the Board any expenses policies for the Association;
  - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
  - (b) are for the purpose of carrying out the objects of the Association ,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

## CONFERENCES

### General

22. A Conference shall consist of delegates from all members of the Association.
23. The voting delegation to which any member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

### STEP 1

Determine the number of delegates for each member, applying the population statistics for each council area published by the Australian Bureau of Statistics in that edition of ABS publication entitled 3218.0 Regional Population Growth Australia last published prior to the amalgamation date, to the following scale:

Group No. (councils other than county councils)	Population	Delegates
(1)	Up to 10,000	1



## CONFERENCES

(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
<b>County councils</b>		
	each Metropolitan/ Urban County Council	2
	each Rural/Regional County Council	1

[NOTE: When determining the population of an ALRA Region for the purpose of this scale only the aboriginal population registered with those local aboriginal land councils which fall within that ALRA Region is to be counted. However, the fact that such population in an ALRA Region will also be counted wholly or partially within another general purpose or county council (whether a Metropolitan/Urban council or a Rural/Regional council) is to be disregarded.]

### STEP 2

Determine the total number of delegates from Metropolitan/Urban councils and county councils and the total number of delegates from Rural/Regional councils and county councils resulting from the application of Step 1.

### STEP 3

Increase the total number of delegates from the Metropolitan/Urban councils and county councils so that that total number is the same as the total number of delegates from Rural/Regional Councils and county councils, then distribute that additional number of delegates among the Metropolitan/Urban councils by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

### Example

Assume the difference between the number of delegates from the two regions is 68. Thus Metropolitan/Urban Councils must have distributed between them 68 extra delegates so that equality between the regions is achieved. As the formula requires rounding off to the nearest whole number when determining how many additional delegates (if any) a council must have, the multiplier number for delegates has to be altered from 68 to a somewhat lower number, to take into account the effect of rounding. In this case the multiplier that has to be applied to ensure that arithmetically exact equality will be achieved is 66.5. The formula is then applied to all Metropolitan/Urban Councils. Take then as an example Council "A", which has a population of 42,787 out of a total population for all Metropolitan/Urban councils of 4,069,794. Thus Council "A" has to receive one more delegate. That is the conclusion that follows from dividing 42,787 by 4,069,794 and then multiplying by 66.5 (precise result .6991) and then rounding up in this case to nearest whole number (1). The same formula is then applied to each other Metropolitan/Urban Council using the actual population of that Council divided by the total population then multiplying by 66.5. The eventual result will be the distribution of an extra 68 delegates among the Metropolitan/Urban councils and thus complete equality with Rural/Regional councils.

### STEP 4

## CONFERENCES

---

If the adjustment required to be undertaken in Step 3 results arithmetically in a Metropolitan/Urban council being entitled to more than 15 delegates, that Council's delegation is capped at 15 delegates.

### STEP 5

For any Council that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, each councillor of such a member shall have a vote which is equal in number to the result derived from dividing the number of votes by the number of councillors.

#### *Example:*

*If a member is entitled to 10 votes but has only 8 councillors holding office, each councillor will be entitled to a "weighted" vote that is equal to 1.25 votes.*

### STEP 6

On each anniversary of the amalgamation date, carry out steps 1 to 4 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present.
26. Subject to Rule 68 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27.
  - (a) A Conference shall be conducted in accordance with Standing Orders.
  - (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28.
  - (a) A member may bring any matter before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than fourteen (14) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
  - (b) Where the Chief Executive receives a statement from a member that it wishes to bring a matter before a Conference and less than fourteen (14)

## **CONFERENCES**

---

days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;

- (c) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;

**PROVIDED THAT** the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.

29. Subject to these Rules:

- (a) each delegate shall be entitled to one vote only;
- (b) Except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have, subject to the application of Rule 29 (b), one vote on such matter.

**ALTERNATIVE FORMULATION:** Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

### **Annual Conference**

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.
32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

### **Special Conferences**

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
- (ii) by resolution of the Board; or

## **BOARD OF DIRECTORS**

---

- (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

### **Delegates to a Conference**

- 34. (a) Each member shall nominate its delegates to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) If it is desired to change the nomination of a delegate prior to the first day of the Conference written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor or the General Manager of the council, or the Chairperson or Chief Executive Officer of the ALRA Region. The badge of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.
- (c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge is issued to the incoming delegate.
- 35. (a) Subject to clause 16 of Schedule C, a delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

## **BOARD OF DIRECTORS**

- 36. The Board of the Association (which may be referred to as "the Board of Directors") is the Committee of Management of the Association and shall consist of a President, two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 20 Committee members titled "Directors" (10 from Metropolitan/Urban councils and 10 from Regional/Rural councils). All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the relevant legislation or any other law.
- 37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be a either a Councillor of a Council which is an Ordinary Member of the Association as prescribed by these Rules or, in the case of an ALRA Region, an elected officer of the ALRA Region.

## **BOARD OF DIRECTORS**

---

- (b) An Administrator of a council that is an Ordinary Member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
- (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23.
- (d) In addition to the foregoing, in any instance where a Director (whether an Office Bearer or not) is not a delegate in the voting delegation of any Council, that member of the Board shall also have the right to vote in the elections for the Board next occurring.

**ALTERNATIVE FORMULATION FOR (d):** In addition to the foregoing, a Director shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.

- 38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
- 39.
  - (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between delegates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
  - (b) Subject to the limitations provided in the following provisions of this Rule, all councillors for Ordinary members are eligible to nominate for and vote in any election for the office of President.
  - (c) The term of office for the office of President shall be two years, commencing on the date of declaration of his or her election at an annual Conference in each alternate year, and concluding with the declaration of the next election for President.
  - (d) The delegate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that delegate standing again for the office of President at a subsequent election for that office, if otherwise eligible.
  - (e) If a delegate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other delegate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
  - (f) If a delegate from a Rural/Regional council holds of the office of President and, being eligible, nominates for a second term in that office, no other delegate from a Rural/Regional council is eligible to nominate for the office of President at such election.

## **ELECTION PROCESS FOR MEMBERS OF THE BOARD**

---

- (g) If a delegate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only delegates eligible to nominate for the next election for President are delegates from the other category of councils to that from which the retiring President was a delegate.
  - (h) If a delegate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 45 and (if applicable) Rule 49. In such a case, the delegate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (d), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40.
- (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by and from an electorate that shall consist of those delegates from Metropolitan/Urban councils who are councillors.
  - (b) The office of Vice President (Rural/Regional) shall be filled by election by and from an electorate that shall consist of councillors from Rural/Regional councils that are Ordinary members.
  - (c) The office of Treasurer shall be filled by election by and from all councillors of Ordinary members.
  - (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by and from an electorate that shall consist of those delegates from Metropolitan/Urban councils who are councillors.
  - (e) The various offices of other Directors (Rural/Regional) shall be filled by election by and from an electorate that shall consist of councillors from Rural/Regional councils.
  - (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (c), *mutatis mutandis*. All delegates holding these offices are eligible for re-election without limitation.

## **ELECTION PROCESS FOR MEMBERS OF THE BOARD**

### **General**

41. Elections for Directors (including the Office Bearers) (hereafter "the elections") shall be conducted by a Returning Officer appointed or authorised under the relevant legislation.

### **Election arrangements**

## **CASUAL VACANCIES**

---

42. Subject to any decision of the Industrial Registrar pursuant to the relevant legislation to exempt the Association from the requirement to conduct the elections by secret postal ballot, the elections shall be conducted in accordance with the requirements of Schedule B.
43. Immediately following the commencement of these Rules, the Chief Executive shall make application to the Industrial Registrar under the relevant legislation for an exemption from the requirement to conduct the elections in accordance with Schedule B, so that the elections may be conducted in accordance with the requirements of Schedule C, or those requirements as modified by the Registrar.

## **CASUAL VACANCIES**

44. A casual vacancy on the Board of the Association occurs when a Director
- (a) dies;
  - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
  - (c) is removed from office as a Director in the manner provided for in Rule 50; or
  - (d) ceases to be eligible under the Rules to hold office as a Director.
45. Subject to Rule 49, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
  - (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.
- If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.
46. Subject to Rule 49, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
47. (a) Subject to Rule 49, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

---

18 of 35

PJP/ MXD/3371558V1

## **REMOVAL FROM THE BOARD**

---

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

48. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
49. Where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office.

## **REMOVAL FROM THE BOARD**

50. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
  - (ii) a substantial breach of the rules of the Association; or
  - (iii) gross misbehaviour or gross neglect of duty.

[Note: See Rule 36 and Rule 52: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 52 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]

- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
- (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
- (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
- (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
- (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.



## **BOARD MEETINGS**

---

51. A person ceases to be a director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an ordinary member.

## **BOARD MEETINGS**

52. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
53. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
  - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
54. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
55. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
56. No business shall be transacted at any meeting of the Board unless a quorum is present at the time when the meeting proceeds to business. Thirteen (13) members of the Board present in person or by telephone or video-conference or a combination of these forms at the same time shall constitute a quorum.
57. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

## **FINANCE**

---

### **AUDITOR**

58. (a) The Board shall appoint one or more auditors. No director nor employee of the Association shall be eligible for the appointment of auditor.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
  - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
    - a) the service is executed to an unprofessional standard; or
    - b) the auditor's costs are considered excessive; or
    - c) if the person ceases to be a registered company auditor.
  - (iii) at the expiration of the term of appointment.
59. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

### **FINANCE**

60. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
  - (b) interest, rents or dividends derived from investments of the Association's funds;
  - (c) the proceeds of any disposal of parts of the funds;
  - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
61. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.

## **FINANCE**

---

- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
  - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
- 62. The Board shall have management of the Association's property and investment of funds.
- 63. The Association's funds shall only be expended on the objects of the Association.
- 64. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the relevant legislation, and without limiting the generality of the foregoing:
  - (a) As soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
  - (b) As soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
  - (c) The Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
  - (d) The Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the relevant legislation;
  - (e) The Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;

## **PATRON OF THE ASSOCIATION**

---

- (f) The Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the relevant legislation;
- (g) A copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

## **CHIEF EXECUTIVE**

65. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by any relevant recommendations of the senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the President. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

## **ACCESS TO RECORDS**

66. (a) Except as provided under Rule 62, all records, books, documents, and securities of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the relevant legislation.

## **PATRON OF THE ASSOCIATION**

67. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.

## **DISSOLUTION**

---

- (c) In the case of former Presidents, the Board shall determine such appointment(s).

## **AMENDMENT**

68. (a) Subject to sub-rule (b) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) For a period of 12 months from the date of commencement of this Rule, the Board may make such amendments to these Rules as it may deem advisable for the purposes of either bringing the Rules into conformity with relevant legislation or adopting measures provided for in such legislation that the Board believes are in the best interests of the Association, provided that any such amendments are adopted by a resolution carried by an absolute majority of the directors then holding office and present and voting thereon.

## **NOTIFICATION OF DISPUTES**

69. Any industrial disputes may be notified to the appropriate court or tribunal under the relevant legislation in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

## **DISSOLUTION**

70. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
- (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

## **TRANSITIONAL ARRANGEMENTS**

71. On the Amalgamation Date, the following arrangements shall apply to office holders, pending elections for all officers to be conducted within six (6) months of the Amalgamation Date.

## **OFFICE HOLDERS AND BOARD MEMBERS**

Interim Joint President:	TBA
Interim Joint President:	TBA

## **End of Rules**

---

Interim Vice-President (Metropolitan/Urban):	TBA
Interim Vice-President (Regional/Rural):	TBA
Interim Treasurer:	TBA
Interim Board Members (Metropolitan/Urban):	TBA
Interim Board Members (Regional/Rural):	TBA

## **CONFERENCE DELEGATES**

All delegates holding office as delegates to Conference in the Local Government Association of NSW or the Shires Association of NSW as at the amalgamation date.

72.. Pending the conduct of the first elections for officers after the Amalgamation Date, the Rules of the Association shall apply to and bind all members, subject to the following limitations:

- (a) no amendment of these Rules shall be made except pursuant to Rule 68(b);
- (b) any resolution presented at a Conference of the Association shall require, for its adoption, the presence of a quorum consisting of 75% of all delegates then holding office and a vote of 75% in favour of the resolution;
- (c) any casual vacancy occurring in any office shall be left vacant, except for the office of President or Treasurer.
- (d) Not less than three (3) months after the amalgamation date, the Board shall direct the Chief Executive by resolution to notify Fair Work Australia as to the need for elections for all officers in the Association to be conducted by the Australian Electoral Commission. In the absence of such a resolution within the said period, the Treasurer shall make such notification at his or her own initiative.

## **NOTE: INAUGURAL MEMBERS OF THE ASSOCIATION**

All members of the LGA NSW and the SA NSW, including any associate members, shall on the amalgamation date be automatically members of the Association, in accordance with the relevant legislation.

## **End of Rules**

**SCHEDULE A**

**METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS**

**See Definition in Rule 3**

**(TO BE FINALISED)**

**Metropolitan/Urban Councils**

Ashfield; Auburn; Bankstown; The Hills Shire; Blacktown; Botany Bay; Burwood; Camden; Campbelltown; Canada Bay; Canterbury; Fairfield; Holroyd; Hornsby; Hunters Hill; Hurstville; Kogarah; Ku-ring-gai; Lane Cove; Leichhardt; Liverpool; Manly; Marrickville; Mosman; North Sydney; Parramatta; Penrith; Pittwater; Randwick; Rockdale; Ryde; Strathfield; Sutherland Shire; Sydney; Warringah; Waverley; Willoughby; Woollahra, and the ALRA Region for Sydney/Newcastle.

**Metropolitan/Urban County Councils**

TBA

**ALRA Regions other than Sydney/Newcastle**

North Western, Northern, South Coast, North Coast, Western, Wiradjuri, Central and Mid North Coast.

***End of Schedule A***

## End of Rules

---

### SCHEDULE B

#### **RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT**

##### Scheme of Elections

1. The elections for members of the Board of the Association (including the Office Holders) shall be carried out in accordance with the following scheme.

##### Conduct of Elections by secret postal ballot

2. The Board may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
3. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under relevant legislation the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
4. The Roll of Voters for any election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the day on which nominations for the election open.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the ballot.
  - (b) The election notice shall advise the closing date of nominations and arrangements for absent voting. A nomination form shall be enclosed with the election notice when sent by post. The Returning Officer shall make such arrangements for absent voting as will ensure that any member not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
  - (c) The election notice shall require voting members to advise the Returning Officer prior to the closing of the Roll of Voters of the name(s) of the councillor(s) who are to be issued ballot papers in the election. Such advice to the Returning Officer shall be in writing and signed by either the Mayor or General Manager of the council. If a councillor so specified ceases to hold office prior to the closing of the ballot the vote of that person may be exercised by another councillor authorised in writing by either the Mayor or General Manager of the council.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban), and Board members must be elected members of any council which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.



## End of Rules

7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
8. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
9. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
10. Nominations for election shall close at least four (4) weeks prior to the close of the ballot.
11. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
12.
  - (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
  - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
13.
  - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), and Vice President (Metropolitan/Urban), the election shall be conducted using the preferential system of voting.
  - (b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting.
14. Where an election by secret ballot is required, the Returning Officer shall, for each office/position to be contested, issue one (1) ballot paper to each delegate on the roll of voters supplied to the Returning Officer by the Chief Executive. The Returning Officer shall issue the required number of ballot papers, a declaration

## End of Rules

---

envelope(s) and a prepaid envelope(s), both in the form prescribed by the relevant legislation, in a sealed envelope(s) to be handed or posted to each voter not less than fourteen (14) days before the closing date for voting. The ballot paper shall include:

- (i) the Returning Officer's initials;
  - (ii) a description of each office/position to be filled, including the number of offices/positions to be filled;
  - (iii) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership;
  - (iv) instructions on how to complete the ballot paper;
  - (v) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
  - (vi) such other information as the Returning Officer deems appropriate.
15. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
16. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
17. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
18. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
19. The Returning Officer shall count the votes and declare the elected candidate in the following sequence:
- (i) President;
  - (ii) Treasurer;
  - (iii) Vice Presidents (Rural/Regional and Metropolitan/Urban);
  - (iv) Board members (10 Rural/Regional and 10 Metropolitan/ Urban).
20. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices are filled.

## **End of Rules**

---

21. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.
22. The Returning Officer shall arrange for votes to be counted and shall within three days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
23. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

## **Scrutineers**

24. Each candidate at any election shall have the right, if he/she so desires, to appoint before the closing of the ballot a scrutineer to represent him/her at the ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.
25. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the following rights and duties:
  - (a) to be present with the Returning Officer when the ballot papers are being forwarded and to watch the interests of the person whom he/she represents; and
  - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
26. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the relevant legislation be final.
27. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

## ***End of Schedule B***

**SCHEDULE C**

**RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY  
FAIR WORK AUSTRALIA/ INDUSTRIAL REGISTRAR**

**General**

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under relevant legislation the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
  - (b) The Returning Officer may in any notice calling for nominations specify a facsimile number to which nominations can be forwarded. The Returning Officer may then accept nominations lodged at that facsimile number before the time and date specified for receipt of nominations. The Returning Officer shall require that the original of the facsimile nomination be forwarded within a time specified by the Returning Officer. Receipt of nomination by facsimile shall be deemed to be formal receipt of the nomination.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

## End of Rules

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations received, together with details of Local Government service, shall be placed before constituent councils before the Annual Conference.
12. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
13. (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.  
  
(b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

## Conduct of Elections at the Annual Conference

14. (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference using the standard preferential system of voting. Voters must mark a preference for all candidates.  
  
Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.  
  
(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

## End of Rules

---

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all

## End of Rules

---

preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
  - (i) the Returning Officer's initials;
  - (ii) the name of each candidate for the office/position to be filled, including the candidates declared current registered political party membership;
  - (iii) such other information as the Returning Officer deems appropriate.
16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer prior to the commencement of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
  - (a) The ballot for the office of President shall be conducted first;
  - (b) After the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;
  - (c) The ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;
  - (d) The ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

## Scrutineers

18. Each candidate at any election shall have the right, if he or she so desires, to appoint before the closing of the ballot a scrutineer to represent him or her at the

## **End of Rules**

---

ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.

19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
  - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
  - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the relevant legislation, be final.
21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

## ***End of Schedule C***



---

## **Community, Recreation and Economic Development Committee**

---

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

---

---

<b>C8.1</b>	<b>Bayview Tennis Club - Renovation of Existing Deck and Stairs</b>
-------------	---

---

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

**Date:** 5 December 2011

---

**STRATEGY:** Recreational Management

**ACTION:** To upgrade recreational facilities

---

**PURPOSE OF REPORT**

To seek Council approval for the renovation of the existing deck and stairs at Bayview Tennis Club.

**1.0 BACKGROUND**

- 1.1 On 17 October 2011, Council adopted a report which recommended the appointment of Oak Home Improvements to undertake renovation works on the decking and stairs at Bayview Tennis Club. The total price for the works was \$20,361 (including GST) which was to be funded from Council's Tennis Liaison Fund.
- 1.2 The current balance of the Tennis Liaison Fund is \$154,363.
- 1.3 Following the Council meeting, Council staff notified the successful builder and organised to hold an on-site meeting to discuss the project.
- 1.4 The day before the meeting was to be held, Council staff were advised by Oak Home Improvements that they would not be proceeding with the work as they had discovered an error with their estimates and would not be able to undertake the works for the price quoted.

**2.0 ISSUES**

- 2.1 Based on the original call for quotations, four (4) quotations were received for the works and all four companies complied with Council's requirements.
- 2.2 The remaining building companies from that process (excluding Oak Home Improvements) are:
  - CAV Building Group
  - Northern Beaches Decks
  - Twenty Bird Blue Design
- 2.3 A copy of each quotation is presented in the confidential section of this agenda.
- 2.4 **Assessment of quotations received**

See confidential section of this agenda.

## **2.5 Funding for Works**

Council allows tennis clubs to maintain a working account of \$10,000 for operational costs. Should clubs have an amount in excess of \$10,000 then this excess amount is used to assist in funding the project.

Bayview Tennis Club currently has a bank balance of approximately \$15,000 in their working account. This is due to membership fees recently falling due. The club however has extensive commitments with operational expenditure totalling \$52,559 (see **Attachment 1**).

As such, the club has requested that it not be asked to contribute funds as it requires all of its income to meet outgoings.

## **2.6 Tennis Liaison Fund**

The Tennis Liaison Fund is an accumulation of yearly lease fees paid for by the four tennis clubs, each fund is specifically set aside to fund capital works on the tennis club facilities in Pittwater. Currently the Tennis Liaison Fund has a balance of \$154,363. The Tennis Liaison Fund has capacity to fund the required works.

## **2.7 Approvals**

The proposed works include removal of existing decking boards located around the clubhouse, removal of damaged or rotting decking joists, straightening and realignment of all joists and bearers, construction and replacement of all decking boards, replacement of front and back steps and adjustment to the existing sliding doors and locking systems which provide access to the deck from the clubhouse.

No Planning approvals are required for this work which is renovation works to an existing facility which has now passed its use by date and is in much need of renovation.

---

## **3.0 SUSTAINABILITY ASSESSMENT**

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

3.1.1 This project will improve facilities at the Bayview Tennis Club for members and other users.

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

3.2.1 The rebuilding of the existing timber deck will not impact on the natural environment in the vicinity of the tennis club.

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

3.3.1 The proposed works will be funded from Council's Tennis Liaison Reserve and there will be therefore no impact on Council's normal operating budget.

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

3.4.1 Council has an obligation to maintain its assets to a safe and reasonable level which not only affects the quality of the recreational pursuit but also minimises Council's liability by way of injury from ageing infrastructure.

### 3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The works will improve the condition and life of the existing facility.

---

#### 4.0 EXECUTIVE SUMMARY

- 4.1 Council liaises with the four local tennis clubs and assists them in maintenance and improvement works to their facilities through the Tennis Liaison Fund. The proposed renovation works to the existing timber deck at the Bayview Tennis Club has been endorsed by both the Tennis Lessees Committee and the Tennis Liaison Committee and will assist the club in providing a safe and usable facility for members and other users.
- 4.2 The recommended builder has now withdrawn from the proposed works and it is necessary to appoint another builder to undertake this project.

---

#### RECOMMENDATION

That the quotation from Twenty Bird Blue Designs for the renovation works to the steps and deck at Bayview Tennis Courts for a price of \$27,225 (including GST) be accepted and the funding for the work be allocated from Council's Tennis Liaison Reserve account.

Report prepared by

Les Munn

**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**

**BAYVIEW TENNIS CLUB INCORPORATED***LES - ALAN P. INTERNATIONAL  
- Co. AN***INCOME & EXPENDITURE STATEMENT 1 JULY 2011 TO 30 September 2011**

<b>INCOME</b>	<b>Actual to 30/09/2011</b>	<b>Budget to 30/09/2011</b>	<b>Variance Fav(unfav)</b>	<b>Budget FY2012</b>	<b>Actual FY2011</b>
Club championship fees	-	-	-	\$498.00	\$478.50
Competition registration fees	\$413.00	\$292.00	\$121.00	\$1,454.00	\$1,475.50
Court hire	\$4,118.00	\$4,070.00	\$48.00	\$15,770.00	\$13,088.50
Joining fees	\$320.00	\$320.00	-	\$1,600.00	\$3,185.00
Youth development grant	-	-	-	\$1,600.00	\$1,608.66
Membership fees	* \$24,400.00	\$24,160.00	\$240.00	\$24,840.00	\$26,720.00
Sale of tennis balls & equipment	\$65.00	\$90.00	-\$25.00	\$220.00	\$87.50
Visitors fees	\$24.00	\$37.00	-\$13.00	\$61.00	\$229.00
<b>TOTAL INCOME</b>	<b>\$29,340.00</b>	<b>\$28,969.00</b>	<b>\$371.00</b>	<b>\$46,035.00</b>	<b>\$46,872.66</b>
<b>EXPENDITURE</b>					
Audit fee	-	-	-	\$1,050.00	\$990.00
Cleaning & garbage removal	\$1,528.58	\$1,533.00	\$4.42	\$8,071.00	\$7,318.70
Club and court maintenance	\$2,296.05	\$2,118.00	-\$178.05	\$6,348.00	\$17,543.75
Court hire commission	\$617.70	\$611.00	-\$6.70	\$2,366.00	\$1,951.50
Court hire competition teams	-	-	-	\$280.00	-
Electricity	\$1,017.57	\$886.00	-\$131.57	\$2,236.00	\$1,103.66
Filing fees Annual Return	-	-	-	\$70.00	\$70.00
Function expenses	-	-	-	\$100.00	-\$161.00
General expenses	\$139.90	\$50.00	-\$89.90	\$125.00	\$119.90
Honarium Allowances	\$450.00	\$450.00	-	\$450.00	\$450.00
Insurance	-	-	-	\$2,650.00	\$2,572.82
Junior development costs	-	-	-	\$100.00	-
Key cutting	-	\$100.00	-	\$100.00	\$215.00
Kitchen consumables	\$179.19	\$376.00	\$196.81	\$1,136.00	\$797.16
Postage	\$120.00	\$100.00	-\$20.00	\$322.00	\$326.00
Printing and stationery	\$150.60	\$300.00	\$149.40	\$700.00	\$1,154.88
Rates - Council & water	\$1,141.30	\$1,197.00	\$55.70	\$2,096.00	\$1,807.40
Registration fees comp. teams	\$264.00	\$264.00	-	\$528.00	\$792.00
Rent paid to council	\$2,787.29	\$2,956.00	\$168.71	\$11,823.00	\$11,380.60
Telephone	\$125.80	\$125.00	-\$0.80	\$704.00	\$779.40
Tennis balls & equipment	\$369.60	\$770.00	\$400.40	\$1,670.00	\$1,433.29
Trophy and honour board	-	-	-	\$1,700.00	\$1,697.63
Website costs	\$189.36	\$250.00	\$60.64	\$250.00	\$216.33
<b>TOTAL PAYMENTS</b>	<b>\$11,376.94</b>	<b>\$12,086.00</b>	<b>\$609.06</b>	<b>\$44,875.00</b>	<b>\$52,559.02</b>
<b>OPERATING CASH SURPLUS (DEFECIT)</b>	<b>\$17,963.06</b>	<b>\$16,883.00</b>	<b>\$980.06</b>	<b>\$1,160.00</b>	<b>-\$5,686.36</b>
<b>CAPITAL EXPENDITURE</b>					
Actual capital expenditure FY2011	-	-	-	-	\$1,047.80
<b>TOTAL CAPITAL EXPENDITURE</b>					<b>\$1,047.80</b>
<b>CASH SURPLUS (DEFECIT)</b>	<b>\$17,963.06</b>	<b>\$16,883.00</b>	<b>\$980.06</b>	<b>\$1,160.00</b>	<b>-\$6,734.16</b>

C:\BTCUP&amp;L statement

---

<b>C8.2</b>	<b>E04/11 - Design &amp; Construction of Commuter Wharf Facility at Church Point (Stage One)</b>
-------------	--

---

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

**Date:** 5 December 2011

---

**STRATEGY:** Recreational Management

**ACTION:** Progressively implement Plan of Management Recommendations

---

## **PURPOSE OF REPORT**

To consider the results of the Expression of Interest (EOI) and to approve procedure to selective tender.

### **1.0 BACKGROUND**

- 1.1 The existing commuter wharf pontoon at Church Point was built in the 1980s and subsequently extended in the early 90s. It currently accommodates up to 140 commuter dinghies used by offshore residents to access the mainland. To accommodate the existing number of boats, offshore residents currently double and triple stack boats requiring residents to boat hop thereby creating risks associated with overcrowding and reduced user amenity. The current facility only has capacity for approximately 48 boats without stacking.
- 1.2 Council adopted the Church Point Plan of Management (PoM) in December 2009 which outlined a masterplan and management strategies for the Church Point precinct including the commuter wharf. The PoM identified the issues associated with the commuter wharf and set out a strategy to upgrade the facility in particular to address the multiple stacking of boats in line with the adopted masterplan (see **Attachment 1**).
- 1.3 As per the PoM (Page 44 Management Strategies), the following actions have occurred:
  - a number of options for the new commuter wharf based on the adopted masterplan and liaison with offshore/onshore residents;
  - held numerous meetings with offshore community groups (SIRA, WPSA);
  - met with onshore community groups through the Church Point Design Committee and presented the options;
  - met with Fisheries representatives and engaged a consultant to prepare the Part V Assessment and Environmental Impact Statement and seeking to gain approval through Fisheries;
  - placed the EOI option on exhibition (at the actual commuter wharf and on the internet)
  - developed a funding strategy through successful grants and utilising existing funds collected through the Church Point Reserve Carpark Fund;
  - considered a staged implementation of the upgrades to align with available funds.
- 1.4 Works will be undertaken as outlined in the PoM and under the SEPP Infrastructure provisions.

- 1.5 As the facility will be solely used by offshore residents, the funding for the project needs to be borne by offshore residents. As such, the final design of the facility has been liaised in detail with offshore community representatives. The final plan (see **Attachment 2**) has also been discussed at the Church Point Design Group with onshore residents.
- 1.6 Council is currently liaising with offshore community representatives in relation to re-use of the existing commuter wharf at a number of other locations including Cargo Wharf at Scotland Island, to further cater for dinghy berthing in these areas – similar to what has recently been achieved at Tennis Wharf on Scotland Island.

## **2.0 ISSUES**

### **2.1 Expression of Interest (EOI)**

- Council prepared an EOI based on the full removal (and reuse) of the old commuter wharf and replacement with a central spine of the new commuter wharf based on the masterplan as Stage One (see **Attachment 3 - Option 1**).
- The EOI, as developed by Council, sought to find suitable contractors for the project through specific evaluation criteria based on ability and experience of wharf construction, financial capability, methodology and relative costings (see confidential report on this Agenda).
- Six (6) contractors/companies replied to the EOI and following assessment, five (5) contractors are recommended to participate in a selective tender process for options as presented.
- A full summary of the EOI evaluation process and recommended list of proponents for Selective Tender are included in the confidential section of this Agenda.

### **2.2 Options**

- The option incorporated as part of the EOI, included removal of the existing commuter wharf and replacement with the new system on the new alignment. A plan of this was exhibited at Church Point.
- Council has subsequently had a number of representations from individual offshore and onshore residents concerned about the proposal as presented and exhibited. Issues related to cost of the proposal, removal of the existing commuter wharf and broader implications of the adopted masterplan have been raised.
- As such, Council has prepared two options for detail tender both of which are consistent with a staged implementation of the PoM, as follows:

#### **Option 1**

Total removal and replacement of existing commuter wharf with new and extended on new alignment as per the EOI (see **Attachment 3 – Option 1**), and

#### **Option 2 – a further staged implementation of Option1**

Partial retention of the existing commuter wharf to the west and the removal and replacement of existing with new commuter wharf to the east of the existing gantry (see **Attachment 4 – Option 2**).

- For both Options there is to be consideration of the salvage of the existing pontoon elements and reuse at another location.
- Both offshore community group presidents have endorsed Option 1 and support redevelopment of the facility in accordance with the adopted masterplan (see **Attachment 5**).
- Council will decide on which option to construct based on affordability, recommendations from offshore communities and decisions of the SMT and ultimately Council.
- Council staff will issue the selective tender to nominated contractors prior to Christmas with the recommended tenderer and option to be presented to Council as soon as possible in the new year.

## 2.3 Financial Implications

### Funding

Funding for the project will be made up of two successful grants, one from the Federal Government RLCIP (\$95,000), and the other from NSW Maritime Better Boating Program (\$100,000) as well as from the Church Point Reserve Carpark Fund (up to \$300,000). Offshore representatives have agreed to utilise the Church Point carparking funds as a loan and for this to be repaid by funds raised from the cost of the individual dinghy charges to be applied on completion of the upgrade.

### Business Case

The Church Point PoM includes detailed information on the proposed upgrades at Church Point. This includes justification, cost estimates for design and construction and income sources.

The PoM has authorised the works and as such, a further Business Case to justify the project is not required.

---

## 3.0 SUSTAINABILITY ASSESSMENT

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

- 3.1.1 The upgraded commuter facility will provide better suited infrastructure to Pittwater's unique offshore based community.

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

- 3.2.1 The upgraded facility will be subject to full environmental assessment through Council's nominated consultants and the Department of Primary Industries.

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

- 3.3.1 The upgraded facility will assist the day to day life of offshore residents accessing the mainland.

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

- 3.4.1 Works will be undertaken under the auspices of the PoM and through the SEPP Infrastructure.



### 3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The upgraded infrastructure will be a Staged implementation in accordance with the adopted PoM and provide improved infrastructure for the community in this precinct.

---

## 4.0 EXECUTIVE SUMMARY

- 4.1 The upgrade of the commuter wharf facility has been clearly outlined and investigated in the adopted PoM along with a business case for ongoing management.
- 4.2 The proposal has been presented and approved by Council's Senior Management Team and endorsed by offshore community representatives.
- 4.3 The options as presented cater for both the adopted PoM and representations to maintain the existing commuter wharf.
- 4.4 The EOI presents five (5) contractors with proven ability to construct the facility with budget funding confirmed.

---

## RECOMMENDATION

1. That based on the results of the Expression of Interest, Selective Tenders be called from the following recommended list of proponents for the design and construction of Stage 1 (Options 1 and 2) of the commuter wharf upgrade at Church Point) as outlined in the report):
  1. Pacific Pontoon and Pier Pty Ltd
  2. Atlas Marine International Pty Ltd (Trading Name: Superior Jetties)
  3. Sydney Marina Contracting Pty Ltd
  4. Bellingham Marine Pty Ltd
  5. BFS Group Pty Ltd (Trading Name: Sydney Maritime Services)
2. That a further report, recommending a tenderer and preferred option, be presented for consideration by Council in the new year.

Report prepared by

Mark Eriksson – Landscape Architect Principal Officer

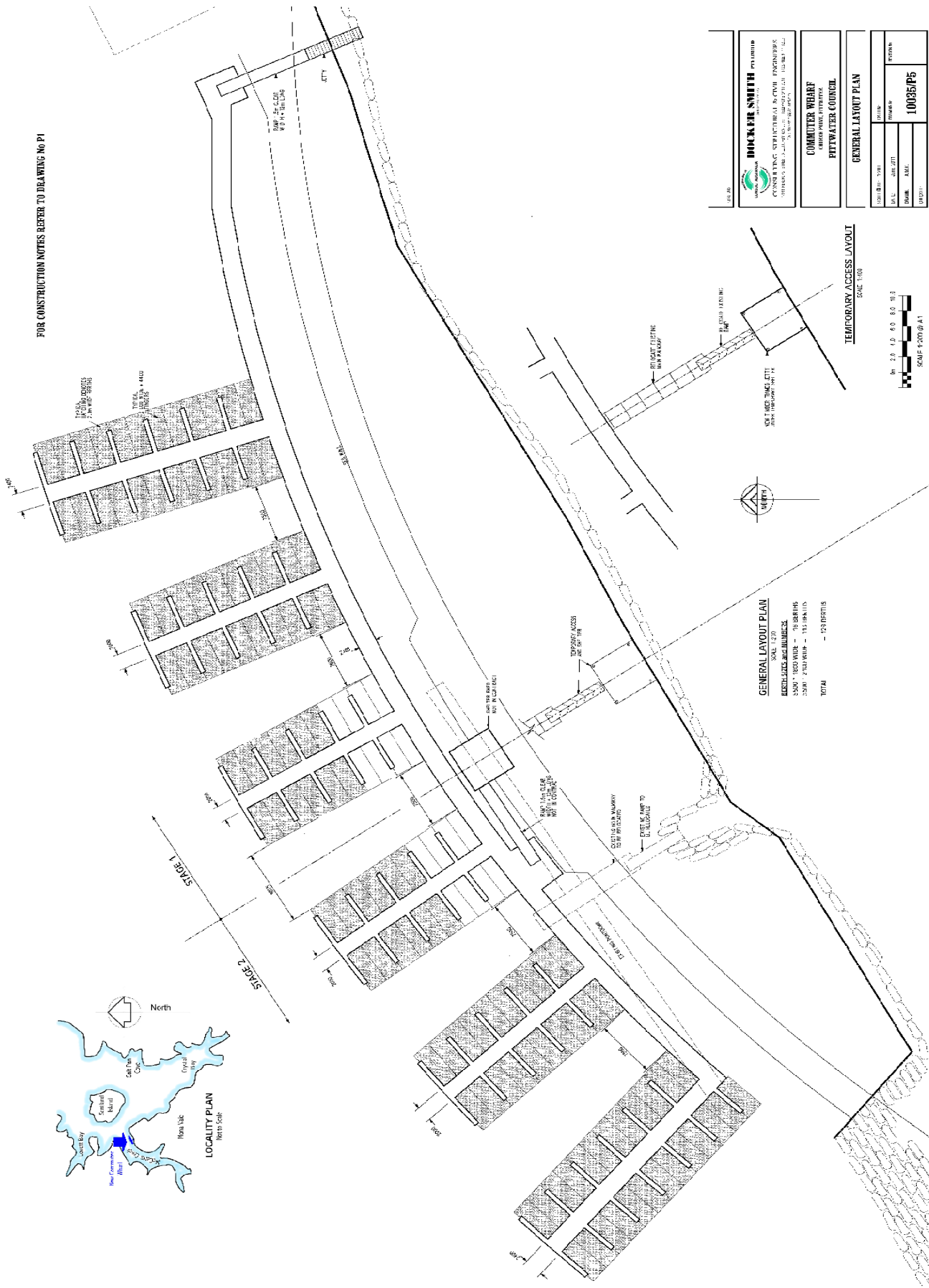
Les Munn

**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**



Figure 6.4 – Church Point Concept Master Plan

FOR CONSTRUCTION NOTES REFER TO DRAWING NO P1





Total removal and replacement of existing commuter wharf with new and extended on new alignment as per the EOI



A further Staged implementation of Option 1





November 20, 2011

Mark Eriksson,  
Landscape Architect, Principal Officer  
Pittwater Council  
P O Box 882  
Mona Vale 1660



Dear Mark,

**RE: Final Design of Church Point Commuter Wharf**

The broad community mandate for the Church Point Plan of Management (CPPOM) was established through several large public meetings and in the significant bulk of correspondence received from Offshore residents by Council during the development stage of the CPPOM. The understanding most people have is that the annual Church Point Parking Permit is a financial contribution to the future implementation of that plan.

There has been strongly held opinions regarding Church Point and I am well aware of varying views in our own community, both for and against the implementation of the CPPOM, or parts thereof. In all levels of politics and community life what is called "confirmational bias" means that people often mix with others who support their own views giving them the impression that this is "the majority view". To correct this it is necessary on an occasional basis to conduct a more objective survey of opinion. As you are aware SIRA, in partnership with WPCA, is developing a survey of every Offshore household with regard to the Options for the Precinct 1 area at Church Point. Even the design of this survey is itself a significant community consultation process and, indeed, the distribution of the survey has been delayed due to the need for this process. We hope that this survey will be finalised and distributed within the next month.

We also acknowledge that Council staff have been engaged in this community consultation process regarding the Church Point Commuter Wharf and we appreciate that Senior Council staff have given time to meet with various individuals and community groups. We are also aware that there are at least two options for the commuter wharf to go out to tender and the options are yet to be finalised. These options need to be final designs and not concept designs. Once the tendering process is complete we will all be in a much better position to evaluate our next steps forward and to put it to our community.

In regard to the Church Point Commuter Wharf, we are aware that there are significant time factors bearing upon the finalisation of the tendering, approval and construction stages of this project, not least of which is the \$200,000 grant funding. In this context, our opinion is that the previously given broad community mandate as described above is the best guide at this point and thus our view is that:

- (a) Council must proceed with a design that is in line with the current CPPOM, that is, one that would be able to accommodate the proposed infilling in this Precinct 1 area. It may well be that the final design for Precinct 1 varies from that shown in the plan, but for the present nothing should be done which makes any pre-commitment to such an alteration in the CPPOM or which cannot accommodate the CPPOM proposal for this area.
- (b) In regard to cost and future fee implications, of course, we encourage any economy that allows for (a) above to be achieved with a fee which is noticeably less than that which was publicly advertised. Usage of some of the accrued fees from Church Point Parking Permits, Fees and Fines may allow this.
- (c) We do not support any temporary arrangements or half way designs. It has been our experience that “temporary” often becomes “permanent”. The only possible exception is where there is a very clear timeline with written commitments as to when the temporary structure would be replaced with the final structure.

We thank Council staff for the time and work that they are putting into this project. We hope that those who have widely varying views on this topic show each other the required respect and that the process we have followed these past several years continues to provide a template.

Yours truly,

*Bill Gye*

President

SIRA

# West Pittwater Community Association

Representing the communities of McCarrs Creek, Elvina Bay, Lovett Bay and Morning Bay  
PO Box 289 Church Point NSW 2105  
www.wpca.org.au Email community@wpca.org.au

---

To : Mark Eriksson  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

CC: Mark Ferguson

Dear Mark

This letter is to confirm the WPCA's support for the Church Point Plan of Management and the stage 1 work about to commence at commuter wharf as shown on the drawing exhibited at the wharf and as per the POM.

We look forward to the upgraded facilities and implementation of the POM.

Regards

Michael Wiener

President WPCA



---

<b>C8.3</b>	<b>Minutes of the Community, Recreation &amp; Economic Development Reference Group Meeting of 2 November 2011</b>
-------------	---

---

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

**Date:** 5 December 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 2 November 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 Progress on the Economic Development Plans was noted by the Reference Group.

2.2 Progress on the Social Plan was noted by the Reference Group.

- 2.3 The members endorsed Council's submission for a Police and Community Youth Club.
- 

### **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 2 November 2011 for Council's consideration.

---

## **RECOMMENDATION**

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 2 November 2011 (**refer Attachment 1**) be noted.

Report prepared by

Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY**

# Minutes

## Community, Recreation & Economic Development Reference Group

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

*2 November 2011*

Meeting Commenced at 4.02pm



## **Attendance:**

Cr Ian White, Chairperson

## **Community Representatives:**

Barrenjoey High School P&C – Ms Sandra Skelly  
Pittwater Community Arts – Ms Lorrie Morgan  
Newport Residents Association – Dr Ruth A Fink Latukefu  
Clareville & Bilgola Plateau Residents Association – Ms Jennie MacKenzie  
Surf Life Saving Northern Beaches – Mr Steve McInnes  
Sustainability Pittwater – Mr Anthony Robinson  
Newport Residents Association – Mr Hans Hui  
Pittwater Resident Representative - Ms Mischa Moraza  
Pittwater Resident Representative – Mr Alan Porter

## **Council Advisors:**

Mr Lindsay Godfrey, Manager, Community, Library & Economic Development  
Ms Melinda Hewitt, Social, Community & Economic Development Coordinator  
Ms Pamela Tasker, Administration Officer/Minute Secretary

## **Observers:**

Mr Vaughan Milligan, Pittwater Resident / Town Planner  
Mrs Margaret Smith, Pittwater Resident

**COMMUNITY, RECREATION & ECONOMIC DEVELOPMENT  
REFERENCE GROUP MEETING**

**Table of Contents**

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>1.0</b>	<b>Apologies</b>	<b>6</b>
<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>	<b>6</b>
<b>3.0</b>	<b>Confirmation of Minutes</b>	<b>6</b>
<b>4.0</b>	<b>Discussion Topics</b>	<b>6</b>
CRED4.1	Economic Development/PCYC/Health and Well Being	7
<b>5.0</b>	<b>Emerging Business</b>	<b>11</b>
<b>6.0</b>	<b>Next Meeting</b>	<b>11</b>

---

## **1.0 Apologies**

Apologies were received from:

- Ms Fiona Winter - Community Care (Northern Beaches) Inc.
- Mr Heath Blanshard - Pittwater Community Gardens Association Incorporated
- Ms Bronwyn Hammond - Pittwater Community Arts
- Mr Paul Purvis - West Pittwater Community Association
- Mr Les Wingham - Pittwater Resident Representative

and leave of absence was granted from the Community, Recreation & Economic Development Reference Group meeting of 2 November 2011.

The Reference Group Members accepted the apologies.

---

## **2.0 Declarations of Pecuniary Interest - Nil**

---

## **3.0 Confirmation of Minutes**

### **REFERENCE GROUP RECOMMENDATION**

That the Minutes of the Community Recreation and Economic Development Reference Group meeting held on 3 August 2011 be confirmed as a true and accurate record of that meeting.

(Ms Jennie MacKenzie / Ms Lorrie Morgan)

---

## **4.0 Discussion Topics**

---

**Economic Development Plan Update:-*****Proceedings in Brief:***

Mr Lindsay Godfrey addressed the meeting providing an update on the Economic Development Plan.

**Matters Arising from the Discussion:-**

**Q:** Does “*business*” include private companies, even those that don’t actually trade?

**A:** The statistics arise from Census data and would be assessed on categories such as “*where do you work?*” So the numbers would not necessarily pick up on shelf companies or family trusts, but should include those people who listed themselves as self employed.

**Q:** We see a lot of tradespeople such as plumbers, electricians, etc., registered in the phone book as being based in suburbs such as Avalon, but they may be a mobile service working from home. Do the statistics capture these even though they don’t have a physical place of employment, or an actual office or workshop in the suburb?

**A:** The data is probably not entirely accurate on home businesses.

Pittwater’s environment such as the waterways may dictate what sort of businesses become established in the area in future.

At this stage we do not have a structured inventory or audit of what businesses we have in the village centres. This is our first major attempt to try to quantify what we have and where.

There have been some big changes in some village centres over the last five years, the increase in coffee shop culture for instance.

Some services have been lost, such as banks, which means people will have to travel to access services.

Pittwater as an economic region quite new, still growing and developing, looking at even more changes over next few years as it stabilizes and settles into what the population needs – what will be sustainable in terms of keeping a business going.

Construction is the largest employer in Pittwater. This is supported when you look at the number of tradesmen ute’s on the roads, or the number of development applications being lodged for alterations and additions on houses. It is evident that the construction industry in Pittwater is very healthy.

A significant number of females in Pittwater are in part time employment. Community Services have noticed this in child care placements, where children are “time sharing” daycare spots. This may be due to grandparents acting as part time child minders, but could also be a reflection of the number of females working part time. In other areas it appears a higher proportion of females are working full time.

Lifestyle factor – people happy to take lesser wages to work locally? This is not backed up by local businesses who report they are having to spread a wider net to find workers. A lot of their employees are living in less expensive areas and travelling to work in Pittwater.

The data shows very little money is being spent on Arts and Recreation in the Pittwater area and that very few people are employed in this sector. Although it is true that Pittwater does not have art galleries or professional theatres, all the work in this area is done by volunteers so it is not captured by the data.

Home based micro businesses are almost impossible to track. The first Economic Plan might not capture everything given the current time and resources available, but hopefully we will be able to better track this sector in future plans.

Role of Council: introductory services perhaps but what level of facilitation further down the line is realistic or appropriate? Specialist help and advice should be handled by economic advisors.

There is a lack of local Business Enterprise Centres or other such organisations on the Northern Beaches. Other councils are looking at business acceleration in the micro business sector, that is assistance at start up and in the early stages. Councils look at assisting small businesses to grow, taking the view that over time those businesses generate employment and stimulate the local economy. We don't see Pittwater Council offering economic advice but there is a role for Local Government, such as lobbying State & Federal Governments, securing grants for business support services, encouraging home grown businesses to grow and expand.

Another area of opportunity is in Mentoring. There is a wealth of talent in Pittwater, especially older retired business leaders. This resource could be tapped and linked to micro businesses in need of expertise, specialist advice and opening up networking opportunities.

In supporting any new or growing business we need to encourage them towards creating environmentally sustainable businesses. Another role for Council could be to offer such advice and to provide links to services or other initiatives who can advise on this.

**Timetable:** Pittwater Council is now formulating discussion papers which we hope to finalise by March or April 2012. The Economic Plan will hopefully go on Public Exhibition then back to Council for ratification and endorsement by June/July 2012.

## **Social Plan Update & Community Health and Wellbeing:-**

### ***Proceedings in Brief:***

1. Ms Melinda Hewitt addressed the meeting on the Social Plan update and led the discussion on Community Health and Wellbeing.
2. The "new hospital" issue was excluded from discussion. Although this is acknowledged as being the major issue concerning health on the Northern Beaches at this time, there is no new information available at the moment that would assist a discussion of the issues.

### **Matters Arising from the Discussion:-**

Some factors which may impact on an individual's health and wellbeing:

- Work / life balance
- Financial pressure (contributing to health problems / stress)
- Access to employment
- Access to civic participation – being part of the decision making process

Issues relating to the shortage of GPs in the area:

- Reluctant to make home calls
- Reluctant to provide after hours services
- Most of them have closed their books and not taking on new patients



The lack of access to such an important and basic service is seen as a problem for the Pittwater community. The challenge needs to be met at all levels of government. As part of the national health reform, a nationwide network of "Medicare Locals" offering GP and allied health services across the board to patients is being rolled out. Councils also have role in providing access to preventative measures, such as exercise opportunities, well publicised cycleways, walkways, open spaces, sports fields and facilities. We are actively supporting Active Living and have information on the Council website on how to become active within the community. Participation in Active Living is considered to be beneficial on many levels of a person's wellbeing.

Problems identified in Pittwater reflect the same problems as those seen nationally.

There is always a doctor at Mona Vale Hospital – service vital in terms of after hours support but it is not very well promoted and few people seem aware of it.

Better lighting of public spaces leading to better access after dark:

Any extension of lighting in public spaces creates huge residential amenity issues for Council. Surrounding residents almost always fight to have night lighting restricted. However, it might be possible in specific areas which could be practicable, for example low lighting on pathways or the direction of overheads being better targeted.

In addressing the problems re residential amenity, Council needs to initiate a conversation within the community about the benefits in providing a range of activities available to residents such as walking dogs at night. Need to open a dialogue with the local residents re sharing the space equitably, and that open space is not just there for the residents who border the park, walkway or sporting field. We need to find a balance to maximize residential enjoyment of the various amenities in the LGA.

It was suggested that Pittwater has one of the lowest obesity rates and one of the lowest smoking rates in NSW, but it remains a problem which needs to be addressed. It was noted that the public perception of smoking can be misleading as people do notice others smoking, but don't notice them **not** smoking.

**Q:** Could Council employ someone to teach Tai Chi or dancing in the parks in the morning.

**A:** There are lots of private classes available. Council sees its role as providing and maintaining the spaces and the infrastructure to facilitate such activities.

Council's role is also to support the large number of organised sporting associations which access our amenities. These organisations are run by an army of volunteers who do a wonderful job of managing what is a huge operation, particularly junior sport. There are thousands of children participating and it is carried on the back of a huge parent / volunteer effort. This needs to be acknowledged and supported even more.

Pittwater is particularly fortunate in the availability of natural assets. Our environment encourages sailing, surfing, sports etc. From a wholistic point of view, community involvement in these activities is good across all aspects of health and wellbeing, providing social interaction and intergenerational activities for our residents.

### **Update on Police & Community Youth Club (PCYC) Submission:-**

#### ***Proceedings in Brief:***

Mr Lindsay Godfrey addressed the meeting on the subject of the proposed PCYC.

## **Matters Arising from the Discussion:-**

Pittwater has significant issues which are not recorded in national Crime Statistics. A large numbers of young people are crashing parties, causing disturbances outside pubs at closing time and binge drinking. Pittwater is not high up on the list of troubled areas, but in our submission we tried to articulate those problems we do face (as above) and position the PYPC as having a preventative role and a significant part to play in bringing kids at risk back into mainstream. We have also developed a highly detailed Preliminary Business Case and Concept Plans. We are hoping to secure \$2.5m funding through a State Government grant and demonstrating that Council is well organised and that there are youth at risk within the LGA / Northern Beaches region will hopefully support our grant claims.

**Q:** Is there a higher concentration of youth in the southern LGA rather than in the northern LGA?

**A:** The proposed PCYC model is pitched at covering the greater northern beaches area.

The members offered their congratulations to Lindsay, Melinda and the team who had worked so hard on the PCYC package. We have wanted this for our kids for so long. There are so many young people on the beaches at night drinking, and we have a very real need for this kind of facility in our area. Very worthwhile initiative and well worth all the work done on it.

The Club was seen as not just supporting youth but supporting the whole family, offering young people and their parents an opportunity to access support services.

**Q:** If we don't get the \$2.5m are there still smaller grants available? Will the project still be viable without that funding?

**A:** At present, the project cannot go ahead without the \$2.5m.

The only recurrent cost to Council would be depreciation on the building. The building will be available for use by the PCYC, youth services and the general community. There is State Government funding locked in to cover the costs of the Centre Manager and the two dedicated Police Officers.

Our other challenge will be obtaining optimum environmental sustainability within the new building.

**Q:** It is being built on a low lying area – how does this fit with flood plain and tidal inundation issues?

**A:** We are still only a concept plan stage, but of course we have looked at the broader issues and are aware of the flooding issues. Flooding issues are dynamic and constantly changing, so we wont know the actual parameters until we are further down the track when all risks will be addressed.

**Q:** We have existing parking nearby – do we need to plan for more? Have these issues been addressed?

**A:** We have the nearby Park & Ride which is not as busy after hours and weekends. When in performance mode we will probably face the heaviest demand, but we also have lots of parking around the park to cater for overflow.

**Q:** Has the PCYC concept been evaluated?

**A:** PCYC NSW produce Annual Reports and regular evaluations are undertaken by existing Clubs. These are available on the PCYC website at <http://www.pcycnsw.org/>. Also, models differ – some clubs have gyms, some have artspace. We are trying to include lots of components to maximize use of the club and its attraction for youth.

It is envisaged that in order to maximize the use of the space we make it available to other groups or the general public when the PCYC is not in operation. For instance, hire it out to seniors learning computer skills, or other organisations using the basketball courts, table tennis facilities, etc., when not being used for structured PCYC programs. This will help with covering costs and also provide lots of facilities to the general public.

**Q:** Have the young people indicated they want a PCYC?

**A:** We will have to undertake further community engagement for local youth. One of the problem areas identified is that youth relationships with police are not good on the northern beaches and this is seen as an opportunity to open up communication. The police aspect will need to be worked on to get the kids fully onside. Any youth spoken to appear to be enthusiastic about the proposed space and programs being offered, but remain hesitant about police involvement.

Provision of the available space will fill a void in Pittwater – eg: can hold a dance for 1,000 kids. There are no comparable venues available in the area at present. Young people have indicated that they want safe spaces, and that they get hassled in lots of public spaces at present, especially by other young people, so see this space as a bonus. It will be specifically designed to address security. The venues used at present are usually school halls which are not designed for functions and do not address the level of security necessary to keep whole system safe.

---

## **5.0 Emerging Business - Nil**

---

## **6.0 Next Meeting**

The proposed 2012 meetings schedule is as follows:

- *Wednesday, 1 February, 2012*
- *Wednesday, 2 May, 2012*
- *Wednesday, 1 August, 2012*
- *Wednesday, 7 November, 2012*

All meetings will be held at the Coastal Environment Centre, Lake Park Road, North Narrabeen, commencing at 4.00pm.

Ms Melinda Hewitt will be presenting an update on the Social Plan at the February meeting.

**There being no further business  
the meeting closed at 6.17pm  
on Wednesday, 2 November, 2011**

---

## **Natural Environment Committee**

---

### **9.0 Natural Environment Committee Business**

---

---

## **C9.1 Minutes of the Natural Environment Reference Group Meeting held on 9 November 2011**

**Meeting:** Natural Environment Committee

**Date:** 5 December 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 9 November 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 to Discussion Papers on

***"Pollution Control, Education and Enforcement" and  
"Increasing Resource Recovery – Council and Kimbriki"***

### **2.0 ISSUES**

#### **2.1 NE4.1 – Pollution Control, Education and Enforcement**

- Builders Information Night
- Education Information
- Media Coverage - Pollution

#### **2.2 NE4.2 - Increasing Resource Recovery – Council and Kimbriki**

- Domestic Waste Audit and Recycling Audit 2011
  - Kimbriki Resource Recovery Centre, Kimbriki Road, Terrey Hills
- 

### **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 9 November 2011 relate, in part, to:

- A Discussion Paper on *"Pollution Control, Education and Enforcement"*
- A Discussion Paper on *"Increasing Resource Recovery – Council and Kimbriki"*.

- 4.2 Each of these topics raised considerable interest with a number of questions and answers recorded in the minutes. These will be taken into consideration when updating community information/fact sheets.

---

## RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 9 November 2011 that relate to the Discussion Papers on:

- ***"Pollution Control, Education and Enforcement" and***
- ***"Increasing Resource Recovery – Council and Kimbriki"***

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

meeting held at the Coastal Environment Centre on

*9 November 2011*

Commencing at 4:03pm



## **ATTENDANCE:**

### **Members of the Committee, namely**

Cr Peter Hock, Chairperson

### **Community Representatives:**

Ms Marita Macrae, Avalon Preservation Trust / Pittwater Natural Heritage Association

Ms Frances Holdaway, Careel Bay, Pittwater Protection Association

Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society

Mr Hans Hui, Newport Residents Association

Ms Susan Young, Newport Residents Association

Mr Martin Porter, Surfrider Foundation

Mr Stuart Taylor, Palm Beach Whale Beach Association

Mr Alan Yuille, West Pittwater Community Association

Mr Robert Williams, Pittwater Resident Representative

Ms Roberta Conroy, Pittwater Resident Representative

Mr Roger Treagus, Pittwater Resident Representative

### **Council Advisors**

Mr Mark Beharrel, Manager, Natural Environment and Education

Mr Jeff Lofts, Manager, Environmental Compliance

Ms Robina Bramich, Principal Officer, Environmental Health

Ms Sharon Kinnison, Senior Community Coordinator

Ms Sherryn McPherson, Minute Secretary



## **Natural Environment Reference Group Meeting**

### **TABLE OF CONTENTS**

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>1.0</b>	<b>Welcome and Introductions</b>	
1.1	Apologies	
1.2	Resignation of Member / Replacement Delegate	
<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>	
<b>3.0</b>	<b>Confirmation of Minutes</b>	
<b>4.0</b>	<b>Discussion Topics</b>	
NE 4.1	Pollution Control, Education and Enforcement	
NE 4.2	Increasing Resource Recovery - Council & Kimbriki	
<b>5.0</b>	<b>Emerging Business</b>	
<b>6.0</b>	<b>Next Meeting</b>	

---

## **1.0 Welcome and Introductions**

### **1.1 Apologies**

1. Apologies were received from:

- Mr Cecil Ellis, Pittwater Resident Representative
- Ms Dianne Campbell, Scotland Island Residents 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
- Mr Trevor Holman, Palm Beach Whale Beach Association

and leave of absence from the Natural Environment Reference Group Meeting of 9 November 2011 was granted.

2. The Reference Group Members accepted the apologies.

### **1.2 Resignation of Member / Replacement Delegate**

Ms Kristine Martin, representative of the Careel Bay, Pittwater Protection Association, Inc., has tendered her resignation to the Natural Environment Reference Group advising that she has moved away from the Pittwater area.

Ms Frances Holdaway, a long term resident of Pittwater with an active interest in the Natural Environment has been appointed as the new delegate of the Careel Bay, Pittwater Protection Association.

The Chairperson welcomed Ms Holdaway to the Meeting.

---

## **2.0 Declarations of Pecuniary Interests – Nil**

---

## **3.0 Confirmation of Minutes**

### **REFERENCE GROUP RECOMMENDATION**

That the Minutes of the Natural Environment Reference Group meeting dated 10 August 2011, copies of which were circulated to all Group Members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Mr Martin Porter / Ms Gloria Carroll)

---

## **4.0 Discussion Topics**

---

## **NE 4.1      Pollution Control, Education and Enforcement**

### **Proceedings in Brief**

Mr Jeff Lofts – Manager, Environmental Compliance addressed the meeting on this item and distributed brochures to Reference Group Members titled “Cutting Construction Waste”, “Tree Preservation” and “Contain it”.

---

### **Questions and Answers:**

**Q: Residents living on Wallumata Road experience a large amount of debris during / after storms and this is highly dangerous due to the steep descent of the road. Is every site inspected and how often?**

**A:** Yes each site is inspected. In regards to pollution, Council continually works on improving the environment and preventing reoccurrences.

**Q: Can the general public report issues?**

**A:** The community is encouraged to report issues to Council. Each Report submitted to Council is investigated and invaluable to the ongoing improvements to the Pittwater Area. Notifications and advice received from members of the community is captured in a system called Merit with each report resulting in an inspection to the area.

**Q: Are noise restrictions addressed as an item in Council’s Education Program with a particular emphasis on construction?**

**A:** Specific noise levels are covered and controlled by the Environmental Pollution Act. There is a limit on noise in regards to duration, time and specified hours. This is included in the Education Program but Council cannot control the provision of noise in regards to building processes.

**Q: Is a representative from Council available to be contacted if a specific building site is being a nuisance**

**A:** Council has a staff member permanently appointed (with an exception of Christmas Day) to assist the Community with any issues in regards to building sites.

**Q: Do Council staff monitor sediment traps?**

**A:** Council staff will inspect sites for compliance in regards to development conditions which may include sediment traps.

---

### **REFERENCE GROUP RECOMMENDATION**

That the information be noted.

(Mr Martin Porter / Ms Marita Macrae)

---

## **NE 4.2      Increasing Resource Recovery – Council and Kimbriki**

### **Proceedings in Brief**

Ms Robina Bramich - Principal Environmental Health Officer - addressed the meeting on this Item and distributed brochures to the Reference Group Members titled "Free E Waste Recycling, Waste and recycling, Clear out and Vegetation collection Information for Scotland Island."

---

### **Questions and Answers:**

**Q: In regards to food waste, recycle and compost, what about chicken and meat? How can the home owner dispose of these food items.**

**A:** Some items do attract the vermin and can not be placed in the compost and therefore these food items will need to be put towards landfill. Unfortunately the general home can not contain the more advanced systems like the commercial composting systems at Kimbriki which can accommodate these items.

Biodigestives are more practical in utilising a bio methane capturing process. Composting systems aim to reduce the overall bulk of the waste so that it achieves goals of reducing quantity and tonnage for landfill and therefore produces a product and useful fertilizer.

Belrose Waste Management Centre will possibly close within the next 2 years resulting in an increase to the Pittwater disposal costs. Until such time Council will continue to collect waste which will be bulked and then transferred to another site. This process will repeat and then be taken to a large recycling centre and finally be transformed into landfill.

**Q: Light bulbs with mercury (energy savers), should we give them to another collection company or where do we put them?**

**A:** Council has a specific waste bin with an operator on site but unfortunately Council is limited to the quantity we can dispose of at any one time. Each item has to be fed into the disposal system individually and limited storage space is available. No collection service is operating at this time but is currently being investigated.

Kimbriki could be a possible collection point similar to the Ewaste (Electronic Waste) collection service but if this service is made available then each item shipped to a recycling dealer cost the Council money which then would be an additional cost to the community.

**Q: Will the Ewaste situation change or become more desirable?**

**A:** We want our Ewaste to be dealt with within our own boundaries of Australia. We currently place these items into containers and ship to various countries that look at reusing items over recycling. In the future we are hoping for the situation to change and are investigating processes to enable us to recycle these items. Metal recycling is more desirable especially in regards to desktop computers, cases and parts of computers that we do reuse is more valuable.

**Q: When the garbage trucks collect recyclable items, you can always hear the glass items breaking. Why can't the community break up glass prior to placing it in the bin?**

**A:** Council does not recommend the community breaking up glass items for safety reasons and due to the variances in glass not all glass items can be recycled. For example, a drinking glass is not the same type of glass as a glass bottle and a ceramic is also a different product and material type. Ceramic or glass related products can not be recycled as there is no process for breaking the items down into a recyclable matter and at this point will go to landfill. Light bulbs and fluorescents can be recycled.

**Q: How do we dispose of nappies?**

**A:** This is currently a Legislation issue and there is a shortage of compostable sanitary products. There is a compostable brand of nappies available however the majority of cheaper brand nappies still contain a plastic product which cannot go into compost. There is no current Legislation stating that all nappies are to be recycled as the plastic nappies are more desirable and are produced / sold at a cheaper rate to the community therefore at this point nappies can not be disposed of in the general recycling bins.

Parramatta Councils have put in place alternate collection service for sanitary items and Coffs Harbour are using a manual sorting.

**Q: What is the percentage of vegetation in the garbage and would Council consider providing additional green bins for the community?**

**A:** The waste audit conducted in July 2011 showed that approx 4% of vegetation is placed in garbage bins. Residents are given the option to purchase 240 litre vegetation bins.

Councils waste collection contract is due for renewal in 2014 and Council is looking to work with Kimbriki Environmental Enterprise (KEE) to improve the vegetation and recycling services provided to the community. A new bin collection system will be implemented where food waste will be collected with vegetation and processed at Kimbriki.

**Q: Can we re-introduce the incentive for returning a recyclable items and the community receive a refund for each item.**

**A:** Issues are broad when you go to tender as each company requires a specific structure in order for the recycling company to have the correct disposal agreement which will be financially beneficial to that company. If bottles are removed because of a deposit and refund incentive, the recycling company will factor this in. Container disposal legislation has proved successful once the product is no longer useful, the public can return the item for a refund and is a good incentive / recycling process.

**Q: Has this been beneficial in Europe?**

**A:** In Germany many items have been built specifically in accordance with recycling possibilities however this would be beneficial in any Country if every item could be produced with the assurance that it will be recyclable.

**Q: Is a liner a definite requirement for bins?**

**A:** Liners is used for the convenience of the household user only.

**Q: What is the best disposable method for paint?**

**A:** Kimbriki does not have a licence for paint however Belrose has transfer facilities and the option available to have these items bulked up and transported to a recyclable plant.

**Q: Is Pittwater Council attempting to become Carbon Neutral?**

**A:** At this time no. The Depot has been built with sustainable items but not all aspects are possible with Vuko place being too old and costly to change every item. Solar hot water and lighting has been implemented into Council buildings however it is difficult to make existing buildings carbon neutral and costly to amend.

**Q: The Kimbriki Centre, the grass covering the grounds as you enter appears and looks like a dangerous weed and not environmentally responsible. Council has planted this specific species in many areas within Pittwater and we should plant alternate species which would be more attractive and desirable.**

**A:** The SHOROC Group of Councils has made an investment in Kimbriki however Council has no control over the landscaping at the Kimbriki Centre. The Community is welcome to write to the organization with there suggestions with alternate ground cover to enhance its appearance.

---

## **SUMMARY / RECOMMENDATION**

1. This discussion paper examines the goal within Pittwater 2020 Strategic Plan: To minimise production of waste and increase reuse and recycling”.
2. This report provides a review of the strategic initiatives that relate to this goal and examines the actions taken and proposed to progress these initiatives.

(Mr Alan Yuille / Mr Roger Treagus)

---

## **5.0 Emerging Issues**

### **Sharon Kinneson – Stormwater Education Program**

The Council is conducting and raising awareness on Stormwater Education and would like to seek assistance from Reference and Community Groups. Catchment Walks and Water Quality are targeted areas where it would be appreciated if groups could nominate their availability to help develop various forms of awareness to the community. An email will be distributed to Community Groups will receive an email in the near future informing them of the upcoming program and all groups are encouraged to respond.

---

### **Mark Beharrel – Future Discussion Topics**

#### **TOPICS FOR DISCUSSION IN THE FUTURE**

<b>STRATEGY</b>	<b>Priority</b>
Vegetation Management with a discussion on hazard reduction.	February 2012
Beach and Coastal	May 2012
Sustainability	August 2012
Biodiversity	November 2012
Climate Change	February 2013
Water Management	May 2013

---

## **6.0 Next Meeting**

The proposed schedule of meetings of the Natural Environment Reference Group Committee is as follows:

*Wednesday, 8 February, 2012 at 4.00pm*  
*Wednesday, 9 May, 2012 at 4.00pm*  
*Wednesday, 8 August, 2012 at 4.00pm*  
*Wednesday, 14 November, 2012 at 4.00pm*

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CLOSED AT 5.35PM  
ON WEDNESDAY, 9 NOVEMBER 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**

---

**13.0 Confidential Items (Appendix 1)**

---



***Confidential Advice***

---

**Commercial In Confidence Advice - Bayview Tennis Club - Renovation works to existing timber deck and stairs.**

---

**CONFIDENTIAL COMMERCIAL ADVICE**

---

**Item No:** C8.1

**Matter:** Commercial In Confidence Advice - Bayview Tennis Club - Renovation works to existing timber deck and stairs.

**From:** Les Munn - Manager Reserves, Recreation & Building Services

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

**Date:** 5 December 2011

---

The abovementioned matter is listed as Item No C8.1 in Open Session in the Agenda.

- 1.1 Council manages upgrades to the four leased tennis clubs in Pittwater through the Tennis Liaison Committee. The four clubs are at Bayview, Mona Vale, Elanora and Careel Bay. Capital improvements works are approved by the four clubs at a Lessee's committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Bayview Tennis Club to undertake renovation works to the existing timber deck and timber stairs which form part of the tennis club complex. The works are necessary as the timber bearers and joists are a number of years old and showing signs of decay and becoming unstable and are now in need of replacement.
- 1.3 The Club obtained four quotes (see attached) from the following suppliers:
  - Oak Home Improvements - \$ 20,361 (including GST)
  - Twenty Bird Blue Design - \$27,225 (including GST)
  - Northern Beaches Decks - \$37,950 (including GST)
  - CAV Building Group - \$41,500 (including GST)

Council considered the four quotes at its meeting of 17 October 2011 and resolved to accept the quote of Oak Home Improvements to undertake the works.

Oak Home Improvements has now advised Council that it cannot undertake the works and it is now recommended that the project be awarded to Twenty Bird Blue Design.

#### 1.4 **Extent of Work**

As part of Council's procurement practice, the cost of the works falls within a quotation system.

Four (4) quotations were obtained and an assessment the quotations received indicates that all of these building companies:

- have quoted on the same specification
- are licensed and have the required insurance covers
- are deemed to be capable of carrying out the project

The primary consideration therefore becomes the quotation price.

An assessment by Council staff of the required work shows that a fair cost would be in the range \$20,000 to \$30,000.

As Oak Home Improvements has now withdrawn, it is recommended to accept the next lowest quotation from Twenty Bird Blue Design (\$27,225 including GST) and engage them for the project.

Twenty Bird Blue Design has advised that its quotation is still valid.

## **TWENTY BIRD QUOTATION**

### **Quote**

Paul Cooke  
Quote: 2010-11 #79

4/8/2011

To: BAYVIEW TENNIS CLUB

Description of Supply

#### **Specification for the replacement of existing deck and stairs at Bayview Tennis Club**

- Removal of existing decking boards located around clubhouse
- Removal of any damaged or rotting decking joists
- Replacement of all damaged decking joists and replace with kiln dried hardwood (150x50mm) - *Hand selected*
- All fixings used on joists to be galvanized nails - *Australian Standards*
- Straighten and realign all joists and bearers as required - *Tested*
- Construction and replacement of all decking boards with kiln dried hardwood (Merbau 90x18mm)\* *Hand selected - measured 3mm gap between boards*
- All decking boards to be secured with appropriate size stainless steel screws - *Angled pattern used*
- Replace front and back steps (treads/stringers) with kiln dried hardwood - *Hand selected*
- Ensure allowances are made for existing sliding doors and locking systems - *Tested*
- Two coats of decking oil to be applied to finished decking timbers - *Brush and roller*
- Removal of all rubbish and debris associated with the project - *Skip bins*

Should you require any additional works not mentioned within the above mentioned scope of works, an hourly rate will be charged at \$55 (Incl GST) per hour/per man (discussed prior to commencing).

Total	\$ 24,750.00
GST	\$ 2,475.00
Total Payable	\$ 27,225.00

This quote is valid for 14 days.

#### **Terms:**

By paying the 50% deposit you engage the services of twentybirdblue and agree to all the costs and fees stated in this document. On completion of this project the balance outstanding (50%) is to be paid within 7 days after tax invoice has been issued. All additional works rendered not stated in the scope of works are required to be paid 7 days after tax invoice has been submitted.

#### **Next step**

- Replying to this document with acceptance of costs and terms
- Supplying a date of commencement you wish to start the project
- Paying the 50% deposit for the above mentioned quote

Should you require any further information regarding this document please do not hesitate in contacting me personally on 0410 866 106.

Yours sincerely,

Paul Cooke

## NORTHERN BEACHES DECKS QUOTATION



### Northern Beaches Decks

#### Quote

Client: Bayview Tennis Club – Attn: Allan Bloxsom, Club President  
Address: P.O. Box 752 Mona Vale NSW 2103  
Email: blockos@bigpond.com  
Date: August 4th 2011

Quote for:

The replacement of existing deck and stairs at Bayview Tennis Club as per specifications attached.

Price includes a temporary site fence for the duration of the work and the responsible removal and disposal of all Builders rubbish.

		<i>NEW PRICE</i>
Builder's Price:	\$34,500.00	\$35,950.00
+ GST:	\$ 3,450.00	<u>3595.00</u>
Total Price:	\$ 37,950.00	\$ 39,545.00

*SPOKE TO DOUG BYRNE TODAY (6/10/11) & HE HAS  
INCREASED HIS PRICE BY \$1450 + GST DUE TO A  
PRICE INCREASE FOR MERBAU TIMBER.*

A handwritten signature in black ink, appearing to be 'Doug Byrne'.

With Regards,

Doug Byrne – Licensed Builder No: 40372

Northern Beaches Decks

0410 502 684

Northern Beaches Decks.

Builder: Doug Byrne. License No: 40372. MBA Member No: 3004465.

Fully Insured. Mob: 0410 502 684. Email: northernbeachesdecks@gmail.com

## **CAV BUILDING GROUP QUOTATION**



**CAV BUILDING GROUP**

### **SCOPE OF WORKS**

We have allowed for the following items:

- Stripping of original decking and stairs
- Removal of all rubbish off site
- New Kiln Dried Merbau hardwood decking to replace all original decking
- Stainless steel screws for hardwood decking
- New hardwood stringers and step treads to both stair ways
- 2 coats of decking oil to all new decking timbers

### **TOTAL OF NEW DECKING WITH HARDWOOD DECKING**

<b>TOTAL</b>	<b>\$37,727.28</b>
<b>GST on Total</b>	<b>\$3,772.72</b>
<b>GRAND TOTAL</b>	<b>\$41,500.00</b>

### **DAMAGED HARDWOOD JOISTS**

For any damaged joists the following provisional sums will be applicable:

- \$23.50/LM inc GST for the purchase of Kiln Dried 150 x 50 hardwood
- \$60.00/hr inc GST for any labour associated with the removal and replacement of any damaged joists
- \$6.10 per joist hanger needed for the replacement of any damaged joists.

Cav Building Group Pty Ltd PO Box 4053, Illawong NSW 2234 | P 0414 486 302 | F 02 8544 0208 | E [tony@cavbuilding.com.au](mailto:tony@cavbuilding.com.au)  
[www.cavbuilding.com.au](http://www.cavbuilding.com.au) Lic. No. 230089C ABN. 34 145 900 358



**FURTHER CONDITIONS**

- We have made no allowance for any items that have not been clearly specified in the above tender breakdown.
- We have made no allowance for preparation and lodgement of DA with the Council, any heritage reports, Authority Fees (unless noted otherwise), Deposits and Contributions.
- We have made no allowance for any services consultant fees.
- We have assumed that all power and water will be provided for the duration of the project at no cost to Cav Building Group Pty Ltd.
- We have allowed to select subcontractors at our own discretion based on previous performances on Cav Building Group projects.
- All fees for work completed will be payable if the project is abandoned for any reason beyond our control.
- All prices provided in this tender letter are inclusive of GST.
- Tender price is valid for 60 days.

---

**Commercial in Confidence Advice - Design and construction of  
Commuter Wharf at Church Point - Stage 1 Evaluation Report**

---

---

**CONFIDENTIAL COMMERCIAL ADVICE**

---

**Item No:** C8.2

**Matter:** Commercial In Confidence Advice - Expression of Interest 04/11 - Design and construction of Commuter Wharf at Church Point - Stage 1 Evaluation Report

**From:** Les Munn  
Manager, Reserves, Recreation & Building Services

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

**Date:** 5 December 2011

---

The abovementioned matter is listed as Item No. C8.2 in Open Session in the Agenda.

The detailed analysis of the EOI is attached.

Les Munn  
**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**



---

**COMMERCIAL IN CONFIDENCE ADVICE - E04/11 - DESIGN AND CONSTRUCTION OF  
COMMUTER WHARF AT CHURCH POINT - STAGE 1****PURPOSE OF REPORT**

To seek in principle consensus from the Evaluation Panel (EP) as to the outcomes of Expression of Interest E04/11 – Design and Construction of Commuter Wharf at Church Point – Stage 1.

**BACKGROUND SUMMARY**

Under Sections 55 of the Local Government Act, 1993 and Sections 166 and 168 of the Local Government (General) Regulation, Council invited Expressions of Interest (EOI) from vendors (companies or organisations) for stage 1, Design and Construction of a Commuter Wharf located at Church Point. The intent of the EOI was to further refine specifications and select a panel consisting of a minimum of three pre-qualified EOI participants and invite them via closed tender for the required works.

**1.0 EXPRESSION OF INTEREST PROCESS****1.1 Expression of Interest Close**

The closing date for receipt of Expression of Interest was 2.00 pm, 18<sup>th</sup> of September, 2011.

Submissions were received on time from the following 6 vendors:

1. Pacific Pontoon and Pier Pty Ltd
2. Atlas Marine International Pty Ltd (Trading Name: Superior Jetties)
3. Sydney Marina Contracting Pty Ltd
4. Bellingham Marine Pty Ltd
5. BFS Group Pty Ltd (Trading Name: Sydney Maritime Services)
6. Delaney Civil Pty Ltd

**2.0 EVALUATION****2.1 Evaluation Panel**

An Evaluation Panel (EP) was formed, comprising the following representatives:

<b>Role</b>	<b>Name</b>	<b>Position</b>
Chair and Procurement Representation	Nadim Masri	Procurement & Contracts Officer
Member	John Berry	Group Leader, Building Services
Member	Mark Eriksson	Landscape Architect Principal Officer
Member	Ian Souter	Member of Offshore Community Associations (SIRA, Western Foreshores)

The EP met at 1.00 pm, 26 October, 2011 and at 9.30 am, 1 November, 2011 to consider the submissions received.

## 2.2 Evaluation Criteria

Expressions of Interest were evaluated using the following mandatory and weighted criteria:

<b>Mandatory Criteria</b>	<b>Conformance</b>
Compliance with Conditions of Tender and submission of all documentation required information	Complies/Complies with Alternative/ Does not Comply
Corporate capacity	Complies/Complies with Alternative/ Does not Comply
Compliance with Occupational Health and Safety legislation and requirements	Complies/Complies with Alternative/ Does not Comply
Insurances	Complies/Complies with Alternative/ Does not Comply
Departures and qualifications and compliance with Specification	Complies/Complies with Alternative/ Does not Comply

<b>Weighted Criteria</b>	<b>% Weighting</b>
Qualifications and demonstrated past experience of the Participant's Key Personnel including Key Personnel of subcontractors	15%
Demonstrated past experience in performing work similar to the Works required in this project	20%
Quality assurance system and procedures	10%
Environmental sustainability and social equity	5%
Anticipated subcontractors	10%
Proposed methodology	20%
Preliminary delivery program and ability to meet time frames	10%
Indicative cost estimate	10%

## 2.3 Evaluation Method

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

**Stage 1** - Initial Cull

**Stage 2** - Detailed Evaluation of Remaining Expressions of Interest

**Stage 3** - Comparative analysis

### Stage 1: Initial Cull

An initial review was conducted by the EP to identify any non-conforming Expressions of Interest. Submissions received from all 6 prospective vendors were found to be conforming and covered the specification to sufficient degree to allow initial assessment. The initial assessment of Expressions of Interest was conducted as follows:

### Assessment of Receipt

No Expressions of Interest were received after the closing date and time and therefore was not considered further in the evaluation process.

### Assessment of Conformance

All Expressions of Interest were assessed for conformance with the Mandatory Criteria and the general Expression of Interest requirements, including the Specification.

All Expressions of Interest conformed to the Mandatory Criteria and Expression of Interest requirements and were progressed to the next stage of the evaluation.

### **Stage 2: Detailed Evaluation of Expressions of Interest**

The remaining Expressions of Interest underwent detailed examination of their responses in relation to the Weighted Criteria. Scoring was applied as per the attached Evaluation Scoring Guide (**Attachment 1**).

For the Weighted Criteria, a rating scale was used to score the level of confidence in the EOI respondent as to whether the panel felt they would have the ability to perform the works, based on an assessment of the participant's strengths and weaknesses.

It was agreed by the EP that clarification on financial capacity, insurance, methodology and program was to be sought from all participants. Sufficient clarification information was received from all Participants on time.

After reaching agreement on the Individual Weighted Criteria Scores, the Total Weighted Score for each Expression of Interest was calculated by summing the Individual Weighted Criteria Scores.

The results are summarised as follows:

<b>Expression of Interest</b>	<b>Total Weighted Criteria Score (Maximum 100)</b>
Pacific Pontoon and Pier	75
Superior Jetties	63
Sydney Marina Contracting	70
Bellingham Marine	68
Sydney Maritime Services	77
Delaney Civil	53

### Stage 3: Comparative Analysis

#### Ranking of Expressions of Interest in accordance to Value for Money (VFM)

Using the total scores for the 'Weighted Criteria', Value-for-Money (VFM) was determined for each Expression of Interest.

The Expressions of Interest were ranked according to VFM and the highest ranked participants were identified as the preferred participants. The VFM ranking based on the total Weighted Criteria Scores is as follows:

Expression of Interest	Total Weighted Criteria Score (Maximum 100)	Value For Money Ranking (1-5)
Sydney Maritime Services	77	1
Pacific Pontoon and Pier	75	2
Sydney Marina Contracting	70	3
Bellingham Marine	68	4
Superior Jetties	63	5
Delaney Civil	53	6

It was decided by the EP that only the top 5 highest VFM ranked Expressions of Interest were to be considered to tender for the required works.

Since the top 5 highest VFM ranked Expressions of Interest conform to the requirements of the Expression of Interest Documents and had satisfactory Weighted Evaluation Scores they were all considered possessing all of the technical, financial and managerial resources necessary to satisfactorily tender for the required works.

### 3.0 RECOMMENDATIONS AND ACCEPTANCE

- A. Expressions of Interest from Sydney Maritime Services, Pacific Pontoon and Pier, Sydney Marina Contracting, Bellingham Marine and Superior Jetties ranked in the order of height to lowest, all qualify to tender for the required works. On balance, these Expressions of Interest all represent good value for money for Council. Acceptance of these Expressions of Interest is recommended.
- B. The preparation and release of a closed tender is recommended for the Design and Construction of Commuter Wharf at Church Point – Stage 1 to the selected participants from the result of the Expression of Interest as follows:
  1. BFS Group Pty Ltd (Trading Name: Sydney Maritime Services)
  2. Sydney Marina Contracting Pty Ltd
  3. Pacific Pontoon and Pier Pty Ltd
  4. Bellingham Marine Pty Ltd
  5. Atlas Marine International Pty Ltd (Trading Name: Superior Jetties)
  6. Delaney Civil Pty Ltd

## EVALUATION SCORING GUIDE

The Evaluation Panel uses the following rating scale to score its level of the confidence that the Respondent/Tenderer would do what it claims it would do to meet the contractual requirements, based on the Evaluation Panel's assessment of the Respondent's/Tenderer's strengths and weaknesses.

**Note:** Where proposals score less than 50 in any criterion they are to be ruled non-compliant and assessed no further. Detailed reasons for non-compliance are to be recorded.

<b>Absolutely Risk-Free.</b> Superior response to criterion. Exceedingly innovative and flexible. Greatly exceeds the evaluation criterion. Comprehensively documented. All proposals and claims comprehensively detailed and substantiated. Unequivocal support from the referees. Minimum contract management.	100
<b>Statistically Risk-Free.</b> Outstanding response to criterion. Highly innovative and flexible. Comprehensively meets the evaluation criterion. Completely documented. All proposals and claims fully detailed and substantiated. Unequivocal support from the referees.	90
<b>Minimal Risk but Acceptable.</b> Excellent response to criterion. Very innovative and flexible. Comfortably meets the evaluation criterion. Very well documented, with only minor omissions acceptable without change. Minor lack of substantiation of claims. Referees happy with the Tenderer.	80
<b>Minor Risk but Acceptable.</b> Very good response to criterion. Innovative and flexible. Satisfactorily meets the evaluation criterion. Well documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with minor changes. Referees happy with the respondent/tenderer but report minor shortcomings.	70
<b>Some Risk but Acceptable.</b> Good response to criterion. Minor innovation and flexibility. Satisfactorily meets the evaluation criterion. Satisfactorily documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with important changes. Referees have reservations about past performance.	60
<b>Risky and Barely Acceptable.</b> Acceptable response to criterion, but some non-critical elements are unworkable. Minor innovation and flexibility. Just meets the evaluation criterion. Satisfactorily documented, with important deficiencies and shortcomings not fully resolved with clarification, and manageable only with significant changes. Referees have experienced poor performance in the past.	50
<b>Risky and Unacceptable. (Proposal is Non-Compliant)</b> Problematic response to criterion, with some important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criterion. Barely documented, with important deficiencies and shortcomings not resolved by clarification, and manageable only with substantial restructuring and extra Contract Manager effort. Referees report past failures.	40
<b>Very Risky and Unacceptable. (Proposal is Non-Compliant)</b> Poor response to criterion with many important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criterion. Documented, with important flaws not resolved by clarification, and manageable only with a major re-write and excessive effort by the Contract Manager. Referees report past failures.	30
<b>Extremely Risky and Unacceptable. (Proposal is Non-Compliant)</b> Unsatisfactory response to criterion with the fundamentals lacking. No innovation and inflexible. Does not meet the evaluation criterion. Poorly documented, the Respondent/Tenderer has provided minimal information even with clarification. The respondent/tenderer has made an effort but possesses minimal capability and experience. One or more referees are unable to recommend the tenderer.	20
<b>Unequivocally Risky. (Proposal is Non-Compliant)</b> Incomplete response to criterion. No innovation and inflexible. Does not meet the evaluation criterion. Lacks documentation. Respondent/Tenderer has provided some information but the submission/tender is not genuine. Is out of its depth. Is unsuited to the required services. No likelihood of the Respondent/Tenderer making any effort to manage the risks. No referees cited.	10

# EXPRESSION OF INTEREST ASSESSMENT CONFORMANCE SUMMARY

EXPRESSION OF INTEREST NUMBER : E04/11  
 NUMBER OF EXPRESSIONS OF INTEREST: 6  
 CONTRACT : Design and Construction of Commuter Wharf at Church Point - Stage 1

NAME OF TENDER	Pacific Pontoon and Pier	Superior Jetties	Sydney Marina Contracting	Bellingham Marine Pty Ltd	Sydney Maritime Services	Delaney Civil
<b>MANDATORY CRITERIA</b>	Conformance	Conformance	Conformance	Conformance	Conformance	Conformance
Compliance with Conditions of Expression of Interest and submission of all documentation required	C	C	C	C	C	C
Corporate capacity	C	C	C	C	C	C
Compliance with Occupational Health and Safety legislation and requirements	C	C	C	C	C	C
Departures and Qualifications and Compliance with Specification	C	C	C	C	C	C
Insurances	C	C	C	C	C	C

## Note

C: Complies, means the Respondent affirms that they are able to supply the proposed goods or services.

CWA: Complies with Alternative, means the Respondent affirms that the proposed goods or services currently comply with the purpose or intent of the stated requirement but in a different way.

DNC: Does not Comply means that the Respondent affirms that they are unable to comply with the specified requirement.

# EXPRESSION OF INTEREST ASSESSMENT SCORING SUMMARY

EXPRESSION OF INTEREST NUMBER : EQM/11  
NUMBER OF EXPRESSIONS OF INTEREST: 6

CONTRACT : Design and Construction of Commuter Wharf at Church Point- Stage 1

NAME OF TENDER	Maximum Unweighted Score	Maximum Weighted Score (%)	Pacific Portcove and Pier		Sydney Marine Contracting		Sydney Maritime Services		Bellingham Marine		Superior Jetties		Delaney Civil	
NON PRICE CRITERIA			Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Qualifications and demonstrated past experience of the Participant's Key Personnel including Key Personnel of subcontractors	100	15	80	12	80	12	80	12	80	12	80	12	60	9
Demonstrated past experience (minimum 5 years) of the Tenderer in performing work similar to the Works required in this project	100	20	80	16	80	16	80	16	80	16	80	16	60	12
Quality assurance system and procedures	100	10	80	8	70	7	80	8	90	9	70	7	80	8
Environmental Sustainability and Social Equity	100	5	70	4	70	4	80	4	90	6	65	3	70	4
Anticipated subcontractors	100	10	70	7	70	7	80	8	80	8	80	8	70	7
Proposed methodology	100	20	80	16	70	14	80	16	75	15	60	12	30	6
Preliminary delivery program and ability to meet timeframes	100	10	70	7	50	5	80	8	20	2	10	1	60	6
Indicative cost estimate	100	10	50	5	50	5	50	5	10	1	40	4	10	1
				0		0		0		0		0		0
<b>TOTAL WEIGHTED CRITERIA SCORE</b>	<b>Out of</b>	<b>100</b>		<b>74.50</b>		<b>89.50</b>		<b>77.00</b>		<b>67.50</b>		<b>63.25</b>		<b>52.50</b>
<b>RANKING</b>				<b>2</b>		<b>3</b>		<b>1</b>		<b>4</b>		<b>5</b>		<b>6</b>

**Note 1:**  
Weightings must be individually assigned to each criteria and contract systems.

**Note 2:**  
This assessment system should only be used as a guide. Other factors may need to be considered prior to making final recommendation.

**Note 3: Formulae used in this sheet:**  

$$NPW = NPW \times (Weighting / MWU)$$

$$NPW = \text{New Weighted Score}$$

$$NPW = \text{New Unweighted Score}$$

$$MWU = \text{Maximum Unweighted Score}$$

$$TW = \text{Total Weighted Score} = \text{Sum of individual Weighted Scores}$$