

Agenda

Council Meeting

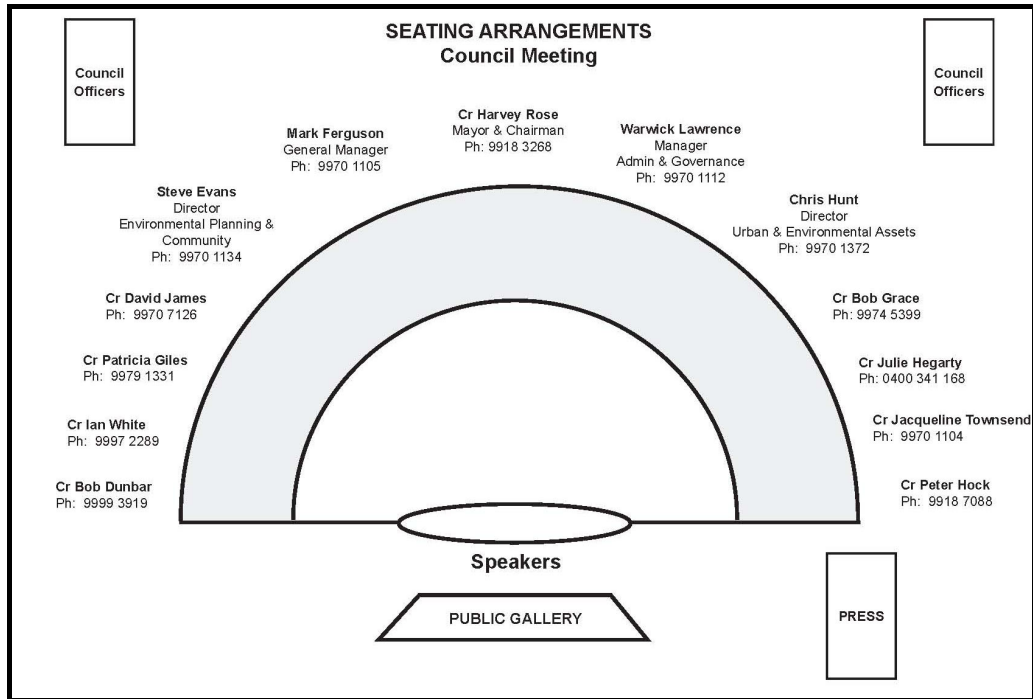
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

20 June 2011

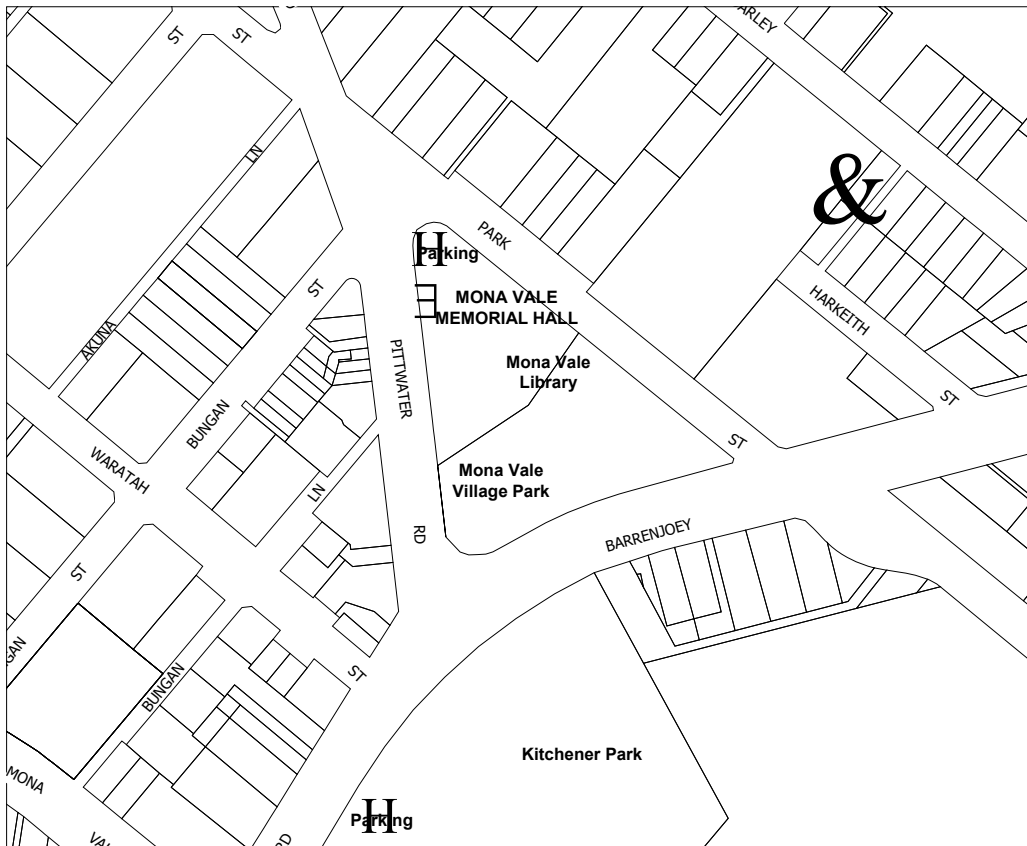
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson
GENERAL MANAGER

Seating Arrangements



Meeting Location



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

Council Meeting

Acknowledgement of Country

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

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

Council Meeting

1.0 Public Forum

GUIDELINES FOR RESIDENTS - PUBLIC FORUM

Objective

The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council officers;
- There will be no debate or questions with, or by, councillors during/following a resident submission;
- Council's general Meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per Meeting is permitted, with a maximum of 4 submissions in total per Meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public Submissions will not be permitted in relation to the following matters:
 - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
 - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

2.0 Resident Questions

RESIDENT QUESTION TIME

Objective

The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.

- Resident questions are to be handed up on the form located at the back of the Meeting room to Council staff in attendance at the Meeting prior to the commencement of the Meeting;
- A period of up to 10 minutes is allocated to Resident Question Time. A limit of 2 resident questions per person per Meeting is permitted;
- Residents are asked to keep their questions precise to allow the opportunity for clear responses. Questions may be taken on notice depending on the complexity of the question and the need to refer to relevant Council documents;
- There will be no debate or questions with, or by, councillors during/following a resident question;
- No defamatory or slanderous questions will be permitted. Should a resident make such a comment, their question will be immediately terminated by the Chair of the Meeting;
- Questions will not be permitted in relation to the following matters:
- Matters involving current dealings with Council (eg. development application, contractual matters, tenders, legal matter, etc);
- Council's general Meeting procedures apply to Resident Question Time, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted.

Mark Ferguson
GENERAL MANAGER

3.0 Apologies

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

4.0 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.

5.0 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 6 June 2011.

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.

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

7.0 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.*

8.0 Mayoral Minutes - Nil

9.0 Council Meeting Business - Nil

Governance Committee

10.0 Governance Committee Business

C10.1	Financial Report for the Period Ending 31 May 2011 of the 2010/2011 Financial Year
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

Action: To provide monthly, quarterly and annual budgets and financial statements

PURPOSE OF REPORT

To provide Council with the financial results for the period ending 31 May 2011 of the 2010/2011 Financial Year.

1.0 BACKGROUND

1.1 The Original 2010/2011 Budget was adopted by Council as part of the 2010-2014 Delivery Program & Budget on 21 June 2010. The Revised 2010/11 Budget was adopted by Council on 16 May 2011, and have been transferred to the Revised budget column in this report.

1.2 Councils Monthly reporting structure includes the following;

- **Consolidated Position**
 - Graphical Representation
 - Commentary
 - Consolidated Financial Statement
- **Operating Position**
 - Graphical Representation
 - Commentary
 - Operating Financial Statement
- **Balance Sheet**
- **Cash Flow Statement**
- **2010/11 Major Projects**

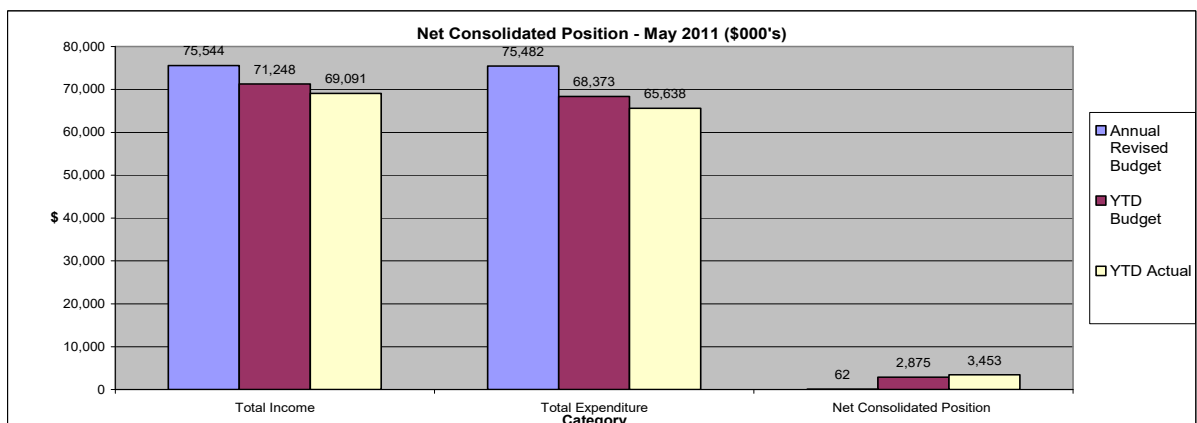
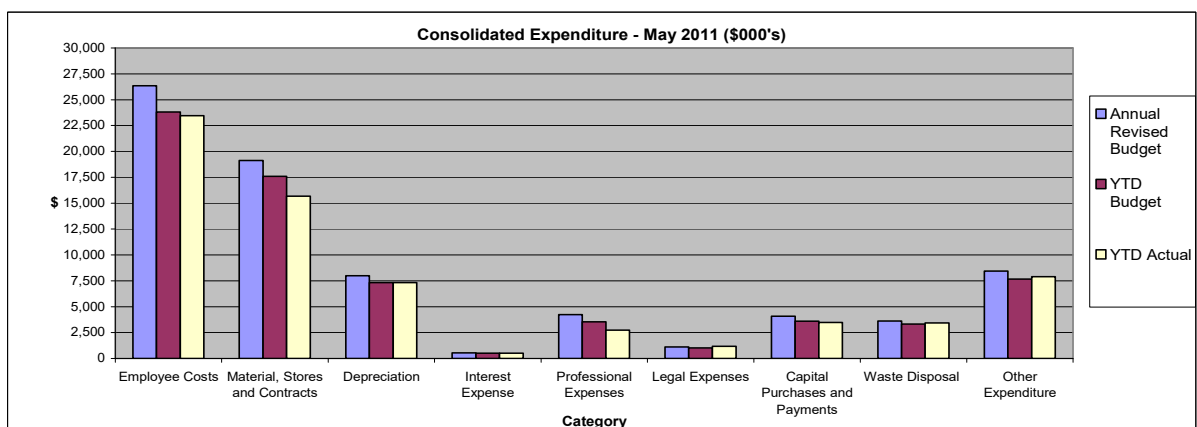
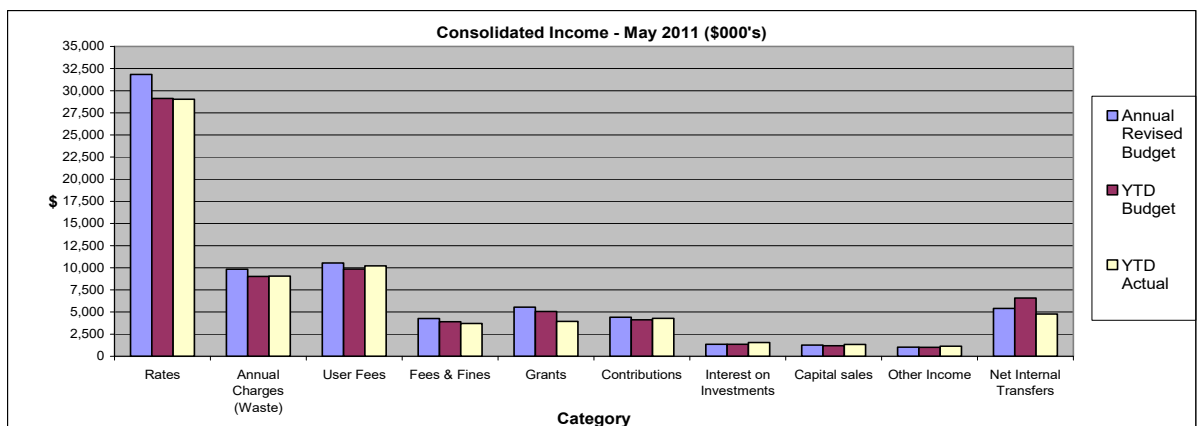
2.0 ISSUES

2.1 Consolidated Financial Statement

The Original 2010/2011 Budget was adopted by Council as part of the 2010-2014 Delivery Program & Budget on 21 June 2010. The Revised Budgets have been amended to reflect the March quarterly review figures as adopted by Council on 16 May 2011.

The year to date consolidated financial result for the period ending 31 May 2011 is an increase on Council funds of \$3.453 million. Compared to the year to date budget of \$2.875 million this represents a positive variance of \$577,000.

The graphical representation below outlines Council's major categories of consolidated income and expenditure.



2.2 Commentary - Consolidated YTD Budget Versus Actual – 31 May 11

YTD Consolidated Budget as at 31 May 2011 - Increase of Council Funds	\$ 2,875,000
INCOME	
Increased User Fees mainly relating to Rental, Parking, Cemetery & Caravan Park Income	\$ 360,000
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$ 186,000
Reduced Capital & Operating Grant Transfers mainly relating to timing of the Works Program	-\$ 1,115,000
Increased Capital & Operating Contributions mainly relating to Restorations & S94 Contributions	\$ 176,000
Additional Capital Sales Income mainly relating to Plant vehicle Sales	\$ 153,000
Additional Return on Investments & Other Interest Income mainly due to to the Net Appreciation of CDO's & Improved Interest Rates	\$ 207,000
Additional Other Income mainly relating to Legal Costs Recovered	\$ 124,000
Reduced Transfers from Reserve - S94 mainly relating to the timing of the Capital Works Program	-\$ 546,000
Reduced Transfers from Reserve - Other mainly relating to the timing of the Capital Works Program	-\$ 1,334,000
EXPENDITURE	
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & Salaries	\$ 360,000
Reduced Materials & Contract Services mainly due to timing of the Capital Works Program with a Corresponding reduction in Funds Transfers	\$ 1,914,000
Reduced Professional Expenditure mainly relating to timing of the Works Program such as Bushland and Waste & Sustainability Grant works	\$ 812,000
Additional Legal, Communications, Utilities & Other Expenses	-\$ 378,000
Additional Sundry Services/Waste disposal Expenditure	-\$ 108,000
Reduced Capital Purchases mainly due to timing of Plant & Vehicle Purchases	\$ 139,000
YTD Consolidated Actual as at 31 May 2011 - Increase of Council Funds	\$ 3,453,000

The above financial analysis represents the variations between the May 2011 YTD Budget and the actual flow of Income, Expenditure and the utilisation of associated funds as at 31 May 2011.

The overall difference in the May 2011 YTD Budget to Actual is a positive variance of \$577,000.

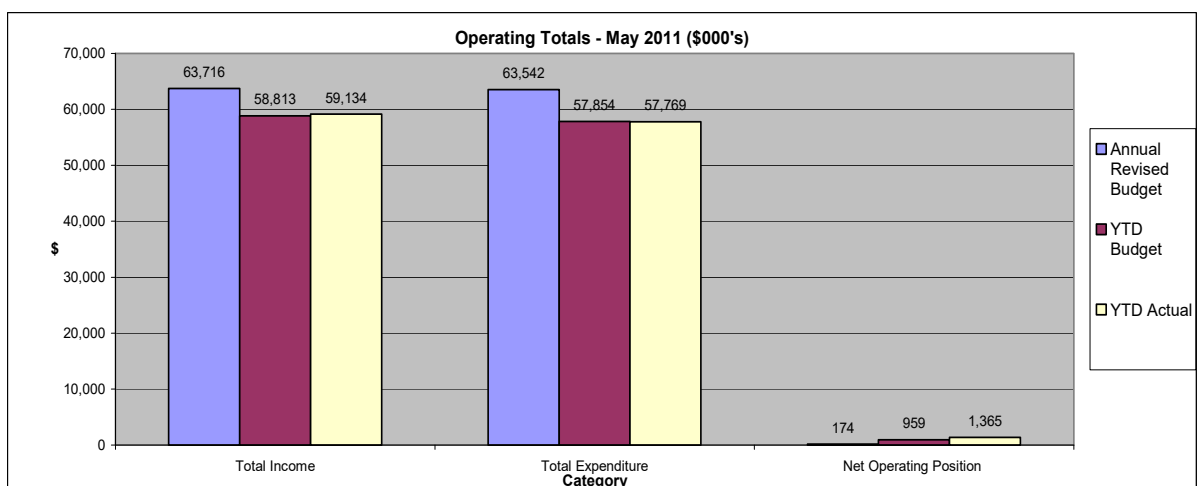
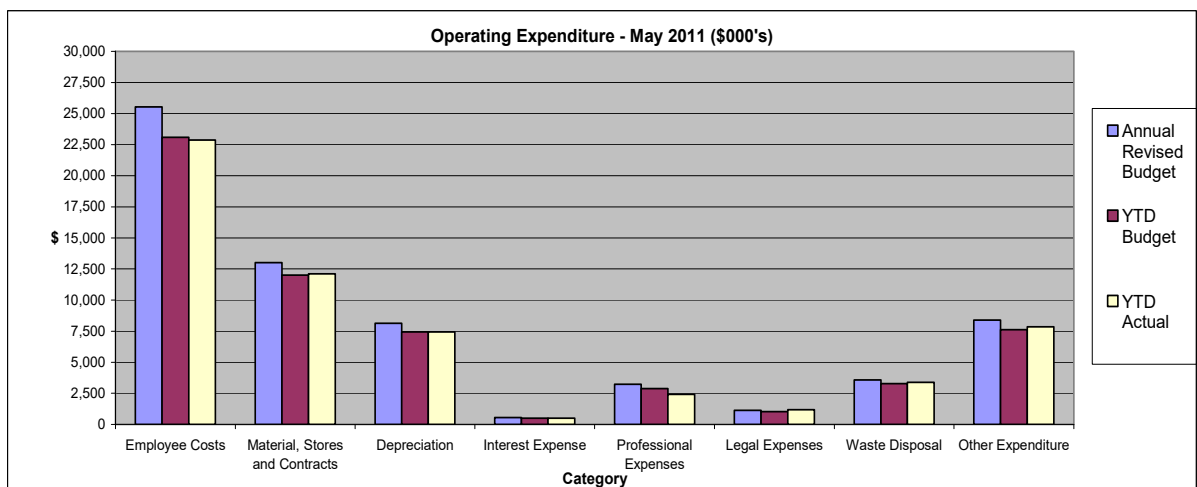
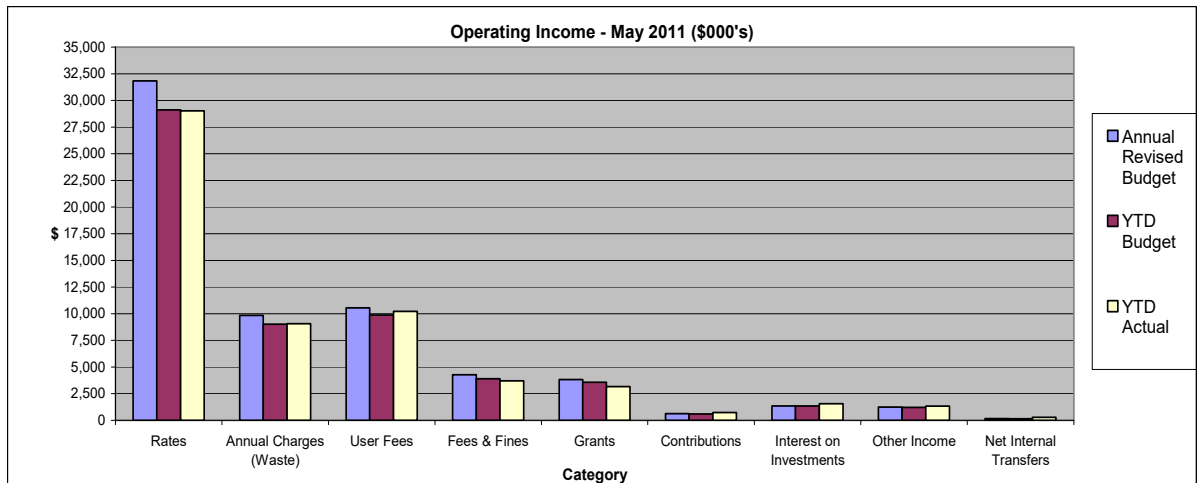
CONSOLIDATED STATEMENT

Pittwater Council Consolidated Statement For Period 11 Ending 31 May 2011							
Year to Date - \$000's				Annual Budget - \$000's			
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
9,864	10,224	360	User Fees	10,319	10,540	10,540	0
1,430	1,535	105	Regulatory Fees	1,535	1,578	1,578	0
2,468	2,177	-291	Regulatory Fines	2,691	2,694	2,694	0
3,581	3,015	-565	Operating Grant Transfers	2,768	3,830	3,830	0
1,483	933	-550	Capital Grant Transfers	4,527	1,711	1,711	0
3,512	3,551	39	Capital Contributions	3,175	3,780	3,780	0
606	743	137	Operating Contributions	355	635	635	0
29,115	29,029	-86	Rates Income	31,827	31,827	31,827	0
9,025	9,066	41	Domestic Waste Charges	9,849	9,849	9,849	0
1,356	1,562	207	Return on Investments & Other Interest Income	1,210	1,357	1,357	0
288	288	0	Rebates Income	252	288	288	0
730	854	124	Other Income	485	748	748	0
1,193	1,346	153	Capital Sales	1,239	1,280	1,280	0
64,650	64,322	-327	Total Direct Income	70,231	70,117	70,117	0
			Indirect Income				
2,371	2,428	57	Plant Hire Recovery	2,577	2,588	2,588	0
2,830	2,830	0	Notional Rental Income	3,088	3,088	3,088	0
750	1,129	379	Service Agreement Income	809	819	819	0
6,562	6,562	0	Overhead Recovery	7,162	7,162	7,162	0
1,402	1,520	118	Contract Internal Income	1,883	1,530	1,530	0
7,319	7,319	0	Transfer From Reserve-Depreciation	7,988	7,988	7,988	0
717	170	-546	Transfer From Reserve-S94	2,119	1,270	1,270	0
4,891	3,557	-1,334	Transfer From Reserve-Other	4,743	5,538	5,538	0
26,843	25,516	-1,327	Total Indirect Income	30,369	29,983	29,983	0
			Direct Expenditure				
17,439	17,240	199	Salaries & Wages	19,388	19,307	19,307	0
6,367	6,207	161	Other Employee Costs	7,024	7,034	7,034	0
1,289	1,183	106	Materials	1,597	1,358	1,358	0
275	304	-29	Stores	287	298	298	0
87	56	30	Minor Plant Purchases	89	94	94	0
1,999	2,098	-99	Plant & Equipment	2,107	2,116	2,116	0
13,944	12,038	1,906	Contract Services External	17,652	15,264	15,264	0
7,319	7,319	0	Depreciation Expense	7,988	7,988	7,988	0
498	497	1	Interest Expense	683	543	543	0
3,535	2,724	812	Professional Expenses	3,353	4,227	4,227	0
1,026	1,175	-148	Legal Expenses	900	1,120	1,120	0
207	217	-10	Bad & Doubtful Debts	207	208	208	0
548	521	27	Leases/Rentals/Hire/Licences	485	588	588	0
1,358	1,437	-79	Public Utilities	1,386	1,482	1,482	0
282	365	-82	Communications	313	308	308	0
371	349	22	Advertising	428	404	404	0
967	1,020	-53	Insurance	971	1,048	1,048	0
174	184	-10	Banking	190	190	190	0
443	420	23	Other Expenses	591	624	624	0
367	460	-93	Office Expenses	359	406	406	0
3,325	3,433	-108	Sundry Services/Waste Disposal	3,556	3,623	3,623	0
97	128	-31	Memberships	92	102	102	0
2,852	2,802	50	Levies/Contributions/Subsidies	2,973	3,077	3,077	0
3,602	3,463	139	Capital Purchases/Payments	4,064	4,073	4,073	0
68,373	65,638	2,735	Total Direct Expenditure	76,685	75,482	75,482	0
			Indirect Expenditure				
935	935	0	Corporate Development Overhead	1,020	1,020	1,020	0
1,331	1,331	0	IT Services Overhead	1,453	1,453	1,453	0
1,757	1,757	0	Financial Services Overhead	1,918	1,918	1,918	0
2,830	2,830	0	Accommodation Overhead	3,088	3,088	3,088	0
1,018	1,018	0	Insurance Overhead	1,111	1,111	1,111	0
711	711	0	Records Overhead	776	776	776	0
810	810	0	Customer Service Overhead	884	884	884	0
2,371	2,423	-51	Plant Hire Charge Internal	2,577	2,588	2,588	0
1,402	1,520	-118	Contract Services Internal Expense	1,883	1,530	1,530	0
704	1,105	-401	Service Agreement Expense	759	769	769	0
3,564	3,564	0	Transfer To Reserve-S94	1,775	3,604	3,604	0
2,810	2,743	67	Transfer To Reserve-Other	6,597	5,815	5,815	0
20,245	20,747	-503	Total Indirect Expenditure	23,840	24,555	24,555	0
2,875	3,453	577	Increase/(call) on Council Funds	75	62	62	0

2.3 Operating Statement

The year to date Operating Result before Capital for the period ending 31 May 2011 is a profit of \$1.365 million. Compared to the Year to Date budget of a \$959,000 surplus this amounts to a positive variance of \$406,000.

The graphical representation below outlines Council's major categories of Operating income and expenditure.



2.4 Commentary – Operating YTD Budget Versus Actual – 31 May 11

YTD Operating Results before Capital Budget as at 31 May 2011		\$	959,000
INCOME			
Increased User Fees mainly relating to Rental, Parking, Cemetery & Caravan Park Income	\$		360,000
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$		186,000
Reduced Operating Grant Income mainly relating to timing of Receipts	-\$		417,000
Additional Operating Contributions Income mainly relating to Restorations Income	\$		137,000
Additional Return on Investments & Other Interest Income mainly due to to the Net Appreciation of CDO's & Improved Interest Rates	\$		207,000
Additional Other Income mainly relating to Legal Costs Recoverd	\$		119,000
EXPENDITURE			
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & Salaries	\$		220,000
Increases Materials, Stores & Contract Services External mainly relating to Restorations Works Expenditure with a corresponding increase in Operating Contributions	-\$		109,000
Reduced Professional Expenditure mainly relating to timing of the Works Program such as Bushland and Waste & Sustainability Grant works	\$		458,000
Additional Legal Expenditure	-\$		148,000
Additional Sundry Services & Waste Disposal Expenditure	-\$		104,000
Additional Other Expenses	-\$		131,000
YTD Operating Results before Capital Actuals as at 31 May 2011		\$	1,365,000

The above financial analysis represents the variations between the May 2011 YTD Budget and the actual flow of Income and Expenditure as at 31 May 2011.

The overall difference in the May 2010 YTD Budget to Actual is a positive variance of \$406,000.

OPERATING STATEMENT

Pittwater Council Operating Statement For Period 11 Ending 31 May 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
9,864	10,224	360	User Fees	10,319	10,540	10,540	0
1,430	1,535	105	Regulatory Fees	1,535	1,578	1,578	0
2,468	2,177	-291	Regulatory Fines	2,691	2,694	2,694	0
3,581	3,163	-417	Operating Grant Income	2,768	3,830	3,830	0
606	743	137	Operating Contributions	355	635	635	0
29,115	29,029	-86	Rates Income	31,827	31,827	31,827	0
9,025	9,066	41	Domestic Waste Charges	9,849	9,849	9,849	0
1,356	1,562	207	Return on Investments & Other Interest Income	1,210	1,357	1,357	0
288	288	0	Rebates Income	252	288	288	0
730	849	119	Other Income	485	748	748	0
205	209	3	Profit / (Loss) on Sale of Assets	160	210	210	0
0	0	0	Gain from Joint Venture Assets	0	0	0	0
58,666	58,844	178	Total Direct Income	61,451	63,556	63,556	0
			Indirect Income				
2,371	2,428	57	Plant Hire Recovery	2,577	2,588	2,588	0
750	1,100	350	Service Agreement Income	809	819	819	0
1,402	1,520	118	Contract Internal Income	1,883	1,530	1,530	0
4,524	5,048	524	Total Indirect Income	5,269	4,937	4,937	0
			Direct Expenditure				
16,935	16,836	98	Salaries & Wages	18,829	18,748	18,748	0
6,155	6,033	122	Other Employee Costs	6,789	6,799	6,799	0
756	847	-91	Materials	799	824	824	0
262	273	-12	Stores	287	285	285	0
87	55	32	Minor Plant Purchases	89	94	94	0
1,971	2,034	-63	Plant & Equipment	2,107	2,088	2,088	0
8,936	8,912	24	Contract Services External	8,891	9,716	9,716	0
7,451	7,451	0	Depreciation Expense & Ammortisation	7,988	8,129	8,129	0
498	497	1	Interest Expense	683	543	543	0
2,882	2,424	458	Professional Expenses	2,596	3,233	3,233	0
1,026	1,174	-148	Legal Expenses	900	1,120	1,120	0
207	217	-10	Bad & Doubtful Debts	207	208	208	0
497	477	21	Leases/Rentals/Hire/Licences	485	538	538	0
1,358	1,436	-78	Public Utilities	1,386	1,482	1,482	0
282	365	-82	Communications	313	308	308	0
371	349	22	Advertising	428	404	404	0
967	1,020	-53	Insurance	971	1,048	1,048	0
174	184	-10	Banking	190	190	190	0
443	419	24	Other Expenses	591	624	624	0
367	454	-87	Office Expenses	359	406	406	0
3,279	3,383	-104	Sundry Services/Waste Disposal	3,556	3,577	3,577	0
97	128	-31	Memberships	92	102	102	0
2,852	2,802	50	Levies/Contributions/Subsidies	2,973	3,077	3,077	0
57,854	57,769	85	Total Direct Expenditure	61,510	63,542	63,542	0
			Indirect Expenditure				
2,271	2,357	-86	Plant Hire Charge Internal	2,467	2,478	2,478	0
1,402	1,520	-118	Contract Services Internal Expense	1,883	1,530	1,530	0
704	881	-176	Service Agreement Expense	759	769	769	0
4,377	4,757	-380	Total Indirect Expenditure	5,109	4,777	4,777	0
959	1,365	406	Operating Results before Capital	101	174	174	0
4,995	4,710	285	Grants & Contributions - Capital	6,301	5,491	5,491	0
0	0	0	Material Public Benefits - S94	0	0	0	0
5,954	6,075	121	Change in Net Assets - Resulting from Opera	6,402	5,665	5,665	0

2.5 Balance Sheet

Council's actual change in equity for the period ending 31 May 2011 is a increase of \$6.075 (net change in assets resulting from operations) and now stands at \$2.005 billion as represented in Council's Balance Sheet below:

Pittwater Council Balance Sheet For Period 11 Ending 31 May 2011			
Actual 31/05/2011 \$'000's		Projected 30/06/2011 \$'000	Actual 30/06/2010 \$'000
CURRENT ASSETS			
5,401	Cash Assets	3,380	3,260
21,318	Investments	18,920	16,511
3,268	Receivables	3,000	3,461
58	Inventories	70	59
239	Other	850	958
4,598	Non Current Assets held for sale	4,500	4,597
<u>34,882</u>	TOTAL CURRENT ASSETS	<u>30,720</u>	<u>28,846</u>
NON-CURRENT ASSETS			
0	Investments	0	0
0	Receivables	600	733
0	Inventories	0	0
1,975,895	Infrastructure Property, Plant and Equipment	1,978,199	1,975,848
5,173	Investment Property	5,173	5,173
4,966	Investments Accounted for using the Equity Method	4,953	5,094
<u>1,986,034</u>	TOTAL NON-CURRENT ASSETS	<u>1,988,925</u>	<u>1,986,848</u>
<u><u>2,020,916</u></u>	TOTAL ASSETS	<u><u>2,019,645</u></u>	<u><u>2,015,694</u></u>
CURRENT LIABILITIES			
3,117	Payables	2,591	3,268
0	Interest Bearing Liabilities	823	828
6,321	Provisions	5,800	5,998
<u>9,438</u>	TOTAL CURRENT LIABILITIES	<u>9,214</u>	<u>10,094</u>
NON-CURRENT LIABILITIES			
0	Payables	0	0
6,386	Interest Bearing Liabilities	5,754	6,593
165	Provisions	160	155
<u>6,551</u>	TOTAL NON-CURRENT LIABILITIES	<u>5,914</u>	<u>6,748</u>
<u><u>15,989</u></u>	TOTAL LIABILITIES	<u><u>15,128</u></u>	<u><u>16,842</u></u>
<u><u>2,004,927</u></u>	NET ASSETS	<u><u>2,004,517</u></u>	<u><u>1,998,852</u></u>
EQUITY			
2,004,927	Accumulated Surplus/ (Deficit)	2,004,517	1,998,852
	Asset Revaluation Reserve		
<u><u>2,004,927</u></u>	TOTAL EQUITY	<u><u>2,004,517</u></u>	<u><u>1,998,852</u></u>

2.6 Cash Flow Statement

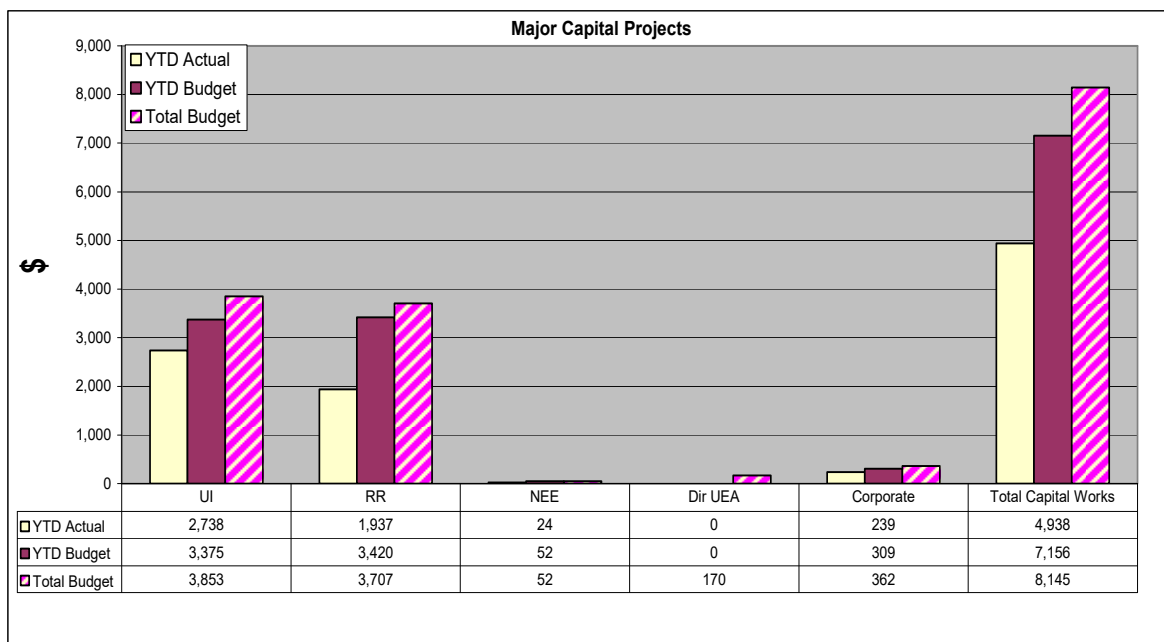
The actual Cash flow for the period ended 31 May 2011 is a net inflow of \$6.948 million. Compared to the year to date budget of \$4.783 million this amounts to a positive variance of \$2.165 million. This positive variance is mainly due to the timing of the Capital works Program.

Following is a graphical representation of Council's cash position budget to actual:-

Pittwater Council Cash Flow Statement For Period 11 Ending 31 May 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
Cash Inflows							
39,490	39,481	-9	Rates & Garbage	41,590	41,590	41,590	0
4,513	3,951	-562	Grants	7,294	5,007	5,007	0
9,766	10,164	398	User Charges	10,319	10,538	10,538	0
3,896	3,585	-311	Regulatory Fees & Fines	4,226	4,272	4,272	0
661	671	10	Contributions & Donations	355	811	811	0
1,247	1,501	254	Return on Investments & Other Interest Income	1,210	1,357	1,357	0
1,181	1,346	165	Sale of Assets (Excluding Land)	1,239	1,280	1,280	0
0	0	0	Sale of Land	0	0	0	0
966	1,150	184	Other	737	1,036	1,036	0
3,560	3,564	4	S94 Contributions Received	1,775	3,604	3,604	0
0	0	0	Proceeds from loan	1,400	0	0	0
0	123	123	GST Net Inflow	0	0	0	0
65,280	65,536	256	Total Inflows	70,145	69,495	69,495	0
Cash Outflows							
17,439	17,542	-103	Employee Salary & Wages	19,388	19,307	19,307	0
5,947	5,889	58	Employee Other Costs	6,480	6,497	6,497	0
730	617	113	Insurance Claims/Premiums	971	1,048	1,048	0
2,872	2,132	740	Levies & Contributions	2,973	3,077	3,077	0
28,213	27,170	1,043	Materials/Stores/Contracts	32,692	31,292	31,292	0
1,026	1,175	-149	Legal Expenses	900	1,120	1,120	0
552	549	3	Loan Interest Repayments	622	552	552	0
800	800	0	Loan Principal Repayments	866	824	824	0
2,918	2,714	204	Purchase Of Assets	3,198	3,249	3,249	0
60,497	58,589	1,908	Total Outflows	68,091	66,966	66,966	0
4,783	6,948	2,165	Net Inflows/(Outflows)	2,054	2,529	2,529	0
19,771	19,771	0	Funds Carried Forward from Prior Year	18,676	19,771	19,771	0
24,554	26,719	2,165	Total General Fund	20,730	22,300	22,300	0
7,991	8,538	-547	Less Restricted Assets	3,444	7,477	7,477	0
1,101	1,090	11	Less Unexpended Grants	1,400	800	800	0
10,019	11,286	-1,267	Less Internal Reserves	13,030	12,380	12,380	0
5,443	5,805	362	Increase/(call) on Council Funds	2,856	1,643	1,643	0

2.7 2010/2011 Major Projects

The total budget expenditure for Major projects amounted to \$8.145 million as amended in the March Quarterly Review. The actual Expenditure for the period ended 31 May 2011 amount to \$4.938 million. Budgeted Expenditure versus Actual Expenditure of the CIP is outlined below:



2010/2011 MAJOR PROJECTS		Revised	Projected	Gross	Percentage
PERIOD ENDING 31st May 2011		Total	Total	Exp	Complete
TOP TEN JOBS BY PROJECTED BUDGET	Comment	Budget	Budget	Actual	%
Deep Creek Pedestrian Bridge - Construction	RTA/Warringah/Pittwater Joint Funded Commenced	912,000	912,000	166,790	18%
Governor Phillip Park Landscape & Playground Upgrade	Grant, El Levy Works near completion	484,017	484,017	463,593	96%
Car/Trailer Park Upgrade Woorak Reserve PB	Grant, Marine Reserve Funded	355,000	355,000	2,583	1%
PB Ferry Wharf	Grant, Marine Reserve Funded	300,000	300,000	43,070	14%
Billies Kiosk Bilgola Beach Design & Construction	Project Complete	236,980	236,980	247,725	105%
Church Point Seawall (Works)	El Levy Works	200,000	200,000	-	0%
RTA Funding Traffic Signs & Linemarking	Ongoing works	194,000	194,000	159,890	82%
Avalon Golf Course - Tanks and Irrigation	Ongoing works	164,200	164,200	126,057	77%
Sydney Lakeside Improvements	Ongoing works	150,000	150,000	45,772	31%
North Narrabeen Rock Pool Carpark	El Levy Works Project near Completion	126,794	126,794	67,421	53%

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Report will have no impact on this strategy

4.0 EXECUTIVE SUMMARY

4.1 In providing the Council with the financial results for the period ending 31 May 2011 the following information should be noted:

- The year to date Consolidated financial result for the period ending 31 May 2011 is an increase on Council funds of \$3.453 million. Compared to the year to date budget of \$2.875 million, this represents a positive variance of \$577,000.
- The year to date Operating Result before Capital for the period ending 31 May 2011 is a profit of \$1.365 million. Compared to the Year to Date Budget of \$959,000 surplus this amounts to a positive variance of \$406,000.
- The Major Projects Program year to date expenditure stands as \$4.938 million as at 31 May 2011.
- The actual Cash flow for the period ended 31 May 2011 is a net inflow of \$6.948 million. Compared to the year to date budget of \$4.783 million this amounts to a positive variance of \$2.165 million.

RECOMMENDATION

That the year to date financial results for the period ending 31 May 2011 be noted, including:

- Consolidated financial result being an increase on Council funds of \$3.453 million.
- Operating result before capital being a profit of \$1.365 million.
- Major Projects Program expenditure stands as \$4.938 million.
- Cash and investment position stands at \$26.719 million.

Report prepared by
Myles Thana, Management Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

C10.2 Investment Balances for the Month of May 2011

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: To Provide Effective Investment of Council's Funds

PURPOSE OF REPORT

To advise on the status of Council's Investment Balances for the Month of May 2011

1.0 BACKGROUND

- 1.1 As provided for in Regulation 212 of the Local Government (General) Regulation 2005, a report listing Council's investments (**see Attachment 1**) must be presented.

2.0 ISSUES

2.1 MONTHLY RETURNS

Investment return for the month of May 2011:

Term deposits interest income:	\$	125,055
Tradable CDO/FRN interest income:	\$	0
Tradable CDO/FRN capital movement:	\$	<u>21,107</u>
Net investment income for the month of May 2011	\$	146,162

YEAR TO DATE RETURN

Investment return year to date May 2011.

Term deposits interest income:	\$	1,317,955
Tradable CDO/FRN interest income:	\$	107,456
Tradable CDO/FRN capital movement:	\$	<u>3,629</u>
Net investment return year to date:	\$	1,429,040

Projected investment return budget for financial year.	\$	1,200,000
--	----	-----------

2.2 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS

Annual returns of Council's portfolio for the last five years:

Year to	Net Return	Return on average funds invested
June 2007	\$1,221,246	6.6%
June 2008	\$ 594,815	2.3%
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
May 2011	\$1,429,040	6.0%
Projected Budget	\$1,200,000	5.5%

Note: Net investment return includes interest income and capital movements.

RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION

The Responsible Accounting Officer certifies that all investments have been made in Accordance with Section 625 of the Local Government Act, 1993 the Local Government (General) Regulations, and Council's Investment Policy (No 143).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Report will have no impact on this strategy

4.0 EXECUTIVE SUMMARY

4.1 The net investment return as at 31 May 2011 is a gain of \$ 1,429,040.

RECOMMENDATION

That the information provided in the report be noted, including the year to date (May) net investment return of \$ 1,429,040.

Report prepared by
David Miller, Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

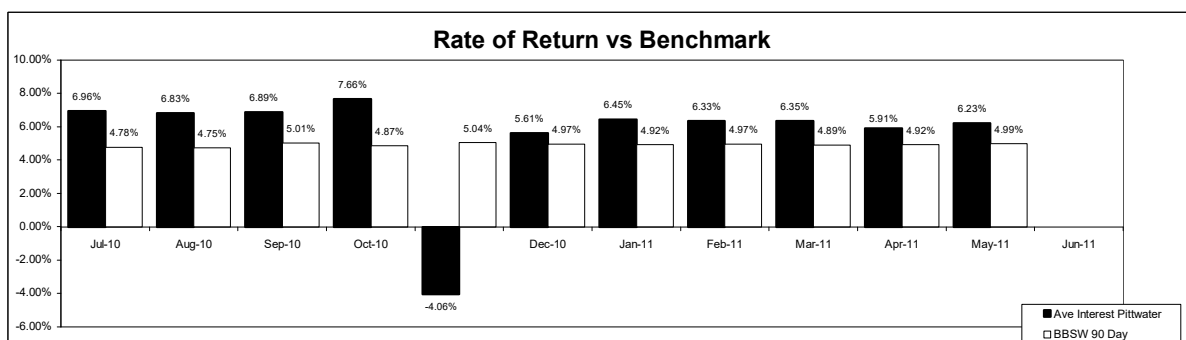
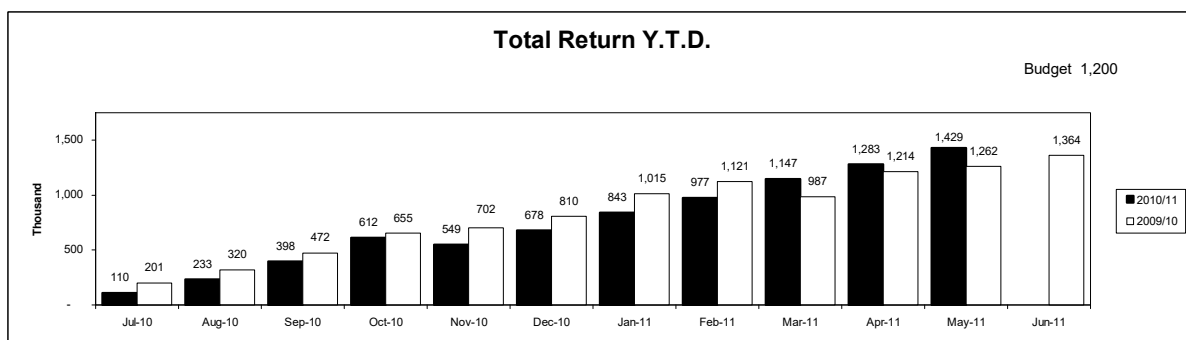
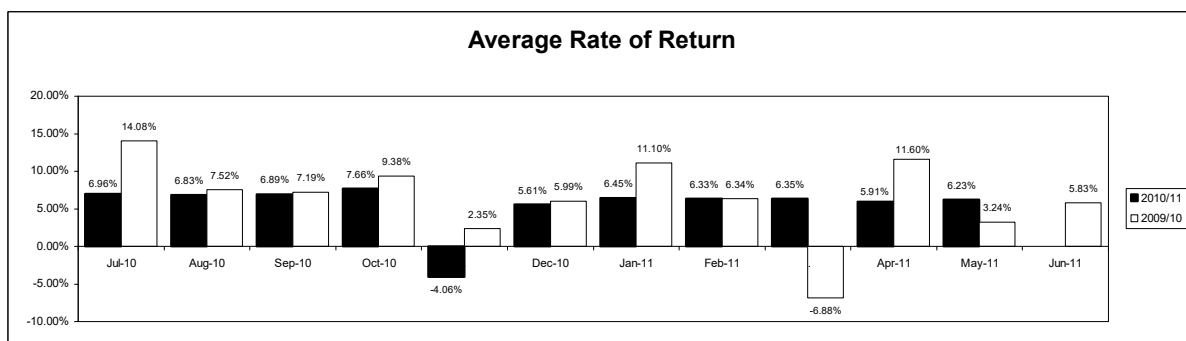
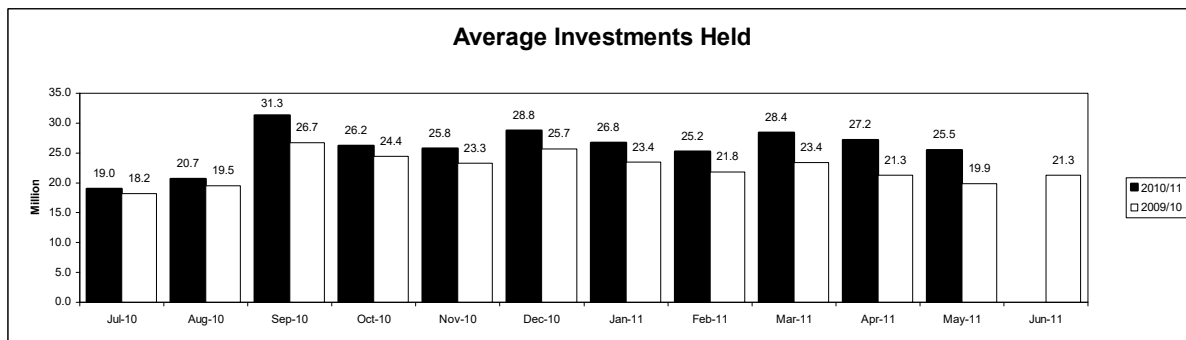
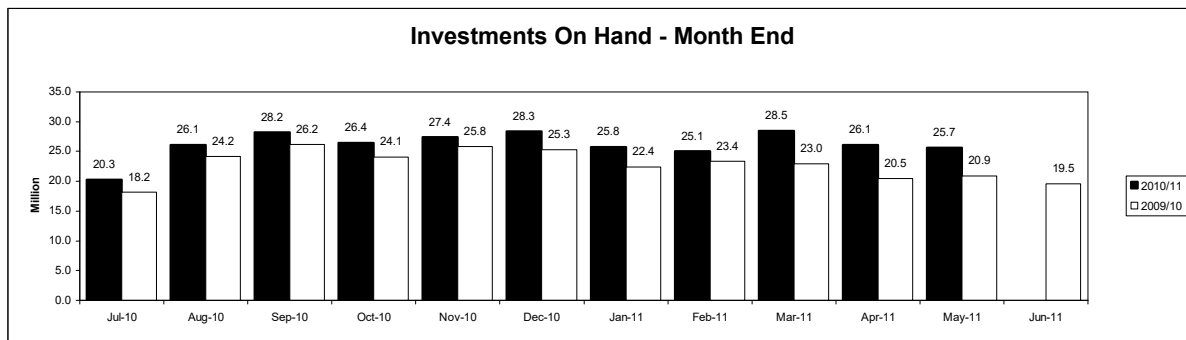


PITTWATER COUNCIL

INVESTMENT BALANCES

As at 31st May 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	CBA	AA	1,350,000.00	At Call	At Call	1	4.70%
At Call Total			1,350,000.00				
Term Dep	IMB Society	BBB	1,000,000.00	10-Jan-11	11-Jul-11	182	6.20%
Term Dep	IMB Society	BBB	1,000,000.00	15-Feb-11	16-Aug-11	182	6.10%
Term Dep	IMB Society	BBB	1,000,000.00	2-Mar-11	29-Aug-11	180	6.10%
Term Dep	IMB Society	BBB	1,000,000.00	23-May-11	21-Nov-11	182	6.10%
Term Dep	IMB Society	BBB	750,000.00	28-Jan-11	30-Jan-12	367	6.30%
Investee Total			4,750,000.00				
Term Dep	Metway	A+	1,000,000.00	11-Apr-11	11-Jul-11	91	5.85%
Term Dep	Metway	A+	1,000,000.00	3-Feb-11	3-Aug-11	181	6.03%
Term Dep	Metway	A+	1,000,000.00	2-May-11	31-Oct-11	182	6.10%
Term Dep	Metway	A+	1,000,000.00	30-May-11	30-Nov-11	184	6.17%
Investee Total			4,000,000.00				
Term Dep	Bankwest	AA	1,000,000.00	21-Feb-11	21-Jun-11	120	5.85%
Term Dep	Bankwest	AA	1,000,000.00	10-Feb-11	9-Aug-11	180	5.95%
Term Dep	Bankwest	AA	1,000,000.00	28-Feb-11	28-Feb-12	365	6.05%
Term Dep	Bankwest	AA	1,000,000.00	16-Mar-11	15-Mar-12	365	5.95%
Investee Total			4,000,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	16-Nov-10	15-Aug-11	272	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	23-May-11	22-Aug-11	91	6.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	2-Dec-10	29-Aug-11	270	6.15%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	4-Apr-11	4-Oct-11	183	6.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	1-Dec-10	1-Dec-11	365	6.25%
Investee Total			5,000,000.00				
Term Dep	ING Bank	A+	1,000,000.00	14-Sep-10	14-Sep-11	365	6.08%
Term Dep	ING Bank	A+	1,000,000.00	3-Feb-11	3-Feb-12	365	6.17%
Term Dep	ING Bank	A+	1,000,000.00	1-Mar-11	1-Mar-12	366	6.45%
Term Dep	ING Bank	A+	1,000,000.00	30-May-11	29-May-12	365	6.31%
Investee Total			4,000,000.00				
Term Dep	CBA	AA	1,000,000.00	4-May-11	2-Jun-11	29	5.30%
Investee Total			1,000,000.00				
Longreach Capital Markets							
Portfolio Manager							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
Investee Total			500,000.00				
Floating Rate Note	HSBC	AA	504,300.00	06-Feb-07	22-Sep-11		bbsw + 0.28%
	<i>* Arranging Institution</i>						
Floating Rate CDO	* Lehman Bros	under review	134,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	9,304.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	165,680.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	16,219.50	25-Feb-07	23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	184,000.00	20-Mar-07	20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	54,145.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
Investee Total			1,067,648.50				
							May bbsw close 4.99%
TOTAL INVESTMENTS			\$25,667,648.50				



Investment Information:

Types of Investments

At Call refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

A **Bank Bill** is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.

A **Floating Rate Note** is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months and are tied to a certain money-market index such as the BBSW.

A **Floating Rate CDO** or Collateralised Debt Obligation is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit Ratings are assigned to these investments as detailed in the investment balances listing.

Credit Rating Information

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA	<i>Extremely strong capacity to meet financial commitments (highest rating)</i>
AA	<i>Very strong capacity to meet financial commitments</i>
A	<i>Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances</i>
BBB	<i>Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments</i>
BB	<i>Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions</i>
B	<i>More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation</i>
CCC	<i>Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments</i>
CC	<i>Currently highly vulnerable</i>
C	<i>Highly likely to default</i>
D	<i>Defaulted</i>

The **Bank Bill Swap Rate (BBSW)** is the average mid rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

Note: Council's Longreach structure product is shown at face value, as required by international accounting standards as it was purchased on a hold to maturity basis, unlike Council's CDOs within the ex - Lehman Bros portfolio that are considered tradable.

Current market value of this structure product is: - Longreach Structured Note \$444,735

C10.3 Legal Expenditure as at 31 May 2011

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: To produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To advise on the status of Council's Legal Expenditure for the period ending 31 May 2011.

1.0 BACKGROUND

- 1.1 In providing Council with an accurate picture of Pittwater's Legal Expenditure, current data and a graphical representation of Council's Legal Expenditure are presented (**see Attachment 1**).

2.0 ISSUES

2.1 Gross Annual Legal Budget for 2010/11: \$ 1,120,000

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 31/5/11: \$ 720,052
- Total Other Associated Expenditure at 31/5/11: \$ 454,469

Total Gross Legal Expenditure at 31/5/11: \$ 1,174,521

Year to Date Budget for Legal Expenses at 31/5/11: \$ 1,026,257

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Report will have no impact on this strategy

4.0 EXECUTIVE SUMMARY

- 4.1 The Gross Legal Expenditure to 31 May 2011 is \$ 1,174,521 which has exceeded the Year to Date Budget for 2010/11.

RECOMMENDATION

That the information provided in the report be noted.

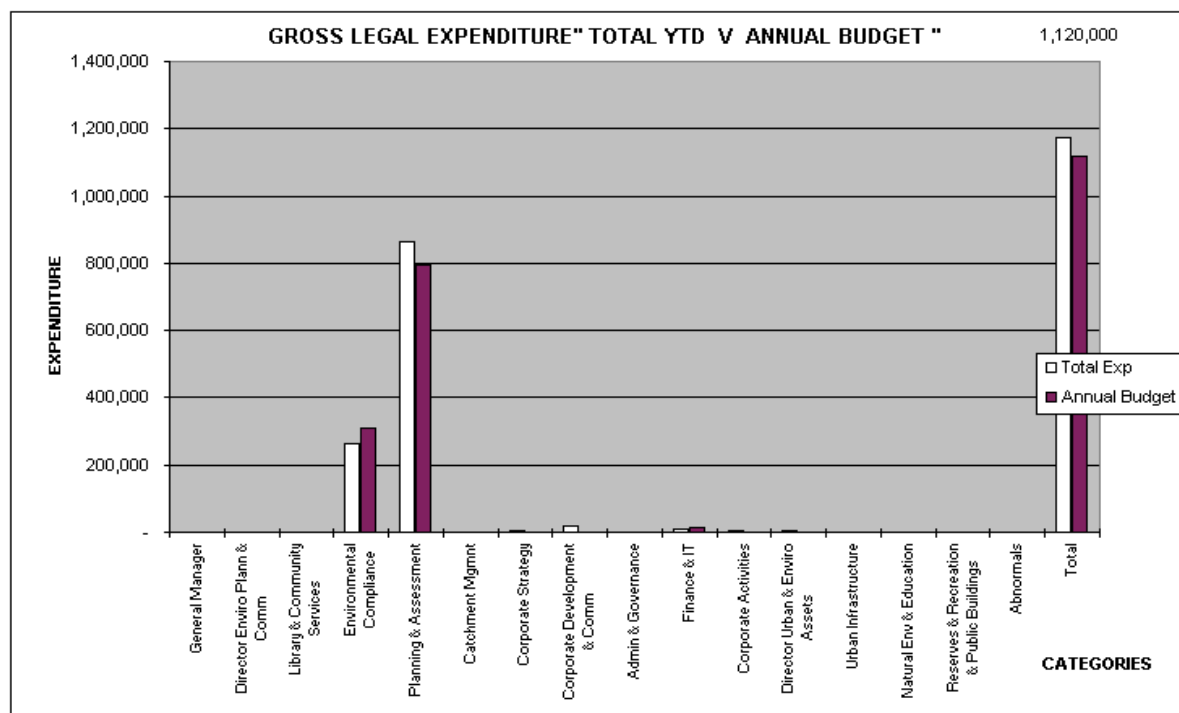
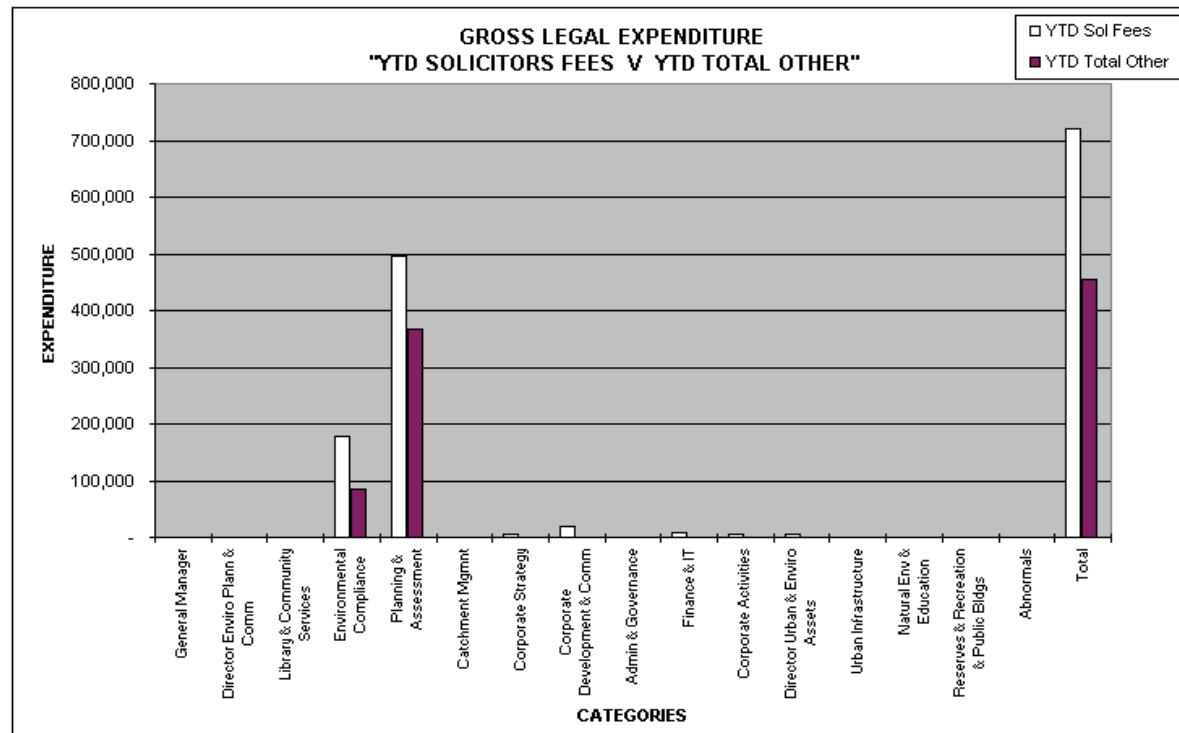
Report prepared by
Renaë Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

as at 31st May 2011

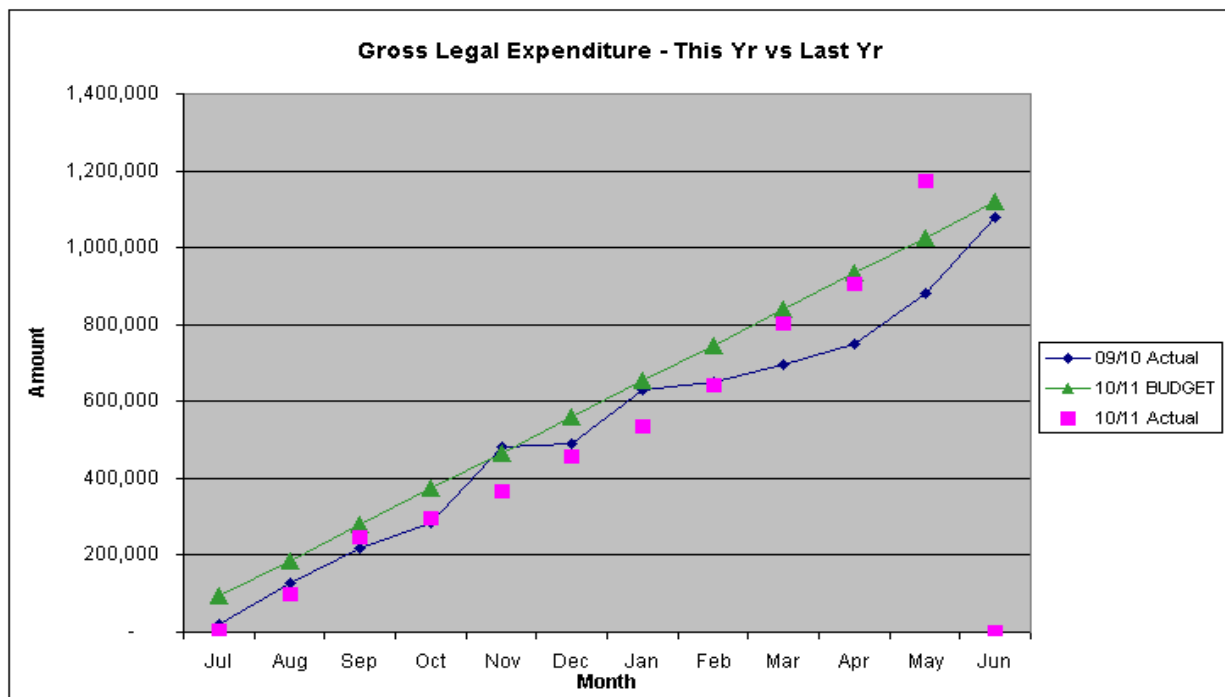
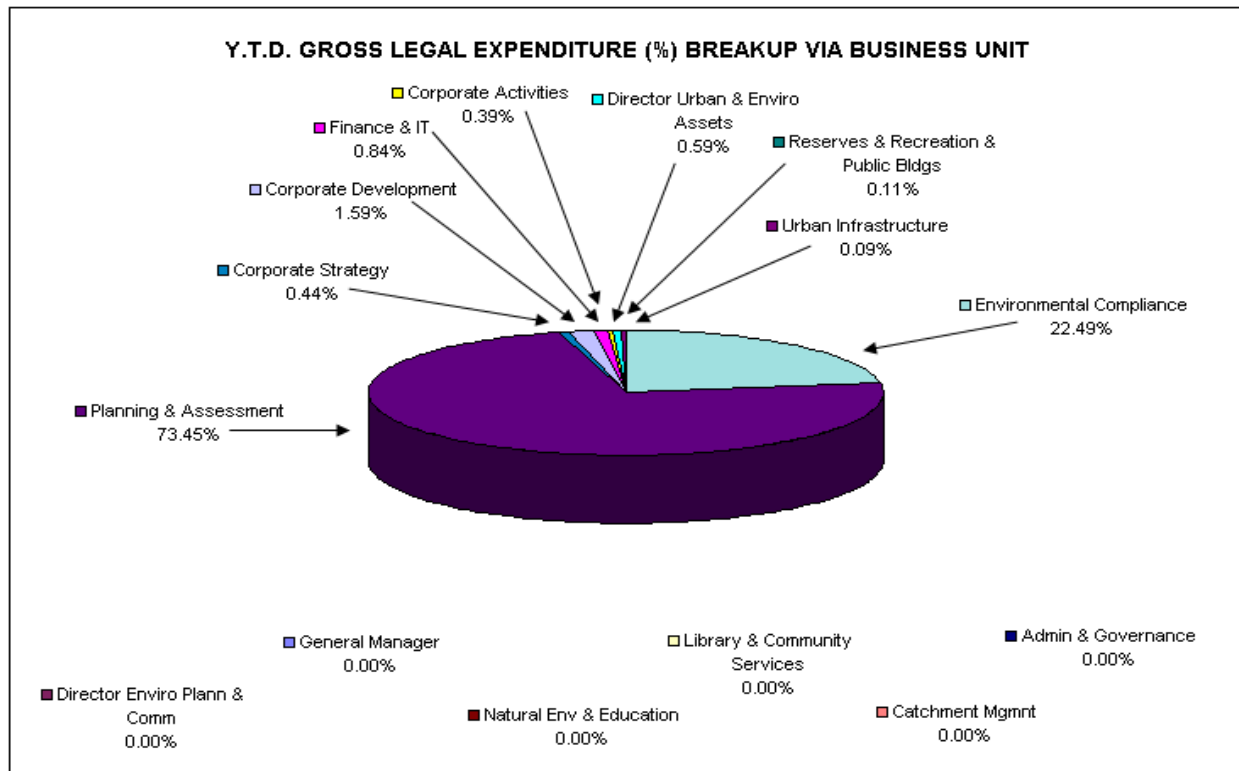
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
87,492	720,052	366,977	1,174,521	1,120,000	183,205



LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

as at 31st May 2011

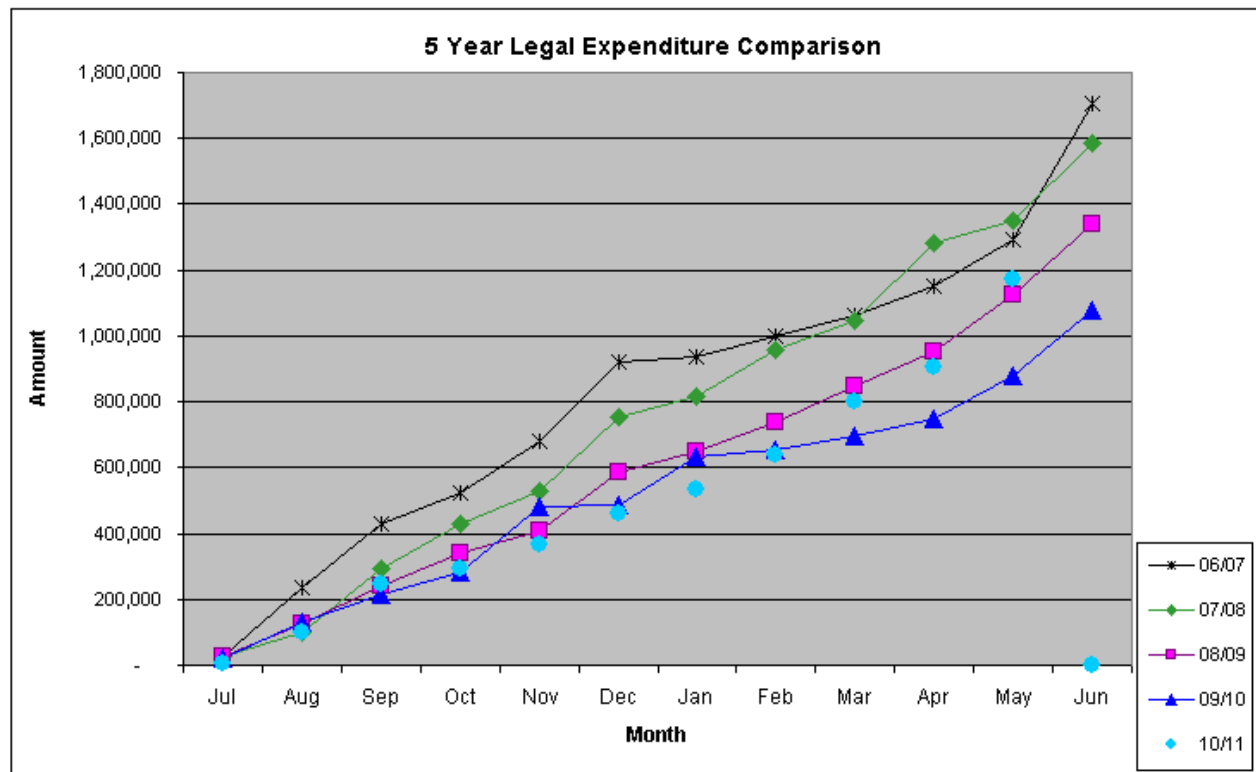
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
87,492	720,052	366,977	1,174,521	1,120,000	183,205



LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

as at 31st May 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
87,492	720,052	366,977	1,174,521	1,120,000	183,205



Top Ten Legal Matters by 2010/11 Expenditure

Property	Description	2010/11 Expenditure	Prior years Expenditure	Expenditure Life to Date All Years
1A Currawong Beach Currawong Beach	Currawong Development	\$ 215,192	\$ 6,552	\$ 221,744
23B MacPherson Street Warriewood	Refusal	\$ 139,551	\$ 46,152	\$ 185,703
1858 Pittwater Road Church Point	Modification to Court Consent	\$ 115,715	\$ -	\$ 115,715
14 - 18 Boondah Road Warriewood	Refusal	\$ 108,867	\$ 29,328	\$ 138,195
9 - 11 Beaconsfield Street Newport	Deemed Refusal	\$ 64,923	\$ -	\$ 64,923
232 / 234 Barrenjoey Road Newport	Deemed Refusal	\$ 57,737	\$ -	\$ 57,737
263 Whale Beach Road Whale Beach	Non-Compliant Pool Fence	\$ 54,543	\$ 7,060	\$ 61,603
6 - 7 Careel Head Road Avalon	Building Site Works	\$ 54,404	\$ -	\$ 54,404
14A Prince Alfred Parade Newport	Deemed Refusal	\$ 54,379	\$ -	\$ 54,379
52 Annam Road Bayview	Unauthorised Works	\$ 25,250	\$ -	\$ 25,250
		\$ 890,562	\$ 89,092	\$ 979,654

C10.4 Monthly Contractors and Staff Report - April 2011

Meeting: Governance Committee

Date: 20 June 2011

Strategy: Business Management

Action: Produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To report on new staff appointments and contract engagements for the month of April 2011.

1.0 BACKGROUND

On 7 September 2009 Council resolved:

*“In light of the current economic crisis and financial constraints of Council,
Council resume the monthly reporting of all staff and contractor appointments.”*

Accordingly, a monthly report in respect of all new appointments of staff and engagement of new contractors is submitted to Council.

In order to gain a more precise and meaningful understanding of contractor engagements on a month by month basis, all Monthly Contractors and Staff Reports will list new staff appointments and terminations and contractor engagements for each month that exceed \$2,000 and or are ongoing for greater than one month.

2.0 ISSUES

The information at **Attachment 1** of this Report has been provided by the Business Unit Managers and is broken into the following sub-sections:

- Appointment of Council staff
- Termination of Council Staff
- Contracts (greater than \$2,000 and or are ongoing for greater than one month)

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

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

3.3.1 The Report will have no impact on this strategy

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

3.4.1 The Report will have no impact on this strategy

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

3.5.1 The Report will have no impact on this strategy

4.0 **EXECUTIVE SUMMARY**

The movements of Council staff for the month of April 2011 are as follows:

- 3 appointments that refill existing vacancies
- 2 terminations

A summary of new contractor engagements are outlined in **Attachment 1** of this Report.

RECOMMENDATION

1. That the information provided on the engagement of new contracts for the month of April 2011 as provided by the Business Unit Managers at **Attachment 1** be noted.
2. That the terminations and appointments of staff during April 2011 be noted.

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Appointments of Council Staff in April 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
UI	Procurement & Contracts Officer	PFT	04/04/2011	N/A	Recruitment Vacancy
NE & E	Natural Environment Officer – Administration	PFT	11/04/2011	N/A	Recruitment Vacancy
CL & ED	Community Development Officer	PFT	18/04/2011	N/A	New Position

Terminations of Council Staff in April 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT Secondment)	Start Date	Finish Date
RR & BS	Reserves Gardener	PFT	11/01/2011	01/04/2011
CL & ED	Library Support Officer	PPT	14/08/1997	13/04/2011

Contract Engagements

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Casual Parking Officers – EC	Contract Agreement	\$27,422	1 Month
Corporate Development	Tempnet	Assistant Development Officers – P&A	Contract Agreement	\$12,284	1 Month
Corporate Development	Tempnet	CEC Educators – NE&E	Contract Agreement	\$24,491	1 Month
Corporate Development	Tempnet	Noxious Weeds Officer – RR&BS	Contract Agreement	\$3,354	1 Month
Corporate Development	Tempnet	Floodplain Management Officer – CM&CC	Contract Agreement	\$5,998	1 Month
Corporate Development	Tempnet	Executive Assistant to Director – P&A	Contract Agreement	\$4,083	1 Month
Corporate Development	Tempnet	Projects Officer – NE&E	Contract Agreement	\$2,175	1 Month
Corporate Development	FP Leonard Advertising	Recruitment Advertising	Contract Agreement	\$3,575	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tyco Australia T/A Wormald	Training and Evacuation Exercise	Contact Agreement	\$2,541	1 Month
Urban Infrastructure	Finer Turf	Supply and lay turf at: Irrawong Road, Grenfell Avenue and Mona Vale Cemetery	Contract Agreement	\$5,808	1 Month
Urban Infrastructure	Australian Prestressing Services	Construction of Deep Creek Bridge - Progress claim : design: 80%; traffic person: 10%	Contract Agreement	\$50,380	1 Month
Urban Infrastructure	Sydney Traffic Services	Line marking and sign posting services in Dress Circle Rd, Avalon; St Andrews Gate, Elanora Heights; Surfview Rd, Mona Vale; Park St, Mona Vale	Contract Agreement	\$3,158	1 Month
Urban Infrastructure	Outline Planning Consultants Pty Limited	Town Planning advice for Mona Vale Cemetery & adjoining lands	Contract Agreement	\$5,898	1 Month
Urban Infrastructure	Bell Environmental Services	Carry out scheduled inspections of Water Treatment Devices & monthly cleaning of devices as per schedules.	Contract Agreement	\$4,177	1 Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Surfview Rd, Mona Vale	Contract Agreement	\$112,010	1 Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in St Andrews Gate, Elanora Heights	Contract Agreement	\$56,887	1 Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Park St, Mona Vale	Contract Agreement	\$81,953	1 Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Koorangi Ave, Elanora Heights	Contract Agreement	\$29,093	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Binburra Ave, Avalon	Contract Agreement	\$35,734	1 Month
Urban Infrastructure	A&J Paving	Asphaltic concrete road restorations in Park Street carpark, Mona Vale (speed humps & guttering)	Contract Agreement	\$8,800	1 Month
Urban Infrastructure	A&J Paving	Asphaltic concrete road restorations in Sybil Street, Newport (level correction)	Contract Agreement	\$2,878	1 Month
Urban Infrastructure	A&J Paving	Asphaltic concrete road restorations in Jendi Ave, Bayview (heavy patching)	Contract Agreement	\$4,158	1 Month
Reserves, Recreation & Building Services	Brian Knight & Asso	Design for Park & Ride Lighting – Kitchener Park	Contract Agreement	\$4,750	1 Month
Reserves, Recreation & Building Services	Beaver Air-conditioning	Upgrade to Air-conditioner at Mona Vale Library	Contract Agreement	\$3,810	1 Month
Reserves, Recreation & Building Services	CamaCorp Pty Ltd	Cleaning of Public Amenities	Contract Agreement	\$14,696	1 Month
Reserves, Recreation & Building Services	Graffiti Clean	Graffiti Removal Commercial Centres	Contract Agreement	\$6,750	1 Month
Reserves, Recreation & Building Services	Guardian property Services	Cleaning Council Offices and Mona Vale Library	Contract Agreement	\$5,108	1 Month
Reserves, Recreation & Building Services	Innuku Pty	Testing of Emergency & Exit Lighting	Contract Agreement	\$6,300	1 Month
Reserves, Recreation & Building Services	Ant-Eater Pest Control	Pest Services – various locations	Contract Agreement	\$3,783	1 Month
Reserves, Recreation & Building Services	Ron Bohm Roofing	Repairs to Mona Vale SLSC Guttering	Contract Agreement	\$4,000	1 Month
Reserves, Recreation & Building Services	Walton & Douglas Roofing	Repairs to Mona Vale Admin Roof	Contract Agreement	\$4,318	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Northern Beaches Joinery	Window Repairs to Mona Vale SLSC & North Narrabeen Community Cnt	Contract Agreement	\$2,531	1 Month
Reserves, Recreation & Building Services	Spring Horticultural Services	Garden Maintenance	Contract Agreement	\$2,145	1 Month
Reserves, Recreation & Building Services	Calclear Investments Pty Ltd	Supply & Installation of Water Conditioner to remove iron from bore water – Winnerremy Bay	Contract Agreement	\$6,390	1 Month
Reserves, Recreation & Building Services	Sterling Group	Supply & spread top soil to cover cricket wickets – Various Sportsfields	Contract Agreement	\$3,345	1 Month
Reserves, Recreation & Building Services	Ausflow Irrigation Pty Ltd	Repair of Irrigation & installation to irrigation of Water conditioner - Winnerremy Bay	Contract Agreement	\$5,644	1 Month
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Bush Regeneration works at Mona Vale Dunes	Contract Agreement	\$5,661	1 Month
Reserves, Recreation & Building Services	Douglas Partners	Consultant Geotech Report for Avalon golf Course	Contract Agreement	\$4,955	1 Month
Reserves, Recreation & Building Services	Richard Metcalfe Line marking	Line marking various sportsfields	Contract Agreement	\$5,880	1 Month
Reserves, Recreation & Building Services	Image Property Detailing Pty Ltd	Mowing of various Areas – Northern Zone	Contract Agreement	\$7,386	1 Month
Reserves, Recreation & Building Services	Surf Life Saving Services	Lifeguard Contract Services	Contract Agreement	\$74,894	5 Years
Reserves, Recreation & Building Services	Quality Turf - Windsor	Supply & lay turf Pittwater Rugby Park No. 2	Contract Agreement	\$5,107	1 Month
Reserves, Recreation & Building Services	Nuturf Silverwater	Supply & spread Rye Grass Seed & Fertiliser Pittwater Rugby Park No. 1	Contract Agreement	\$3,300	1 Month
Reserves, Recreation & Building Services	Nuturf Silverwater	Supply & spread Rye Grass Seed & Fertiliser Pittwater Rugby Park No. 2	Contract Agreement	\$3,300	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Dragonfly Environmental	Bush regeneration & Noxious aquatic weed control	Contract Agreement	\$6,000	2 Months
Reserves, Recreation & Building Services	Indigo Nursery	Tube stock for bush regeneration projects	Contract Agreement	\$6,677	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration	Urban Sustainability Project – Nareen Wetlands	Contract Agreement	\$2,000	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration	Minkara Reserve, Bayview FMFW	Contract Agreement	\$2,000	3 Months
Reserves, Recreation & Building Services	Jan Koltai	Plateau Park, Bilgola Plateau – HR & APZ post fire maintenance	Contract Agreement	\$2,000	3 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Scotland Island Road Reserves – HR & APZ Thompson, Fitzpatrick St	Contract Agreement	\$4,000	3 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Scotland Island Catherine Park – HR & APZ	Contract Agreement	\$5,000	3 Months
Reserves, Recreation & Building Services	Waratah Eco Works	Pathilde Reserve, Scotland Island – HR & APZ	Contract Agreement	\$7,000	3 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Scotland Island Elsie Road Reserve – Emergency HR & APZ works	Contract Agreement	\$2,500	3 Months
Reserves, Recreation & Building Services	Ant-Eater	Feral rabbit control	Contract Agreement	\$25,200	2 Months
Reserves, Recreation & Building Services	Dragonfly	Fern Creek Sector 8 – maintenance	Contract Agreement	\$3,648	1 Month
Reserves, Recreation & Building Services	Toolijoa Landscapes	April maintenance of Fern Creek	Contract Agreement	\$3,485	1 Month
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen Creek Detention Basin maintenance for April	Contract Agreement	\$1,318	1 Month

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen Creek maintenance for April	Contract Agreement	\$3,976	1 Month
Library Services	Paul Miller	Cleaning Contractor Avalon Recreation Centre	Contract Agreement	\$5,529	1 Month

C10.5 Human Resources Report

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: Provide strategic and operational human resources advice and support to management.

PURPOSE OF REPORT

To provide a comprehensive report on the human resources activities of the Council over the past 12 months.

1.0 BACKGROUND

- 1.1 At its meeting held on 1 November 2010 the Council adopted a Human Resources Policy which established an annual reporting process to the Council on the various human resources activities undertaken by the Council.

2.0 ISSUES

2.1 Human Resources Report

Background

Pittwater Council seeks to be a responsible employer and strives for best practice in human resources management recognising the external economic, social, technological, political and legislative context in which it is operating.

The Council's human resources function operates within a complex and dynamic legal framework and employee terms and conditions are governed by state industrial legislation as well as legislative responsibilities contained within a wide range of state and federal legislation. The legislation includes laws against various types of discrimination, laws ensuring equal employment opportunity for all groups of people and laws placing obligations on Council to ensure the mental and physical health and wellbeing of its employees in the workplace. The Council's main workplace instrument is the Local Government State Award.

The Council has developed a 4 year Workforce Plan that looks at strategic employment related issues likely to impact on Council over the next 4 years and beyond. These issues include an ageing workforce, managing a multi-generational workforce, declining birth rates leading to likely skills shortages and recruitment challenges associated with the high cost of housing in Pittwater and public transport limitations.

The Council's management framework takes a values based approach to staff performance and development and includes initiatives aimed at cultural and organisational improvement and the career development of employees. The objective of this values based management approach is to establish the Council as an employer of choice.

The Council staff have developed a set of Core Values being Respect, Quality, Ethics and Communication. These Core Values underpin all of Council's human resource programs, initiatives and functions.

A summary of the various human resources activities undertaken over the last 12 months follows:

2.1.1 Workplace Profile

A summary profile of Pittwater Council's workforce is as follows:

Number of equivalent full time (EFT) staff = 288.12.

This is broken up as follows:

Full time staff (84%) and part time staff (16%).

In terms of equivalent full time staff (EFT), female employees make up 44% of staff and male employees make up 56% of staff.

In terms of headcount, female employees make up 54% of staff and male employees make up 46% of staff. This is due to the large percentage of female staff in part time roles.

2.1.2 Staff Training and Development

A Training Plan is developed each year which focuses on training priorities in key areas across the organisation as well as regular ongoing training in areas such as OH&S, customer service, performance management, etc.

Some of the key corporate wide training programs undertaken/developed during 2010/2011 included the following:

- Leadership,
- Supervisory skills,
- Discrimination and harassment prevention,
- OH&S responsibilities & awareness,
- Critical Incidents handling (difficult challenging behaviour),
- Manual handling & workstation ergonomics.

Other initiatives in training and development during 2010/2011 included:

Career Development Program

This program was introduced in 2011 and is geared at providing selected high potential employees with personalised and targeted training and development plans. The individual development programs included such things as broader work experiences across Council, attendances at Conferences and seminars, financial assistance towards graduate qualifications and a development opportunity at Harvard Business School- Short Course for a selected staff member.

Pittwater Women's Network

The female employees have established a Women's Network promoting the participation of women within Council and to encourage a sharing of experiences, ideas and support. Regular forums and workshops are held on a wide variety of topics which are financially supported by Council.

Gender Equity in Management Meetings

Expressions of interest are annually sought from female staff to attend senior management meetings on a regular basis for 12 months. For 2011 five female staff members attend monthly Business Manager meetings and three female staff attend and participate in monthly Senior Management Team meetings as team members. This enables female staff to have input into management discussions on a wide range of issues and improves the quality of decision making in Council.

2.1.3 Organisational Development

Cultural Survey

A staff cultural survey was undertaken in May 2011. The survey had two components, the first, in which all staff were invited to complete a detailed survey to identify the existing culture within Council and the second, where a selected group of staff were invited to complete a “preferred” culture survey.

A workshop will be held in late June 2011 to develop an Action Plan to address the findings of the surveys which will be attended by all senior staff.

Leadership & Staff Development

A particular focus has been placed on leadership within the organisation over the past 12 months. This has included executive coaching for the senior staff, and use of a diagnostic tool (LSI) to provide principal officers/senior officers with 360 degree feedback on their management and leadership style and advice on improvement strategies.

Youth Employment

Considerable progress has also been made in recruiting and developing younger staff, trainees and graduates in an effort to “grow” talent from within the organisation, recognising Pittwater’s ageing workforce and potential skill shortages into the future.

Joint Consultative Committee (JCC)

The Council’s Joint Consultative Committee meets on a six weekly basis where representatives of the staff, unions and management come together to discuss a variety of matters that affect the workplace at the Council.

A number of key issues have been considered and discussed by the JCC over the past 12 months including Council’s performance management system, Council’s complaints and staff grievance handling systems, corporate governance issues (eg. gifts and benefits policy), organisational realignments, staff cultural survey and emerging industrial relations issues.

Staff Consultation & Communication

A number of mechanisms have been introduced to inform staff of various activities within Council and to seek comment and feedback on new initiatives and ideas as follows:

- Staff blog;
- Pittrends (regular bulletin issued by General Manager advising all staff of current workplace issues);

- PittStop (monthly staff newsletter profiling events, staff and their achievements, social activities, etc).

Staff Performance & Service Recognition Award Program

During 2010 the staff recognition program was expanded to also include recognition of staff with long service to Pittwater Council.

Every 2 months high achieving staff are recognised by the General Manager with an Award at a special presentation. From 2011, staff with service of 15+ years and 25+ years will receive an Award recognising their long service.

2.1.4 Performance Management

The Council's Performance Management System was reviewed and revised in August 2010. The system retained the key components of goal setting, appraisal of behaviours aligned to Council's core values, and discussion about individual training plans and career development opportunities. The system was expanded in 2010 to also assess that appropriate standards in OH&S, customer service and corporate governance issues were adhered to by staff.

2.1.5 Occupational Health & Safety/Employee Wellness

An annual employee wellness program was introduced in 2010/2011 (called "Pumped at Pittwater") which was an initiative focussing on the physical and mental health of employees. The Program involved monthly health "themes" or topics with a mixture of health awareness talks, promotions and practical activities aimed at educating employees and encouraging/supporting them to take care of their health both at work and at home. Topics, themes, talks, promotions, etc included:

- Prostate cancer awareness
- Stroke awareness
- Free breast cancer screening
- Quit smoking assistance
- Walking "challenge" (staff issued with pedometers to measure steps taken)
- Healthy Heart "challenge"
- Mental health awareness
- Heart & lung health awareness
- Skin cancer awareness/checks
- Free flu vaccinations for staff
- Ovarian cancer awareness
- Retirement planning/superannuation advice/talks
- Stress management, sleep better talks
- Mini health fair/free healthy heart checks (blood glucose, cholesterol, blood pressure).

A specific and targeted focus has been placed on updating Safe Work Method Statements and Risk Assessments across a whole range of work activities during the year.

An extensive review of Council's emergency management procedures is currently being undertaken.

Regular “Tool Box” meetings are held with the field staff to discuss work programs and workplace issues including OH&S matters.

Meetings of Council’s Occupational Health & Safety Committee are held on a six weekly basis where staff representatives from across the organisation, including Directors and Managers, meet to discuss and resolve safety issues in the workplace.

The annual StateCover OH&S audit was completed and the Council made a number of improvements over the past 12 months and achieved a higher rating than the previous audit 12 months ago.

A “harmonisation” process is currently under development to achieve greater national consistency in occupational health and safety legislation and workers compensation arrangements between the various States. The new legislation will take effect on 1.1.2012 which will change a number of OH&S issues for NSW (and Pittwater Council) including changes to the “onus of proof” test and more rigorous requirements in relation to the management of contractors, sub contractors and volunteers.

2.1.6 Workers Compensation

During the past 12 months, 170 injuries were reported by staff, a reduction on the 208 injuries reported in the previous 12 months. There were:

- 84 tick, spider, ant or animal bites
- 33 sprains & strains
- 19 slips, trips and falls
- 8 reports of objects striking staff (falling, flying objects)
- 6 lacerations
- 6 penetrating injuries (palm fronds, sticks, kitchen knife)
- 4 crush injuries
- 4 reported motor vehicle or bicycle accidents
- 3 physical or verbal abuse incidents
- 2 reports of work related anxiety or depression
- 1 report of exposure to noise

As a result of these 170 injuries, 29 workers compensation claims were lodged. Two of these claims were disputed and denied. There were 31 accepted workers compensation claims made in the previous 12 months.

Council’s ongoing and intensive focus on Occupational Health & Safety preventative programs, and the employment of a specialist in workers compensation and return to work rehabilitation has positively influenced the number and severity of injuries occurring, the number of workers compensation claims being made and the workers compensation premium for the 2011/ 2012 financial year.

The 2010/ 2011 workers compensation premium estimate at the beginning of the year was \$1,201,895.01. The actual premium (at the time of this report) has been estimated to be approximately \$1,075,000, which represents a premium reduction of approximately \$125,000 due to reduced claims/cost of injuries.

2.1.7 Workforce Planning

The Council's Four (4) Year Workforce Plan was submitted to the Council Meeting on 1 November 2010.

The Council's Workforce Plan aims to determine the future need on the basis of information we currently have. With the knowledge that overall, the Australian population is ageing and our workforce is shrinking due to declining birth rates, these demographic changes present significant long-term implications for the Australian economy and will also have an impact on Pittwater Council.

The changing age profile of the Australian population is important to Pittwater for two reasons:

- a) Firstly, the age profile is one factor that determines our services. An ageing population will be a key driver of the type and mix of services supplied by us to our community.
- b) Secondly, the ageing of the population is likely to directly influence the potential pool of employees available to us. Our current workforce encompasses a range of occupations that require a variety of skills and experience. This places us in a vulnerable position if employees were to retire over a short period of time, as the current skills may be difficult to replace.

Within these broad trends are several challenges. Firstly, considering the relative reduction in size of the overall labour force and the proportion of the population aged over 65, it is essential that Council is able to maintain or improve its relative attractiveness as an employer. Secondly, it is imperative that retention rates are maximised across Council.

To deal with these demands, Council's Workforce Plan looks at the most effective and efficient means of having the right people with the right skills undertaking the right tasks. The Plan aims to facilitate recruitment in areas of known shortages and at the same time put in place strategies to retain existing staff. In this way the Workforce Plan is engaged at all levels of the supply of workers. It also aims to influence how our workforce is educated, trained and developed into the future.

The demographic change combined with factors such as changing employee expectations and increasing community expectations for services pose a number of challenges to the Council and consequently the composition of our workforce.

In summary, some of the key issues that will likely affect our workforce are:

- Demographic change, the ageing of the population and the shrinking workforce;
- Increasing competition for employees across a range of areas;
- Skill shortages in a number of occupations required by local government to serve the community;
- Increased employee expectations for flexible working arrangements;
- Changes in our community's demand for particular services;
- Lack of affordable housing in Pittwater for lower paid workers; and
- Poor interregional public transport connectivity to Pittwater.

The development and implementation of an ageing workforce strategy and contemporary recruitment and retention strategy are two key actions in the 2011/2012 Delivery Program.

2.1.8 Equal Employment Opportunity (EEO)

Pittwater Council has a commitment to equal employment opportunity under the obligations of the Anti-Discrimination Act, the Local Government Act and other relevant legislation. This commitment is not based merely on the legal requirement but on the need to provide a safe, equitable and discrimination free workplace and is reflected by the integration of the principles of EEO into Council's policies and work practices.

The Council's EEO objectives are:

- to eliminate discrimination in general, with particular emphasis on the elimination of racial and sex (gender, marital status, pregnancy, sexual preference) discrimination;
- to eliminate harassment and intimidation from the workplace;
- to eliminate unacceptable personal behaviour from the workplace;
- to ensure that every person regardless of his/her membership of a particular group (women, racial minority and/or person with a disability including mental, physical or organisms such as HIV/AIDS) is given a fair and equitable chance to compete for any vacant positions within the Council; and
- to review Council policies and procedures on a regular basis to ensure that they are free from discrimination.

All employees and external applicants for positions are given an equal chance when they apply for positions, promotions, training opportunities and in their workplace conditions. Any factors such as sex, race, marital or domestic status or disability, homosexuality, pregnancy, breast feeding, age, transgender or carer's responsibilities are irrelevant to employment and any appointment is based on merit and skill.

Workplace problems and/or issues are addressed in accordance with the Council guidelines and work practices to ensure EEO principles are adhered to and all staff are treated with fairness and respect.

The Council has developed an EEO Plan in accordance with its legislative obligations which is reviewed and updated each year. The purpose of the Council's EEO Plan is to:

- engender a culture that values and responds to the diversity of Council staff
- overcome past disadvantages for members of target groups
- build trust between managers, supervisors and staff
- provide education which is socially, culturally and gender inclusive
- remove barriers to participation and progression in employment and training
- increase flexibility through exposure to new ideas and different ways of working
- enhance the quality and accessibility of training and employment with increasing links to cultural diversity

Pittwater Council's EEO Plan details the programs developed to achieve the integration of equity and diversity and equal opportunity principles into all aspects of employment.

During 2010/2011 the Council, in partnership with the Anti-Discrimination Board, conducted a comprehensive discrimination and harassment prevention training program for all staff, including managers, directors and the General Manager.

2.1.9 Recruitment/Staff Turnover

During 2010, thirty one (31) new employees were recruited to Pittwater Council. Staff turnover for the year was approx. 11%. Details of recruitments are reported to Council's Governance Committee each month as part of the monthly contractors report.

The average time to fill a vacant position in 2010 was 38 calendar days.

2.1.10 Industrial Relations

There was only one industrial matter listed for hearing at the NSW Industrial Relations Commission during 2010/2011. This was an unfair dismissal application which was settled at initial conciliation stage and did not progress to a full hearing.

Council's Joint Consultative Committee meets on a six weekly basis where representatives of the staff, unions and management come together to discuss a variety of matters that affect the workplace at the Council.

A summary of internal staff grievances and the outcomes of those issues is reported quarterly to Council's Audit and Risk Committee.

2.1.11 Review of Council Policies/Staff Guidelines

A review of existing Council policies in the human resources area was completed during the year and was reported to the Council in June 2011. As a result of this review, the Working From Home Policy and the Redundancy and Redeployment Policy have been recommended for revocation and instead, be referred to as staff guidelines under the control of the General Manager. In addition, two new Policies were developed and adopted by the Council during the past 12 months as follows:

- Human Resources Policy (adopted 1.11.2010)
- Breastfeeding Policy (adopted 7.2.2011)

A number of internal staff guidelines were either developed or reviewed and updated during the year as follows:

- Fitness for Work Guidelines (newly developed)
- Performance Appraisal Guidelines (reviewed & updated)
- Excellence at Work & Service Awards (reviewed and updated)
- Grievance Handling Procedures and Guidelines (reviewed and updated)
- Mobile Phone and iPhone Guidelines (reviewed and updated)
- Volunteer Guidelines (reviewed and updated)

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The Council currently draws a large percentage of its workforce from the SHOROC region and is a significant employer in the Pittwater LGA. With likely skills shortages in certain occupations, the high cost of housing in Pittwater and poor interregional public transport connectivity to Pittwater, the Council is likely to face recruitment challenges into the future. The Council may need to look at a wider catchment to attract suitably skilled and qualified workers into the future, including the Central Coast.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 N/A.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The changing age profile of the Australian population is important to Council as it is one factor that determines our services. An ageing population will be a key driver of the type and mix of services supplied by Pittwater Council to our community into the future.

The ageing of the population and skills shortages in certain occupations is likely to directly influence the potential pool of employees available to Council. Council's current workforce encompasses a range of occupations that require a variety of skills and experience. This places Council in a vulnerable position if employees were to retire over a short period of time, as the current skills may be difficult to replace.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The Council seeks to be a responsible employer and an Employer of Choice. Ongoing legislative compliance with the many human resources related federal and state legislation and the Local Government State Award is part of Council's approach to good corporate governance

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 N/A.

4.0 EXECUTIVE SUMMARY

- 4.1 The Council's human resources function operates within a complex and dynamic legal framework. Employee terms and conditions are governed by state industrial legislation as well as legislative responsibilities contained within a wide range of state and federal legislation. The legislation includes laws against various types of discrimination, laws ensuring equal employment opportunity for all groups of people and laws placing obligations on Council to ensure the health and safety of employees in the workplace.

The Council has developed a four (4) year Workforce Plan that looks at strategic employment related issues likely to impact on Council over the next four (4) years and beyond. These issues include an ageing workforce, managing a multi-generational workforce, declining birth rates leading to likely skills shortages and recruitment challenges associated with the high cost of housing in Pittwater and public transport limitations.

The Council's management framework takes a values based approach to staff performance and development and includes initiatives aimed at cultural and organisational improvement and the career development of employees. The objective of this values based management approach is to establish the Council as an employer of choice.

Council staff have developed a set of Core Values being Respect, Quality, Ethics and Communication. These Core Values underpin all of Council's human resource programs, initiatives and functions.

RECOMMENDATION

That the report be noted.

Report prepared by

Steve Rawe
MANAGER, CORPORATE DEVELOPMENT

C10.6	2011-2015 Delivery Program & Budget
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: Develop a structure/framework for integrated Corporate Planning

PURPOSE OF REPORT

To seek adoption of Pittwater Council's 2011-2015 Delivery Program, 2011-2012 Budget and Fees & Charges and the making of Rates, Domestic Waste Management Charges and Stormwater Management Service Charges.

1.0 BACKGROUND

- 1.1 Pittwater Council's 2011-2015 Delivery Program incorporating the 2011-2012 Budget was placed on statutory public exhibition for a period of 28 days as required by the Local Government Act 1993.
- 1.2 Section 402 of the Local Government Act 1993 requires councils to develop a Delivery Program for four years and adopt it on or before 30 June each year.
- 1.3 Pittwater Council's 2011-2015 Delivery Program & Budget has been produced in accordance with the Local Government Act and identifies key actions that will be undertaken by Council over the coming four-year period to meet the community's needs.
- 1.4 The 2011-2015 Delivery Program is the third of the revised structure for the document. The document keeps this Delivery Program in line with the 2020 Strategic Plan as well as making it more accessible/ readable for the community.
- 1.5 Pittwater Council's 2011-2015 Delivery Program incorporating the 2011-2012 Budget was placed on statutory public exhibition for a period of 28 days as required by the Local Government Act 1993.

2.0 ISSUES

2.1 Review of Pittwater Council's Strategic Framework

- 2.1.1 Pittwater Council's Delivery Program & Budget has been reviewed in light of the legislative changes from the Department of Local Government. This plan complies with the Integrated Planning and Reporting Framework.
- 2.1.2 Following on from the development of the 2020 Strategic Plan the Delivery Program has been reviewed and updated to flow on from this and provides a four-year delivery program to provide the mechanism to achieve the community's goals and targets and to translate strategic initiatives into yearly actions.
- 2.1.3 Council's Delivery Program continues to be structured along the same lines of the Strategic Plan which includes having 20 strategies under five key directions.

- 2.1.4 The way in which Council's budget is presented again reflects the 20 strategies and five key directions from the 2020 Strategic Plan. Financial information is still presented in the traditional format in terms of the consolidated statement but a budget has also been presented for each of the five key directions and 20 strategies.
- 2.1.5 In the 2011-2015 Delivery Program there has also been a streamlined approach to the existing introductory information and document section to make the document more accessible for the community. Hence there is a move towards avoiding duplication and directing residents to the relevant documents on the internet.
- 2.1.6 For the third time, the 2011-2015 Delivery Program contains operational key performance indicators (KPI's). These KPI's have been developed so that the community will be able to track the performance of Council over a long period of time. The progress of these KPI's will be reported in the Annual Report.

2.2 Summary of Pittwater Council's 2011-2015 Delivery Program

- 2.2.1 The 2011-2015 Delivery Program establishes an overall operating framework for all Council activities and provides an instrument of public accountability and the basis for measuring the performance of Council.
- 2.2.2 The community vision that underpins both the 2020 Strategic Plan and Delivery Program is ***'to be a vibrant sustainable community of connected villages inspired by bush, beach and water'***.
- 2.2.3 The 2011-2015 Delivery Program comprises of 5 sections including:
- **Section 1 – Overview:** providing an overview of Pittwater's community and Council including the strategic direction for Pittwater; a snapshot of Pittwater's demographic profile; introducing your Councillors; Council's organisational structure, vision, mission and values; where your Council dollar goes each year; and Council's customer service charter.
 - **Section 2 – Financials:** outlining Council's financial information including Council's revenue policy; a statement of ordinary and special rates and charges; pricing policy; proposed external borrowings statement; one-year and four-year consolidated, operating, cash flow statements and balance sheets.
 - **Section 3 – 4 Year Delivery Program:** outlining a four-year action plan for Council activities under 20 Strategies and 5 Key Directions as outlined in the 2020 Strategic Plan as well as a one-year budget and four-year Capital Improvements Program.
 - **Section 4 – Statement of Fees & Charges:** outlining the full range of 2011-2012 fees and charges that Council is authorised to charge.
- 2.2.4 There are approximately 473 actions identified in the Delivery Program for Council to achieve in 2011/12. These actions are spread across all the 20 strategies contained in the 2020 Strategic Plan. The responsibility for the completion of each action has been assigned to specific Business Units within Council. Progress and monitoring on the delivery of these actions is done on a quarterly basis and progress reported to Council each quarter.

2.3 Special Variation Application – IPART Determination

On 10 June 2011, IPART approved Council's application for a special rate variation effective 1 July 2011. IPART's determination is as follows (extract from IPART Executive Summary – 10 June 2011);

“Based on our assessment of Pittwater Council’s application in line with the requirements of the Act and the Guidelines, IPART has decided to approve the special variation percentages, ...”

The table below, from the *IPART Executive Summary*, represents the approved special variation for Council.

Table 1.2 Special variation requested by Pittwater Council, including the rate peg amount

Year	Annual increase in general income (%)	Cumulative increase in general income (%)	Annual increase in general income (\$)	Cumulative increase in general income (\$)	Permissible general income (\$) ^a
Y1 2011/12	7.80	7.80	2,375,708	2,375,708	32,836,153
Y2 2012/13	7.00	15.35	2,298,531	4,674,239	35,134,684
Y3 2013/14	6.00	22.27	2,108,081	6,782,319	37,242,765

^a Permissible general income refers to the maximum general income that the council can generate in the year. It equals the previous year's notional general income level (2010/11) plus the annual dollar increase permitted by the special variation percentage.

Source: Pittwater Council, *Section 508A Special Variation Application Form – Part A, Worksheet 1*.

All works associated with the 10-year \$38million program have been incorporated into the 2011-2015 Delivery Program and Budget that has been on exhibition. The SRV works program has been separated out from the CIP program in the Delivery Program to ensure ongoing clarity for reporting.

2.4 Financial Summary for 2011/2012 Budget

2.4.1 2011/2012 Budget Outline

Operating Result	\$ 41,885 (surplus)
Consolidated Result	\$ 81,758
Total Cash & Investments	\$ 21,237,831
Capital Improvements	\$ 9,015,345
Rating Income Yield	\$ 32,916,070
Domestic Waste Charge	\$ 10,987,033
Unrestricted Current Ratio	3.08 (stable)
Debt Service Ratio	2.49% (low)

2.4.2 Program & Project Summary

Key Direction 1 – Supporting & Connecting our Community

- Review of Council's Social Plan
- Provide a family day-care service, long day-care, occasional care, after school care and vacation care services
- Participate in the development planning for Mona Vale Hospital and regional hospital
- Maintenance and upgrade of Council's playgrounds, reserves and community facilities

- Progress the Plan of Management for Church Point Reserve & Masterplan for the precinct
- Upgrade to Sydney Lakeside Tourist Park

Key Direction 2 – Valuing & Caring for our Environment

- Complete the Fauna and Flora mapping project
- Continue to include new Environmental Controls into the DCP
- Maintenance of 42 foreshore parks
- Support of 250 active bushcare volunteers
- Development of a community water quality monitoring program
- Annual collection of 2000 tonnes of waste during community cleanups
- Implementation of sustainability initiatives within Council as well as supporting the community
- Domestic animal management
- Integration of Climate Change & Sea Level rise into Councils policies

Key Direction 3 – Enhancing our Working & Learning

- Development of a Pittwater Economic Development Plan
- Maintenance and enhancement of 4 Village Centres
- Continued management of Avalon and Mona Vale Libraries
- Provision of free internet and PC usage in village centres
- School education programs and projects
- Promotion of 50 environmental school holiday programs
- Continued development of Councils website
- Delivery of catchment, environmental and sustainability education programs
- Further expansion of the free WiFi capability in our village centres

Key Direction 4 – Leading an Effective & Collaborative Council

- Preparation and management of all statutory reporting
- Financial Management of Council
- Continued development of innovative community consultation mechanisms
- Quarterly distribution of Pittwater newsletters
- Provision of a 24/7 call centre
- Provide efficient and effective customer service for all residents
- To provide information required by residents
- Provision of councillor and mayoral administrative support
- Development of a long-term Resourcing Strategy
- Quarterly and annual reporting on Strategic Initiatives of Council & the community

Key Direction 5 – Integrating our Built Environment

- Management of \$2bn worth of community land & infrastructure
- Ongoing management of 28 public wharves and jetties
- Development and review of statutory planning controls (LEP/DCP)
- Maintenance of 250km of roads
- Maintenance of 265km's of drainage networks
- Management of all electronic planning and land-use information
- Provision of a pre-development application service
- Planning and management of infrastructure of Warriewood Valley Urban Release
- Continued planning for the Warriewood & Ingleside Urban Release Areas
- Ongoing maintenance of traffic & transport facilities

2.4.3 Capital Improvement Program

There is over \$ 9,015,345 mill budgeted in the Capital Improvements Program, including the following examples of major projects:

Strategy	CIP Description	TOTAL
Asset Management	Implement Asset Management Program	225,000
Beach & Coastal Management	Bicentennial Coastal Walkway Upgrades Warriewood wetlands walkway upgrade	348,857
Building Communities	Graffiti Removal Program Commercial Centre Upgrades	333,868
Business Management	Sydney Lakeside Cabin Upgrade Sydney Lakeside improvements	1,638,166
Energy Efficiency	Revolving Energy Fund – retrofit of council buildings	200,500
Recreational Management	Playground Refurbishments Palm Beach Wharf Upgrade Dunbar Park remedial works Woorak Reserve Improvements	1,982,500
Transport & Traffic	Road Rehabilitation Roadside & Verge Improvements Roads to Recovery	2,271,570
Water Management	Stormwater Quality Treatment Device Improvements Narrabeen Creek – Corridor B Floodplain Mitigation Works	1,655,000

2.5 Ministerial Advice on General Revenue Increase

2.4.1 On 10 June 2011 IPART announced an increase of 7.8 percent in the amount that Council can generate from general-purpose rate income in 2011-2012.

2.4.2 In accordance with Section 494 of the Local Government Act 1993, it is recommended that Council makes the following Ordinary Rates for 2011/12;

Ordinary Rate Name	Rate in \$	Minimum Rate
Residential	0.16142c	\$703.30
Farmland	0.11233c	\$703.30
Business	0.29655c	\$897.90
Bus-Warriewood Square	0.33365c	-

2.5 Interest Charges on Overdue Rates

2.5.1 The Minister for Local Government is yet to determine the maximum rate of interest that may be charged on overdue rates and charges for 2011-2012.

2.5.2 In accordance with Section 566(3) of the Local Government Act, it is recommended that Council resolves to adopt the maximum interest rate allowed.

2.6 Domestic Waste Management Charges

2.6.1 Domestic Waste Management Charges for 2011-2012 have been increased to reflect the cost of the service.

2.6.2 In accordance with Section 496 of the Local Government Act 1993, it has been recommended that Council makes and levies the following Domestic Waste Management Charges for 2011-2012:

Domestic Waste Charge Name	Total Charge
Availability Charge	\$125.00
Residential Usage Charge	\$450.00
Special Charge (some retirement villages)	\$403.00

2.7 Stormwater Management Service Charges

2.7.1 The Stormwater Management Service Charges for 2011-2012 have remained the same as 2010-2011.

2.7.2 In accordance with Section 496 of the Local Government Act 1993, it has been recommended that Council makes the following Stormwater Management Service Charges for 2011-2012:

Stormwater Management Service Charge Name	Total Charge
Land categorised as residential	\$25.00
Residential Strata (per lot)	\$12.50
Land categorised as business	\$25 per 350 sqm (or part thereof)

2.8 Public Submissions on Delivery Program

2.8.1 The Delivery Program was placed on exhibition for a period of 13 weeks. (Normally only 28 days)

2.8.2 Public exhibition of the Draft Plan included:

- Advertisement in local papers and magazines
- Copies being made available at Council offices, Mona Vale and Avalon Community Library and on the Pittwater Council website.

2.8.3 In addition a public meeting was held with residents to outline the details of the Plan and to gain feedback during the exhibition period.

2.8.4 A total of 1 written submission was received from residents that covered 2 themes. These submissions have been summarised below. Included in the summaries are responses to each of the themes raised and as well as an outcome to the issue raised with respect to the Delivery Program. The themes raised include;

THEME 1: Warriewood Valley Capital Improvement Program

Number of Submissions: 1

Submission Points

- The lack of detail on the matters to be covered by the proposed budget allocation for works in Warriewood Valley

- how the proposed budget allocations correlate with the pending strategic review of the Warriewood Valley land release area currently being undertaken by Council and the Department of Planning and Infrastructure (DP&I)

Council Response

- The 2011-2015 Draft Delivery Program & Budget has been on public exhibition from 20 March 2011 to 10 June 2011, a total of 13 weeks.
- With respect to Council's rolling budget and works associated with infrastructure improvements in Warriewood Valley, this budget has been set at a point in time and by the very nature of a budget is subject to review. Under Regulation 203 of the NSW Local Government (General) Regulation 2005, Councils are required to undertake a Quarterly Budget Review.
- All expenditure highlighted in the submission is for years 2,3,4 of the Delivery Program & Budget and will be reviewed once the Warriewood Valley Strategic Review is completed.
- During the Strategic Review process there will be a public forum where residents will have the opportunity to contribute and provide submissions to the review process.
- Capital Expenditure in Warriewood Valley for 2011/12 will continue as detailed in the Delivery Program and will progress as planned.

Outcome

- No change made to 2011-2015 Delivery Program & Budget.

2.9 Council Amendments

The exhibited 2011-2015 Delivery Program & Budget has undergone the following amendments. These amendments are due to new information being made available since the Draft 2011-2015 Delivery Program & Budget went on public exhibition. The amendments below are not from public submissions to Council.

2.9.1 Changes to Financials - Section 2

2011/2012 Rating Structure Table

- Minor changes to the rating structure table in the Draft Delivery Program as highlighted in section 2.4.2 of this report.

General Budgetary and Accounting Changes

- Nil

2.9.2 Changes to Fees & Charges – Section 4

Addition of Currawong Cabin Fees

Council will now determine the fees for accommodation at Currawong Cabins. These fees have been added to the 2011-2015 Delivery Program & Budget as Council has now become the Trust Manager for the Currawong site.

Section 735A Certificates (Certificates as to Notices)

Outstanding Notices under Section 735A of the Local Government Act, 1993 were omitted from the Draft 2011/12 Fees and Charges. This fee of \$140 per Notice is to be included in the 2011/12 Fees and Charges Schedule.

Section 603 Certificates (Certificates as to Rates and Charges)

The S603 Certificate Statutory Fees has increased from \$60 (as per Council's Draft 2011/12 Fees and Charges) to \$65 per certificate. This fee of \$65 per Certificate is to be included in the 2011/12 Fees and Charges Schedule.

2.9.3 4 Year Delivery Program Action Changes – Section 3

Strategy	Action Detail	Comment
Building Communities	Develop and facilitate a community based youth organisation focused recreational needs	Deferred to 2012/2013 – availability of staff resources
Building Communities	Seek funding for an integrated model of childcare for children 0-5	Removed from program due to discontinuation of Federal Government funding initiative.
Land-Use & Development Strategy	Finalise SHOROC paper on social and affordable housing	Action changed to: <i>Develop an affordable housing choice strategy</i> Action changed due to new direction by State government
Land-Use & Development Strategy	Completion of Warriewood Valley Strategic Review	New action added to this strategy.
Business Management	Effectively manage all operations associated with Currawong State Park	New action added to this strategy.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The actions in the 2011-2015 Delivery Program all have a positive affect on community connectedness and continue to provide a variety of services across the community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

All the activities within the Delivery Program reflect the philosophy of protecting and enhancing the human and natural environment for current and future generations.

3.3 Enhancing our Working & Learning (Economic)

Council continues to provide life-long 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.

3.4 Leading an Effective & Collaborative Council (Governance)

The layout and structure of the Delivery Program contributes toward Council's ongoing commitment to transparency and accountability when dealing with the community.

3.5 Integrating our Built Environment (Infrastructure)

The CIP budget & delivery program as well as the SRV program of works contained within the Delivery Program highlights Councils aim of enhancing the provision and use of public space as well as ensuring that Council adhere to environmental principles with maintaining and creating new assets.

4.0 EXECUTIVE SUMMARY

- 4.1 Pittwater Council's 2011-2015 Delivery Program incorporating the 2011-2012 Budget was placed on statutory public exhibition for a period of 28 days as required by the Local Government Act 1993.
- 4.2 The budget included in the 2011-2015 Delivery Program provides for a Consolidated (Operating plus Capital) surplus of \$81,758 and an Operating surplus of \$41,885 for 2011-2012.
- 4.3 There are approximately 487 actions identified in the Delivery Program for Council to achieve in 2011/12. These actions are spread across all the 20 strategies contained in the 2020 Strategic Plan. The responsibility for the completion of each action has been assigned to specific Business Units within Council. Progress and monitoring on the delivery of these actions is done on a Quarterly basis and progress reported to Council each quarter.

RECOMMENDATION

- 1. That Council makes the annual Ordinary Rates (in accordance with IPART's approval), Domestic Waste Management Charges and Stormwater Management Services Charges for 2011/2012 as named and shown in the Report.
- 2. That Pittwater Council's 2011-2015 Delivery Program, 2011-2012 Budget and all other Fees & Charges, as tabled, be adopted.

Report prepared by

Paul Reid - Manager, Manager Corporate Strategy & Commercial
Mark Jones - Chief Financial Officer

Mark Ferguson
GENERAL MANAGER

C10.7 Former Avalon Guide Hall - Expression of Interest

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: **Deliver to a range of community, cultural and social needs.**

ACTION: Deliver a program of social and cultural planning projects and activities.

PURPOSE OF REPORT

To apprise Council of the outcome of the Expression of Interest (EOI) process relating to possible future uses of the former Avalon Guide Hall.

1.0 BACKGROUND

- 1.1. At the meeting on 6 September 2010 Council resolved to call for Expressions of Interest in relation to the restoration of, and possible uses for, the old Avalon Guide Hall.

An EOI document (**ATTACHMENT 1**) was prepared by Council's solicitors and advertised in the Manly Daily and on Council's website in early December 2010, with hard copies of the document being available from the Avalon and Mona Vale customer service offices.

The closing date for the process was extended to 11 February 2011 to allow for the Christmas break. The document noted that a compulsory inspection for prospective applicants was scheduled for 21 December 2010 however no parties attended on that day.

2.0 ISSUES

2.1 Submissions Received

- 2.1.1 Only two responses were received as a result of the process and neither was in the format contained in the issued documents. Both respondents acknowledged that their responses did not conform and reiterated their previous submissions on the issue and offered suggestions, comments and broad observations rather than concrete offers as requested in the EOI documents. Both responses were acknowledged in writing in February.

- 2.1.2 The first was from Ms Meg Johnson and the second from the Clareville & Bilgola Plateau Residents Association Inc (CABPRA).

These two documents are at **ATTACHMENTS 2 and 3** respectively.

2.2 Evaluation and a Way Forward

- 2.2.1 Neither submission received outlined any detailed financial strategy for the future use of the former Girl Guides Hall.

- 2.2.2 Both submissions have outlined a desire to maintain the former Girl Guides Hall for community benefit. However the two submissions have a significantly different emphasis on this proposed future community use.

2.3 Submission 1 from Ms Meg Johnson

- 2.3.1 This EOI refers to a previous submission to Council last year. The primary aim of this submission was to:

“Provide teenagers and young adults in the community with a social venue that promotes community involvement in designing positive leisure time activities.”

- 2.3.2 Whilst well intentioned this submission lacked detail on how the facility would be managed as the potentially significant recurrent costs associated with staffing such a use to ensure young people were suitably supervised and supported.
- 2.3.3 Furthermore the submission is from an individual and not an established community organisation. Whilst there are suggestions that there are “others” willing to help it is unclear that there would be sufficient commitment for an appropriate community organisation to be formed in the future to manage the use of the facility.
- 2.3.4 Finally the proposed use in this EOI/Submission is in part been addressed by Council over the last nine months by some of the following decisions:-
- 2.3.4.1 *Resolving to retain the former Scout Hall as a multi-purpose community facility which will be prioritised for youth activities.*
 - 2.3.4.2 *Prioritising Activity Room 1 at the Avalon Recreation Centre for youth activities.*
 - 2.3.4.3 *Adopting the Dunbar Park Plan of Management which includes creating an outdoor performance stage.*
 - 2.3.4.4 *Creation of a new not-for-profit youth activity fee for all community centres to encourage greater use by youth related organisations.*

2.4 Summary of EOI from Ms Meg Johnson

- 2.4.1 For the reasons outlined above it is considered inappropriate to proceed with the suggestions outlined by Ms Johnson which would in all likelihood duplicate what can be achieved in the future at the former Avalon Scout Hall and Avalon Recreation Centre.

2.5 Submission 2 from the Clareville and Bilgola Plateau Residents Association Inc (CABPRA)

- 2.5.1 The EOI from CABPRA also referenced an earlier submission made to Council. The proposal put forward by CABPRA is to use the former Girl Guides Hall as a “Men’s Shed”.
- 2.5.2 Whilst this EOI/Submission also lacked detail it clearly stated CABPRA is offering to champion such a project and to work collaboratively with Council. This is a significant offer as CABPRA is a well established community organisation which is already operating and has an existing relationship with Council.
- 2.5.3 Initial investigation by staff indicate that there is some merit in further researching the potential of establishing a Men’s Shed in Pittwater and possibly in the former Girl Guides Hall.

- 2.5.4 The current uncertainty around the nature and timing (September) of the next State budget make it difficult to determine what if any State Government funding might be available in the future to assist in establishing a Men's Shed.

2.6 Summary of EOI from CABPRA

- 2.6.1. For the reasons outlined above it seems that this proposal has most merit and identifies a need not currently being met within Pittwater. The proposal provides Council with an opportunity to work with a well established community organisation to determine if the concept can be achieved in the medium term. It is therefore recommended that Council Staff work with CABPRA over the next 6 months to further investigate the proposal and report back the results of these investigations to Council in February 2012. In the meantime it would be appropriate to extend the current moratorium on demolishing the former Girl Guides Hall until this time.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Both alternate proposals in the Expression of Interest have sound benefits. The proposal from Ms Johnson is however largely already being addressed by recent Council decisions regarding the future of the former Scout Hall. The proposal from the CABPRA has the potential to compliment the range of facilities and services already or soon to be available in Dunbar Park.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 There are no direct impacts of the proposal in the natural environment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The proposal from the CABPRA has greatest potential to provide opportunities for the life long learning.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The proposal from Ms Johnson is not currently supported by any existing community organisation structure (i.e. management committee, board). The proposal from CABPRA has the benefit of being supported from a long standing and well recognised community organisation.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Neither proposal has provided a financially sustainable method of improving and maintaining the former Girl Guides Hall.

4.0 EXECUTIVE SUMMARY

- 4.1 The Expression of Interest process only attracted two non-conforming responses. Neither response was able to provide a financially sustainable way forward to manage the building.

The purposes for the building suggested in the proposal from Ms Johnson have largely been addressed by recent decisions of Council. Therefore the proposal from CABPRA appears to have the most merit in exploring further to determine if there is any opportunity to sustainably utilise the former Girl Guides Hall as a Men's Shed.

RECOMMENDATION

1. That Council note that only two Expressions of Interest were received and both were non-conforming with alternative submissions provided.
2. That Council also note that neither alternative submission provide any clear proposal to sustainably finance improvements to the former Girl Guides hall and to its future operations and maintenance.
3. That Council continue to liaise with the Clareville and Bilgola Plateau Residents Association Inc. to determine if a Men's Shed is a viable future use for the former Girl Guides Hall and report back to Council by February 2012.
4. That the current moratorium on demolishing the former Girl Guides Hall be extended until February 2012.
5. That both the Clareville and Bilgola Plateau Residents Association Inc. and Ms. Meg Johnson be thanked for their submissions.

Report prepared by
George Veness, Senior Property Officer, Corporate Strategy and Commercial

Paul Reid
MANAGER, CORPORATE STRATEGY AND COMMERCIAL

Lindsay Godfrey
MANAGER, COMMUNITY, LIBRARY & ECONOMIC DEVELOPMENT

EXPRESSIONS OF INTEREST (EOI)**AVALON GUIDE HALL
DUNBAR PARK AVALON
COMMUNITY USE****ATTENTION APPLICANTS**

Due to the scope of this EOI it may be necessary to make addenda to the EOI documents during the EOI period.

To ensure that you are kept aware of any addenda to the EOI document please complete the following details and fax back to 9970 7150 (attention George Veness).

Company Name:

Contact Name:

Business

Telepho
ne:

Mobile

Telepho
ne:

Fax:

Postal Address

Please note that if Council is not aware that you have an EOI document, Council cannot advise you of any changes to the EOI.

Therefore, please return this form at your earliest convenience.

Thank you

EOI NUMBER EO3/2010

**PROPOSALS FOR RENOVATION AND FUTURE
COMMUNITY USE OF
THE AVALON GUIDE HALL**

CLOSING:

FRIDAY, 11 FEBRUARY 2011

At 2pm

PART 1

EXECUTIVE SUMMARY

PROPOSALS FOR RENOVATION AND FUTURE COMMUNITY USE OF THE AVALON GUIDE HALL

EOI Number: EO3/2010

EXECUTIVE SUMMARY

1.1 BACKGROUND

Pittwater Council (the "Council") is situated on Sydney's Northern Beaches and covers an area from North Narrabeen to Palm Beach. Council's administration offices are located at Units 11 & 12/5 Vuko Place, Warriewood and it operates two Customer Service Centres, one at Village Park, 1 Park Street, Mona Vale and the other at 59a Old Barrenjoey Road, Avalon.

Any reference made to Council in this document is in respect of the role of Council as owner of Dunbar Park, the legal description of which is Lot 6 in Deposited Plan 1102075 and which is known as 7A Bowling Green Lane, Avalon (the "Park").

For the purposes of this document, those expressing an interest as outlined below, must only address Council as owner, and must not approach any other person or entity.

Council has care, control and management of the Park on which the former Avalon Guide Hall is situated as owner (called the "Guide Hall" in the remainder of this document.)

It is anticipated that the Guide Hall will be provided in its current state and is the primary focus for expressions of interest.

Under the *Local Government Act 1993* Council has adopted a Plan of Management for the Park. The Plan of Management (POM) can be found on Council's website at www.pittwaterlpa.com.au. In addition Council is currently reviewing its POM for Dunbar Park and it is envisaged that a new draft POM will be placed on exhibition in December 2010.

Council primarily wishes to consider expressions of interest for the fit out and lease of the former Guide Hall. Applicants should note that all expressions of interest must be in conformity with Council's obligations to the community as set out in the Plan of Management, and the overall objectives of Council.

The costs of all works needed to bring the building to an acceptable standard are to be borne by the Applicant. However, Applicants are referred to Clause 2.3.4 below in regard to possible alternative proposals.

The Applicant is to make its own enquiries and evaluations as to the potential income generated by the proposed activity/use and the Applicant warrants that Council has made no warranty or representation as to the accuracy or completeness of any financial records and any other documents obtained by the Applicant from the Council or otherwise.

1.2 **SELECTION OBJECTIVES**

In preparing responses to this call for expressions of interest, Applicants should be aware that Council's objectives (the "Objectives") are as follows:-

To offer a facility that benefits the Avalon Community

To enhance the public use of the Park without unduly impacting on the Park or becoming the main focus of the Park.

To offer quality services and demonstrate the ability to adapt and respond to local community and social needs and input as a result of the establishment of the activity.

To provide improvements to the existing building and a quality fitout.

PART 2

CONDITIONS OF SUBMITTING AN EXPRESSION OF INTEREST

Expression of Interest Number: EO3/10

2.1 BACKGROUND

The Background and Objectives of this Expression of Interest are set out in the Executive Summary.

2.2 PROJECT INFORMATION

2.2.1 Objectives

Council is seeking Expressions of Interest from suitably experienced and qualified companies, partnerships, organizations or individuals for the fit out and lease of the Guide Hall in Dunbar Park (the "Guide Hall").

The criteria which Council will use in assessing the responses received from the Applicants are set out in clauses 2.5.4 and 3.2.3 below.

In preparing Expressions of Interest, Applicants should have regard to the Background comments and Selection Objectives contained in the Executive Summary above and to the attached list of works needed to bring the building to an acceptable standard (see the back of this document and Clause 2.3.4).

2.2.2 Contract Details

The successful Applicant will be required to execute an Agreement with Council on appropriate and agreed terms at a date in the future. It is envisaged that this contract will be for five years with a five year option although alternative terms will be considered if part of a proposal submitted in accordance with Clause 2.3.4 below.

The Applicant will need to nominate a sum of money he/she or it is prepared to contribute towards the ongoing external maintenance of the building and cartilage. The responsibility for internal maintenance, power, water, gas and so on, is to borne by the Applicant.

2.2.3 Contact

Applicants who require clarification of any items contained in this document are to contact George Veness, Senior Property Officer, Pittwater Council
Phone: (02) 9970 1291 Email: george_veness@pittwater.nsw.gov.au

Applicants are required to direct all communications through the above contact person, unless otherwise directed by the contact person. Unauthorised communication with other staff of the Council may lead to the disqualification of the Applicant.

2.2.4 Site Inspections

Applicants may freely inspect the external area of the Guide Hall in Dunbar Park.

Internal inspection of the building is compulsory for all interested parties who will be making submissions. Council officers will be in attendance to answer any questions. Expressions of Interest from parties who have not inspected the building internally will not be accepted.

The inspection day is to be Tuesday 21st December from 11.00 a.m. to 12.00 noon.

2.3 PREPARATION OF EXPRESSIONS OF INTEREST

2.3.1 Format

All Expressions of Interest must be in a form which specifically addresses the objectives of Council as contemplated by this document.

In addition, Applicants may supply further and full information on any value-added initiatives that may be of benefit to Council.

The Applicant may, however, be requested to supply further information to comply with the necessary criteria.

The Applicant is responsible for all costs incurred by the Applicant in submitting an Expression of Interest and for the supply of any requested information. Council will not be responsible for any costs incurred by the Applicant.

2.3.2 Number of copies

Expressions of Interest are to be submitted in duplicate including all annexures, together with any other documents necessary to make the EOI complete.

2.3.3 Applicants to be fully informed

Applicants shall fully inform themselves in relation to all matters arising from the EOI. Applicants are expected to make and rely on their own inquiries.

Each Applicant shall be considered to be thoroughly acquainted with all aspects of the EOI including without limitation any Acts, regulations, standards or other matters which relate to the process.

Each Applicant is considered to have inspected the site and to have examined all information available to the Applicant on reasonable inquiry.

¶¶Each Applicant is considered to be satisfied as to the accuracy and completeness of its EOI prior to submission.

The Applicant must state his/her/their/its full name, company name, business name, ACN, ABN, address and registered office address, as appropriate, contact details and the full names of individual partners and directors, as appropriate.

Address for service of notices:

Applicants must include within the EOI an address for service of notices on the Applicant for the purposes of the EOI and any subsequent contract arising out of this document. ¶¶

Execution:

Sign the EOI personally or, if a company, comply with the relevant provisions of the Corporations Law and regulations as to execution by the company.

2.3.4 Alternate EOI submissions

Alternative proposals may be submitted with the EOI for consideration, but Any alternative EOI must be submitted in the same format which complies with this EOI; and a detailed description of the alternative must be submitted, stating clearly the manner in which it differs from the standard EOI whilst complying with the Objectives.

Council will consider a proposal for Council to fund the list of works annexed and amortise the cost in rental over the agreed contract term.

Council may consider other solutions that meet the Objectives and offer additional public benefit and which meet specific functional and performance requirements in an alternative and practical manner. Applicants will need to indicate the reasons why the additional features may be advantageous.

In summary, Applicants are encouraged to offer options or solutions, which in a novel or innovative way contribute to Council's ability to carry out its business in a more cost-effective manner. These may be related to functional performance and/or technical aspects of the services or opportunities for more advantageous commercial arrangements.

Council reserves the right to consider such offers on their merits or not to consider them further, in its absolute discretion.

2.4 LODGEMENT OF EOI

2.4.1 Lodgement

EOI must be placed in a sealed envelope and marked as follows:-

EOI FOR GUIDE HALL, DUNBAR PARK, AVALON,

Tender Number: E 03/10, and

lodged in the Tender box located at Council's offices, situated at 1 Park Street Mona Vale.

Tenders sent by prepaid post or courier must reach the Tender Box prior to the closing date.

2.4.2 Submission by facsimile or electronic means

Due to the potential for a high volume of transmissions at or around the closing date for submissions, Council prefers that whole EOI are not sent by these methods. However, Council will accept a short summary of an EOI submitted by fax or other electronic means provided that the Applicant is able to satisfy Council that formal EOI documents and all other requisite essential information were posted or lodged at a Post Office or other recognised delivery agency before the deadline for the closing of EOIs and Council actually receives those documents within such period as Council decides to be reasonable. Evidence of the lodgement or dispatch of the documents may be required to be provided to Council.

EOIs submitted by facsimile or other electronic means must be received in time for the General Manager or nominee to put the EOI in a sealed envelope and place it in the Tender Box by the date and closing time.

2.4.3 Closing date for Expressions of Interest

Date: Friday 11 February 2011

Time: 5.00 p.m. sharp

2.4.4 Place for lodgement

Tender Box location:

Pittwater Council Administration Customer Service Centre

1 Park Street

Mona Vale NSW 2103

Address for Postal Submissions:

Pittwater Council

P0 Box 882,

MONA VALE, NSW, 1660.

Fax Number for Tenders: 9970 7150 (Attention : George Veness)

(refer to note above re submissions by fax)

2.5 PROCEDURES AFTER EOI PERIOD

2.5.1 Ownership of Expressions of Interest

The Applicant licenses the Council to reproduce the whole or any portion of the EOI documents for any purposes of EOI evaluation, notwithstanding any copyright or other intellectual property right that may subsist in those documents.

2.5.2 Expressions of Interest validity period

EOIs will be valid for 30 days from the closing date of the EOI period and may be extended by mutual agreement.

2.5.3 Informal EOI's

Any EOI may be rejected which does not address the stated objectives of Council. The Council reserves the right to waive any conditions previously imposed.

It is unlikely that there will be time for Council to request detailed clarification, or request additional information. Therefore, it is important that all information requested is provided in a succinct and easily understood way.

2.5.4 Selection criteria

Council reserves the right to accept any EOI (or any alternative EOI) which is submitted in accordance with these conditions if in Council's absolute discretion that the EOI provides the best net community benefit.

Consideration will be given to:-

- previous experience and proven ability in the management of submitted activities,
- proven ability to be able to adapt and respond to local community and social needs and input as a result of the establishment of the activity,
- willingness to engage with the local community in meaningful ongoing consultations to provide positive outcomes for the viability of the activity following establishment,
- ability to offer quality services,
- ability to upgrade the building and provide quality fitout,
- ability to devise and adhere to practical construction/operational deadlines,
- ability to present a 5 to 10 year business plan to allow for ongoing Development;
- include a schedule and standard of loose furniture and fittings, if applicable, and
- state what payment is to be offered to Council. This figure is to include GST.

2.5.5 Need for realistic expectations as to time and finance return

The Council reserves the right to reject an EOI which is unrealistic as to time and/or financial return. EOI's containing untenable alterations, additions or qualifications may be rejected.

Unsuccessful Applicants will be notified in writing that their EOIs have been rejected.

2.5.6 GST

The tendered sum will include allowance for any obligation to pay GST in relation to any aspect of the work. There will be no adjustments to the tendered sum due to any failure on the part of the Applicant to correctly account for the impact of GST on the cost of any aspect of the work. Council must be supplied with an Australian Business Number (ABN) when requested.

2.5.7 Confidentiality

The parties agree to keep all material contained in the EOI confidential amongst the parties and will not disclose the contents of the EOI or any subsequent correspondence pertaining to or in addition to the EOI to any other person during the EOI period unless expressly authorised to do so by the Council.

2.5.8 Costs of Tender

The Council is not responsible for, and will not pay for, any expenses or losses, which may be incurred by any Applicant in the preparation of an EOI.

2.5.9 Offer to enter into Agreement

It is a condition of the submission of an EOI that Applicants will at the election of Council be prepared to enter into a suitable contract on the basis of the ideas set out in the EOI.

PART 3

EOI FORMAT

Guide Hall

EOI Number: E03/10

Project Name: Guide Hall – Fitout & Lease
Project Address: Dunbar Park
Barrenjoey Rd, Avalon NSW 2107

3.1 APPLICANT'S DETAILS

- Name of Applicant:
- Business Type:
- Australian Company Number:
- Australian Business Number:
- Registered Address:
- Address for Service of Notices:
- Name of contact:
- Telephone:
- Facsimile:
- Email:

Applicant's Name:.....

Signature..... Date

Acceptance of conditions

I/We, the undersigned, have examined the Council's objectives and submit our EOI in accordance with all the conditions and requirements set out in the EOI guidelines.

3.2 SCHEDULES

3.2.1 Schedule 1

1. Financial capacity

To demonstrate the financial capacity of the Applicant, the Applicant is required to demonstrate a capacity to fund the fitout and then to trade, as applicable.

2. Personnel

The Applicant is required to nominate and provide detailed work histories and references for all key personnel involved with any proposed work and the intended provision of services set out in the EOI.

Name	Proposed Responsibilities
_____	_____
_____	_____

3. Current Contractual / Business Commitments

The Applicant to provide details of all existing business ventures:

_____	_____
_____	_____

Applicant's Name:.....

Signature..... Date

3.2.2 Schedule 2 - Experience

1. References / Business experience

The Applicant may also provide details of recent project/business ventures of a similar type and complexity.

Project / Business Description	Reference Contact Details (incl. phone no.)
--------------------------------	---

1. _____	_____
2. _____	_____
3. _____	_____

2. Evidence of demonstrated ability to perform

The Applicant must demonstrate an ability to complete the works.

Applicant's Name:.....

Signature..... Date

3.2.3 Schedule 3 – Ability to meet objectives

The Applicant must indicate how it will meet the following objectives.

Objectives:

1. To enhance the public use of the Park without unduly impacting on the Park or becoming the main focus of the Park:

2. To offer quality services and demonstrate the ability to adapt and respond to local community and social needs and input as a result of the establishment of the activity:

3. To provide improvements to the existing building and quality fitout:

(REFER TO EOI CONDITIONS)

Applicant's Name:.....

Signature..... Date

3.2.4 Schedule 4— Works, Products & Services to be provided

1. Compliance

We confirm our EOI has made due allowance for all works described within, with no clarifications or alterations OR with the following clarifications and alterations
(cross out whichever is not applicable).

2. Project Timetable

The Council requires the Applicant to advise a project timetable with approximate dates to show the following:

- Sequence of work.
- Periods within which various stages or parts of the work are to be executed.
- External dependencies including provision of access, approvals and work by others.

Applicant's Name:.....

Signature..... Date

3. Other Features Offered

The Applicant should set out other features of the service offered which may be a benefit to Council. Particularly, the Applicant should detail any benefits that the Applicant will provide to Council that exceed the specification:

Applicant's Name:.....

Signature..... Date

3.2.5 Schedule 5— Schedule of proposed fitout works

The Applicant must attach Builder's Confirmation by reference to plans showing a full description and value of proposed capital works for the fit out of the Guide Hall.

3.2.6 Schedule 6— Schedule of Standard of Loose furniture and fittings

The Applicant must describe the proposed standard of loose furniture / fittings that it proposes to use. Information should be provided for such items including (but not limited to) seating, tables and umbrellas.

Tenders may attach manufacturer's brochures / specifications furnishings to this schedule.

Applicant's Name:.....

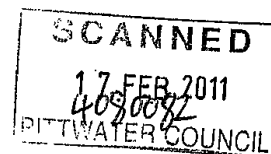
Signature..... Date

Avalon Guide Hall Building - Dunbar Park

Listed below is an estimate by Council's Building Services section as to what works are required to be carried out to bring the Council owned building up to a standard so it complies with the BCA requirements such as disable toilets, accessibility and fire safety requirements.

- Removal of asbestos roof sheeting, guttering and downpipes, cleaning of site including vacuum and disposal to approved tip.
- Install new Ultra colourbond roof sheeting with insulation and roof wire, new guttering and downpipes.
- Plumbing work includes disconnect and reconnect of kitchen fitting, bathroom fittings (pans, cisterns, basins, etc), replacement of HWS and relocate to store, drainage, etc.
- Electrical work includes the disconnection & reconnection of kitchen appliances, rewiring the power & lights circuits, smoke detectors, exit signs, upgrade meter board, etc.
- Kitchen - remove old cupboards and fittings and replace with new cupboards and appliances.
- Upgrade the toilets to comply with the disability code - reposition pans and cisterns, install new partitioning, retile the toilet are, etc.
- Joinery - renew all doors and windows, repairs to veranda supports, eave linings, wall linings, etc.
- Install new suspended gyprock ceiling to the hall, including hanging rods and furring channels, cornice, etc.
- Resurface the floors -strip and recoat timber floor and new vinyl covering for kitchen.
- Provide disabled access to the building
- Miscellaneous repairs to the building including - bricking up external fire place and repairs to concrete veranda, replace damaged roof timbers, replace white ant affected timbers, etc.
- Painting (internal and external)

Council has estimated the list of work above will cost approximately \$251,500.00 to bring the building up to the appropriate standard to comply with Australian Standards.



EOI Number: E03/10

Project Name: Guide Hall – Fitout & Lease

Project Address: Dunbar Park
Barrenjoey Rd, Avalon NSW 2107

3.1 APPLICANT'S DETAILS

Name of Applicant: Ms Meg Johnson

Business Type: n/a

Australian Company Number: n/a

Australian Business Number: n/a

Registered Address: n/a

Address for Service of Notices:

Name of contact: Meg Johnson

Telephone:

Facsimile:

Email:

Applicant's Name: MARGARET JOHNSON (Meg)

Signature: [Signature] Date: 11/2/2010

Acceptance of conditions

I/We, the undersigned, have examined the Council's objectives and submit our EOI in accordance with all the conditions and requirements set out in the EOI guidelines.

George Veness
Pittwater Council
PO Box 882
MONA VALE NSW 1660

11th Feb 2011

**Submission – EOI FOR GUIDE HALL, DUNBAR PARK, AVALON
Tender Number: E03/10**

Dear Sir,

Further to my discussions with yourself on the telephone this week, I submit this non-conforming and alternative EOI for the Guide Hall, Dunbar Park, Avalon. (As per Para. 2.5.3 **Informal EOI's** – Council Expression of Interest Document)

I refer also to my original submission to council on proposal for usage of Avalon Guide Hall (**August 2010**) which outlines my proposal for the ongoing use of the Guide hall which is in keeping with councils objectives as outlined in **Para 1.2 SELECTION OBJECTIVES**

For council's reference I have provided copy of my original proposal See **attachment A.**

In response to 3.2 SCHEDULES Schedule 1 1. Financial capacity

In response to Councils request to outline funding for the repair and ongoing maintenance of the building I would re-iterate my previous suggestions (made at public meetings and in submissions to council) that Council look to the following sources for funding for the rectification of the building:

- 1 Funding from Pittwater council
2. Raising additional funds through Ratepayers contribution. A new Youth/Avalon Guide Hall Repair Levy - \$5 per ratepayer – which would raise approx. \$110,000.
This equates to a tiny amount of 10cents per week – which is not a huge ask! (Pittwater's Current population as of 30 June 2007 (estimated between census periods) is 56,920. Of That roughly 22,000 residential households- \$5x 22,000 = \$110,000 per year.)
- 3 Apply for grants and funds through
Community Partnership Funding (State)
<http://www2.communitybuilders.nsw.gov.au/index.html> - has lists of grant opportunities

4. NSW Dept of Community Services
5. Federal Department of Family and Community Services
6. Proceeds of Crime Grants
7. That council research the funding structures used by Manly, Warringah, Mosman, North Sydney, Hornsby etc. which they use to upgrade and maintain community facilities

Importantly, I re-iterate that it is my view that funding for the repairs to the Guide Hall requires Council contributing funds towards this project and Council's commitment to actively seek funding sources/sponsors/community groups that would lend their support by way of donation of funds or volunteering skills.

Groups such as Cabpra (Men's Shed group), Church organizations, Avalon RSL and its Sub Branch, the military organization Graham Sloper (Avalon RSL Sub branch) organized previously to help repair the building, Rotary, local retirement villages, businesses including Mitre 10, the local Chamber of Commerce groups etc. would all be likely candidates to assist with repairs and fundraising over a long term period

I also suggest the "Friends of Avalon Guide Hall" members (facebook and petition signed members) is a group clearly likely to respond to fundraising ventures in the future

As it highly unlikely that any one individual or community/non profit group would have the financial capacity to raise the estimated funds to cover the works outlined in the EOI – I recommend council adopt a long term approach to the cost of repairs to this building which would involve council allocating council funds to the project alongside funds that sought from interested parties and through grant applications.

I also recommend that repairs to the building be prioritized in order of the most urgent and mandatory in order to maintain the building in basic working order

I propose that Council review the requirements for repairs listed as outlined in the EOI framework with a view to identifying those repairs/costings that not mandatory to the safe usage of the hall. For example, though electrical repairs and roof repairs are mandatory, building disabled access toilets are not mandatory for the purposes of using the hall. If necessary, the Avalon Recreation Centre toilets could be used until further funding options were sources. Other repairs such as renovating the kitchen, putting in a new suspended gyprock ceiling, resurface the floors, providing disabled access to the building etc. are not essential repairs to the safe use of the building

I also recommend that a steering committee be formed to co-ordinate grant applications and fundraising options to assist with sourcing funds.

I would propose that Council adopt the same view it has taken with the Avalon Recreational Facility and the Scout Hall with regard to including this "council owned"

building in its assets list as one that also requires allocation of funds regularly budgeted for to cover costs of repair and maintenance to the building.

Certainly, I advocate seeking community involvement, where it can be accessed, as a method of raising additional funds, to assist council in covering costs of repairs and ongoing maintenance to the building. I am in support of the organizations such as Cabpra and Youth Reach whose objectives are to utilize the hall for community benefit.

Thank you for your consideration of this non-conforming EOI,

Yours Sincerely,

Meg Johnson

BA Communications,

Ancillary Qualifications in Training and Assessment, Small Business Management, Market Research, Financial Services and Fine Arts (Music)

Founder of AAI, (National charity and peak consumer body for anaphylaxis)

Founding Member of FAAA (International Charitable Alliance, Associate Member ASCIA,

Past Recipient of Pittwater Community Volunteer Award

Initiator and founding student advocate for development of the UTS Childcare Centre, Ultimo.

Initiator and founding community advocate for the development of the Children's Bike Track at Apex Park, Mona Vale. Member of Multiple Community Advocate Organizations

Please refer to Annexure A overleaf

Annexure A

Copy of previous submission (August 2010) to Council Proposing Usage of Avalon Guide Hall

Aims and Strategy for Development of the Venue

Aim

To provide teenagers and young adults in the community with a social venue that promotes community involvement in designing positive leisure time activities. The prime focus of activities would be to provide opportunity to socialize through experience with interactive arts, performance and contemporary entertainment.

Vision

It is envisaged that the venue would provide an alternative meeting place for young people in the community whose aspirations and interests are not provided for through existing sporting orientated leisure facilities or programs.

The venue would provide an accessible and **affordable** safe meeting place for young people where they have the opportunity to engage in a range of creative, arts-orientated and contemporary entertainment focused activities.

This concept embraces the idea that usage of the venue be part determined by input from young people in the area, similar to a co-operative, but with the added support and guidance of a permanent facilitator/manager.

In the creation of this venue it is anticipated that local industry, artists, musicians, digital media and theatrical personnel, writers, community groups and philanthropic associations will be keen to offer their support to the young people of our community through this "interface".

It is also intended that this venue would provide a place for socially isolated young people to connect with their peers in a positive environment.

In recognition of the issues surrounding problematic behavior of youth on the streets, it is envisaged that the venue would provide an alternative social path for younger teenagers to take as opposed to "hanging out" with and being influenced by negative role models.

Developing an attractive social alternative to negative "street life" activities may pre-empt the desire of some teenagers to associate with the wrong element because they have limited options.

The Plan

The venue would seek to provide a multi-faceted schedule of activities, allowing for volunteer-run activities within a flexible program.

The space would become a “Youth-focused Arts, Music and Creative Entertainment Venue” – initiated and run by young adults from the community. The operation of the venue would be overseen by a permanent facilitator whose position would be funded by donations, grants and sponsorships.

The project would be run along similar lines to a volunteer community focused group with a facilitator providing support, advice and training to young volunteers in the delivery of their entertainment programs.

It is envisaged that the venue would initially operate as a meeting place for a group of core volunteers to meet and workshop plans to re-open the hall.

Proposed opening hours would be between 9pm- 8.30pm during the week and 8am- 8.30pm on weekends. This provides ample opportunity for young adults/teen to engage in a range of art, entertainment and contemporary/classic performance focused activities. (Refer to Annexure A – list of suggested activities)

I propose that at times other than during opening hours, the premises would be closed to public. I envisage that during “closed” hours the building would be utilized as a planning, workshop, studio space for ancillary activities related to the management of the venue.

Where a special event requires a change to the ordinary opening hours of the venue, I envisage that this would be acceptable usage of the building, providing all activities follow council and community standards relating to the operation of a venue for a special event.

I believe that this proposal has great potential to provide a resource to the community which promotes positive life skills to our youth and answers the very large need for a creative interactive space.

I also believe that my proposal addresses and answers many of the community needs as outlined in Council's own Draft Delivery Plan for 2010 – 2014. For your reference, I have noted below particular parts of council plan's that I believe relate to and provide further support for my proposal and the use of this site.

Included in Section 4 (Delivery Program) of the 2010 – 2014 Draft Delivery Plan and Budget some of the key strategies proposed by council related to youth social needs and the aims of this proposal include.

- Council Initiative - Develop an improved amateur **theatre performance** venue in Pittwater
 - (Listed Action) In 2011/2012 Explore opportunities to improve the existing facilities for amateur theatre performance
My comment: the venue would provide a place for young people to have fun with drama games, skits, comedy and opportunity to “tread the floorboards” in cameo chalkboard sessions or their own design.)
- Council Initiative - Develop a **youth** community organization focusing on **recreational needs**

- Action - None listed

My comment: success with youth orientated programs are linked to youth having a sense of ownership of the programs – as would be the case with this proposal

- Council Initiative - Develop a program of outdoor performances

- Action - None listed

Note: Young performers need a space to rehearse and practice. This proposal would provide a supportive venue where amateur talent can build confidence performing in front of small groups. It is also envisaged that the grounds outside and around the hall provide the perfect environment for holding outdoor performances designed by volunteers to involve and engage the youth of the area.

- Council Initiative - Respond to a range of community cultural and social needs

- Action - To Work with **young promoters** to develop strategies for holding a range of youth entertainment events

My Comment: Young promoters would be encouraged to collaborate to design youth entertainment events that would be suitable to run from this venue.

- Council Initiative - Respond to a range of community cultural and social needs

- Action - Provide access to a range of community spaces for **evening** youth-related activities

My Comment: There is a lack of afternoon/early evening undercover affordable social venues for youth in the area. This would provide a safe and inspiring healthy space for young people to use.

- Council Initiative – Review opportunities to maximize use of council buildings

- Action – Promote utilization of community buildings

My Comment: The Guide Hall is an available building currently not being utilized.

Separate to the information provided above, I feel it's important to note that through discussion with a range of people, I have become aware that there is considerable community support for saving the building from demolition and utilizing it for the benefit of the community

I also wish to mention that a number of young people have expressed interest in volunteering their help in the formation and running of specific programs. I believe that there are many other young and active people in the community, who, if given the opportunity, would be eager to get involved in this venture

Additionally, other community minded people have expressed their interest to support the creation of a youth focused venue and have offered to contribute their time, expertise, material help and fundraising skills to support this project. The 3 examples written expressions of support previously submitted to Council, I believe, indicative of a much larger number of people who would be prepared to lend their help to such a project.

Should council desire, I can also provide copy of a reference document from Kim Bush, Youth Services Co-ordinator from Eurobodalla Shire Council which includes a well researched briefing paper on the need for and benefit of youth orientated spaces in the community. Though this document relates to the establishment of Eurobodalla Shire's Council funded "Youth Café" – I believe much of the information contained in the brief is relevant to our own seaside community's needs and underscores the rationale for my proposal.

In summary, I hope that Council view my proposal as a preferred alternative to the option of demolishing the existing building.

Thank you for the opportunity to have input on this matter.

Kinds Regards,

Meg Johnson

BA Communications,

Ancillary Qualifications in Training and Assessment, Small Business Management, Market Research, Financial Services and Fine Arts (Music)

Founder of AAI, (National charity and peak consumer body for anaphylaxis)

Founding Member of FAAA (International Charitable Alliance, Associate Member ASCIA,

Past Recipient of Pittwater Community Volunteer Award

Initiator and founding student advocate for development of the UTS Childcare Centre, Ultimo.

Initiator and founding community advocate for the development of the Children's Bike Track at Apex Park, Mona Vale. Member of Multiple Community Advocate Organizations

Copy of Information provided at (public meeting 27th July 2010) to Pittwater Council regarding the development of a Youth Center in the old Guide Hall at Avalon.

As to possible funding options;

Community Partnership Funding (State)

<http://www2.communitybuilders.nsw.gov.au/index.html> - has lists of grant opportunities

NSW Dept of Community Services

Federal Department of Family and Community Services

Proceeds of Crime Grants.

Funding – research the funding structures used by Manly, Warringah, Mosman, North Sydney, Hornsby etc.

Seed funding from council and community project orientated organizations – like Rotary, RSL, Local businesses

Ratepayers contribute - new Youth Levy - \$5 per ratepayer – which would raise approx. \$110,000.

This equates to a tiny amount of 10cents per week – which is not a huge ask!

(Pittwater's Current population as of 30 June 2007 (estimated between census periods) is 56,920. Of That roughly 22,000 residential households- $\$5 \times 22,000 = \$110,000$ per year.)

- Co-operative style basis – with membership – allowing for committee made up of local youth and volunteers who have input on the revamping of the hall and the activities to be developed in co-ordination with Council Youth Workers.
- Youth of the area Name the venue. Club membership?
- Accessible for youth during day and evening hours – to give them an social venue to meet in and get involved in free or low cost activities. Give them somewhere undercover other than street corners to gather in.
- Youth mentorship – volunteers from community to run Master Classes in various Activities
- Business sponsored activities – eg music shops sponsor music classes, song writing workshops
- Venue's are utilized by different interests on a rostered basis- overseen by council. i.e one day a photography group, another day a music group,
- Any one organization is not totally in control over the use of the hall.

Suggested activities

Open mic /chalkboard sessions, video and audio recording sessions, drama/performance activities, standup and skit comedy, charades, magic, independent film and video screenings, digital media/photography sessions, showcase sessions (independent designers /inventors), art/design sessions, clothed life drawing, mural design, body painting/henna designs, video game competitions, retro classic games, master classes run by mentors (musicians, artists, performers etc.) writers performance(storytelling/poetry) etc

Proposed by:

— — —
Meg Johnson

CABPRA

THE CLAREVILLE AND BILGOLA PLATEAU RESIDENTS ASSOCIATION Inc

PO Box 292 Avalon Beach 2107

George Veness
Pittwater Council
PO Box 882
MONA VALE NSW 1660

31st January 2011

Submission – EOI FOR GUIDE HALL, DUNBAR PARK, AVALON
Tender Number: E03/10

Dear Sir,

Further to our *initial submission of August 23rd 2010* to utilise the Avalon Girl Guide Hall as a “Men’s Shed” (*attached*), the Clareville and Bilgola Plateau Residents Association (CABPRA) are pleased to submit this **non-conforming and alternative EOI**.

1) Why a short Non Conforming EOI.

a) The establishment of a Men’s Shed requires considerable discussion with the community, identification of key sponsors (including Council), identification of need and focus, as well as the establishment of Planning and Steering Committees *We refer to Para 5 and 6 of our submission of 23rd August (attached)*. This work requires **Council involvement**, more resources than are available to CABPRA, and a longer timetable than allowed in the EOI. In summary a “**community based**” Men’s Shed proposal does not fit well with the EOI process.

b) The Manly Daily article of December 8 (attached) appeared to pour “cold water” over the concept of a Men’s Shed in Avalon.

c) Notwithstanding the above, CABPRA repeat its offer to act as an initial champion of the Men’s Shed concept. This would mean working together with Council and other Sponsors in the planning and establishment process *Refer Para 5 and 6 of our 23rd August 2010 submission*.

2) Ability to meet Council Objectives.

a) CABPRA believe that a Men’s Shed in Avalon **fully** meets the Council Objectives as set out in Para 1 2 of the EOI. In summary a Men’s Shed:

Clareville and Bilgola Plateau Residents Association Inc. PO Box 292 Avalon Beach 2107

- Benefits able and disabled Men as well as Youth
- Is focused solely on the Guide Hall, adds value to the Park and does not compete with other nearby facilities or businesses.
- Its focus and services are determined by community need and input.
- Renovations, maintenance and security are provided by the members.

We refer Council to *Para 4 of our submission of 23rd August 2010* for more detailed benefits.

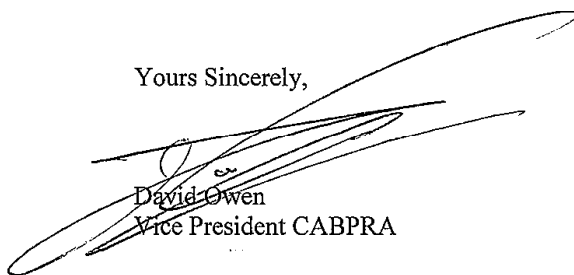
b) Other considerations pertinent to the EOI Selection Criteria at Para 2.5.4 are:

- A Men's Shed would have a Planning Committee and Steering Committee made up of Sponsors' representatives. *Refer to Para 6 of our 23rd August 2010 proposal.* A broad range of community and management expertise would be involved.
- The initial focus of the Men's Shed would be to fully renovate and enhance the existing Guide Hall via the skills of its members and resources of its sponsors (including Council).
- The longer term focus of a Men's Shed is determined by the community, social needs and membership skills/resources. These may vary with time. *Para 2 of our 23rd August 2010 proposal outlines a number of possibilities for focus.*
- Details such as the nature and timetable of the fitout would be determined by the focus of the Men's Shed which in turn would be determined after community consultation and the acceptance of the relevant business and operational plans by the elected Steering Committee.

We believe this short non-conforming EOI together with *our proposal of 23rd August 2010* provides council with a viable community based option for the Guide Hall. In our opinion it fully meets all Council Objectives as stated.

Should Council opt for a Men's Shed solution, CABPRA offer to act as an initial champion of the Men's Shed concept. This would mean working together with Council and other Sponsors in the planning and establishment process.

Yours Sincerely,



David Owen
Vice President CABPRA

Clareville and Bilgola Plateau Residents Association Inc. PO Box 292 Avalon Beach 2107

Council Capers

Monty Doherty 8/12/10

Sandy Bay plan concerns

Peter Bodkin

FINAL plans to overhaul Clontarf's Sandy Bay, including the installation of new pathways, boat storage and facilities for dog owners, have been presented to Manly Council.

The landscape master plan features a number of changes to the area, such as the construction of a new retaining wall and concrete path to properly define the Manly Scenic Walkway. A new, horizontal boat and

kayak storage facility is also included and the council has proposed a dinghy registration and licensing system be introduced at the site, with residents charged an annual boat storage fee.

Council staff estimated the preliminary cost of implementing the master plan at \$270,000. A number of residents raised concerns about the proposal during its exhibition stage, complaining



the council was "over-engineering a solution" with its plans to add a seawall, boat racks and footpaths.

"The Sandy Bay master plan is unnecessary," one local said. "It is too manufactured and will spoil the natural beauty of our foreshore." But Clontarf precinct committee chairman Phil Young said a good balance of improvements had been achieved in the final plans.



Toby Derrit, 3, climbs a tree at Sandy Bay yesterday.

Picture: SIMON COCKSEDGE

No men's shed or swim centre

Danielle Nicastri

SEVERAL community suggestions for the future of Avalon's Dunbar Park have been rejected in the latest draft plan for the area.

Suggestions for an aquatic centre and a men's shed in the park were not included in the plan endorsed by Pittwater Council at Monday night's meeting.

Despite 10 submissions supporting an aquatic centre, the idea was rejected as "impractical" because of the limited space available in the park.

Planners said the council was currently in the process of commissioning a feasibility study on an aquatic centre in Pittwater.

Another submission suggested the former Guides hall in Dunbar Park should be used as a men's shed.



PITWATER COUNCIL

But The Forest Community Men's Shed project coordinator Tim O'Sullivan said the current shed at Belrose, which opened in 2007, was not being used to its full capacity. He said it could open on more days or extend its operating hours if there was further demand but questioned whether a second shed was needed.

"Considering the significant cost and community commitment needed in setting up and operating men's

sheds, I question whether there's a need at the moment," Mr O'Sullivan said. The Dunbar Park plan did include renovations to the former Scout hall to include a performance stage, toilets and a cafe.

A number of submissions opposed any evening shows being held on the performance stage due to the noise it would create.

The current playground will also be expanded to cater for children of different ages.



Sienna Merry, 3, plays at Dunbar Park, Avalon, yesterday.

Picture: BRADEN FASLER

C10.8	Appointment of Reference Group Members 2011-2012
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Community Engagement, Education & Awareness

ACTION: Conduct review of Council's committee structure and governance protocols

PURPOSE OF REPORT

To inform Council about the appointment of members to Council's community reference groups.

1.0 BACKGROUND

- 1.1 At its meeting on 13 October 2008 Council decided to create four community reference groups aligned with the key directions of the Pittwater 2020 Strategic Plan. The reference groups replaced the previous portfolio committees.
- 1.2 An expression of interest process was undertaken with members from registered community groups in Pittwater eligible to participate. Members of Council's reference groups were appointed for a period of two years at the beginning of 2009.
- 1.3 With the term of appointment of reference group members reaching its conclusion a new Expression of Interest process was embarked upon in early 2011 to appoint new members for a further two years.
- 1.4 Council undertook a review prior to the first term of membership concluding. This informed a number of changes to the membership structure of the reference groups including:
 - Increasing membership to a maximum of 16 members on each reference group
 - Membership to comprise of up to 14 members from registered community groups and organisations and up to 4 individual Pittwater residents.
- 1.5 The rationale for this expansion of membership was to encourage younger members of the community to participate.
- 1.6 Members from the existing reference groups were also encouraged to apply again.
- 1.7 A broad communications strategy was implemented to inform and raise awareness of the Expression of Interest process including items in the Pittwater Report, On-line Pittwater report and Manly Daily. A letter and application package was sent to existing members and all registered community groups in Pittwater. Information was also sent out through various community networks.
- 1.8 Those wishing to participate on reference groups could apply on-line or submit a paper based application.
- 1.9 All applications were collated and distributed to a panel consisting of the Chair of each reference group (Councillors White, Hock, Dunbar and Grace), the Director responsible for the reference group and Council's Community Engagement Officer.

- 1.10 Applications were assessed according to the criteria set out in the application process, such as:
- A resident of Pittwater OR organisations working in the community in Pittwater
 - Knowledge/expertise relevant to reference group
 - Interests or local knowledge about Pittwater community that was relevant to the reference group
 - Supporting information (optional)
 - Demographic data
- 1.11 The information provided by the applicant in response to this criteria was assessed. Membership was also determined by the number of members allowed for each reference group for each category (community group/organisation or individual resident).
- 1.12 Members appointed to the reference groups are:

Community Recreation and Economic Development

Jennie MacKenzie - Clareville & Bilgola Plateau Residents Association
Fiona Winter - Community Care Northern Beaches
Ruth Latukefu - Newport Residents Association
Hans Hui - Newport Residents Association
Lorrie Morgan - Pittwater Community Arts
Bronwyn Hammond - Pittwater Community Arts
Heath Blanshard - Pittwater Community Gardens Assoc. Inc
Anthony Robinson - Sustainability Pittwater
Steve McInnes - Surf Life Saving Sydney Northern Beaches
Paul Purvis - West Pittwater Community Association
Les Wingham – Pittwater resident representative
Alan Porter – Pittwater resident representative
Mischa Moraza – Pittwater resident representative
Sandra Skelly – Pittwater resident representative

Natural Environment

Marita Macrae - Avalon Preservation Trust / Pittwater Natural Heritage Association
David Williams – Bayview-Church Point Residents Association
Margaret Makin – Bayview-Church Point Residents Association
Kristine Martin – Careel Bay Pittwater Protection Association
John Waring - Clareville and Bilgola Residents Association
Gloria Carroll - Manly Warringah and Pittwater Historical Society
Hans Hui - Newport Residents Association
Susan Young - Newport Residents Association
Trevor Holman - Palm Beach Whale Beach Association
Dianne Campbell - Scotland Island Residents Association
Martin Porter - Surfrider Foundation
Alan Yuill - West Pittwater Community Association
Robert Williams - Pittwater resident representative
Roberta Conroy - Pittwater resident representative
Roger Treagus - Pittwater resident representative
Cecil Ellis - Pittwater resident representative

Planning an Integrated Built Environment

Peter Mayman - Avalon Preservation Association
Stephen Richmond - Bayview-Church Point Residents Association
Ray Mills - Clareville and Bilgola Plateau Residents Association
Goeff Sheppard - Clareville and Bilgola Plateau Residents Association
Linda Haefeli - Climate Action Pittwater
Jacqui Marlow - Friends of Narrabeen Lagoon Catchment Committee
David Palmer - Ingleside Residents Landcare Group Inc.,
Selena Webber - Newport Residents Association
Susan Young - Newport Residents Association
Merinda Rose - Palm Beach & Whale Beach Association
Greg Roberts - Scotland Island Residents Association
Joy Nielsen-Purvis - West Pittwater Community Association
Julia Alston – Pittwater resident representative
Natasha Connolly - Pittwater resident representative
Selena Griffith - Pittwater resident representative
James Owen - Pittwater resident representative

Community Engagement and Information

David Williams – Bayview-Church Point Residents Association
Tony Tenney - Clareville and Bilgola Residents Association
Gavin Butler - Newport Residents Association
Peter Middleton - Newport Residents Association
Storm Jacklin - Palm Beach and Whale Beach Association Inc.
Bill Gye - Scotland Island Residents Association
Brigitte Mahler-Mills - West Pittwater Community Association
Lynne Czinner - Peninsula Music Club
Graeme Jessup - Sustainability Pittwater
John Gilham - Northern Beaches Community Services
Gillian Clive – Pittwater resident representative
Roy Keeping – Pittwater resident representative
Hans Carlborg – Pittwater resident representative
Sarah Hatcher – Pittwater resident representative

2.0 ISSUES

- 2.1 All reference groups met during May. At each meeting a short presentation was given at the beginning of the meeting to brief new members and to reiterate the terms of reference and the general operation and administration of the reference groups. All members were given a copy of the Code of Conduct for Reference Groups.
 - 2.1.1 An overview of the discussion topics covered so far was provided. Preliminary discussion was had with members concerning future topics for discussion. This was undertaken to give members an opportunity to have input on matters for future discussion.
 - 2.1.2 Copies of the draft Delivery Program and Budget 2011-2015 distributed and a brief discussion occurred about reference group items that had been included in this delivery plan. It was impressed on members the importance of documenting clear and tangible reference points during the meeting. These reference points are reported to Council through the minutes of each reference group meeting.
 - 2.1.3 Meetings were well attended and the initial feedback from members has been very positive.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Through reference groups members will have the opportunity to be involved in discussion on matters that may affect them.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Not applicable

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Not applicable

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Reference groups have been established as equitable forums for members of the provide advice on the strategic initiatives and goals of the Pittwater 2020 Strategic Plan. Reference groups are also an important consultation mechanism of Council that will provide transparency and accountability.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Not applicable

4.0 EXECUTIVE SUMMARY

- 4.1 An Expression of Interest process was undertaken March/April 2011 to recruit members for a new term of membership for Council's reference groups.
- 4.2 Members were appointed by a panel consisting of the Chair of each reference group (Councillor's White, Hock, Dunbar and Grace).
- 4.3 Members are identified earlier in this report. All reference groups met in May and initial feedback from members has been positive.

RECOMMENDATION

That the information provided in the report be noted.

Report prepared by
Jane Mulroney - Community Engagement Officer

Paul Reid
MANAGER, CORPORATE STRATEGY & COMMERCIAL

C10.9 Community Engagement Policy

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Community Engagement, Education & Awareness

ACTION: Implement and effectively resource Council's community engagement policy

PURPOSE OF REPORT

To inform Council about the outcomes from consultation regarding the public exhibition of the community engagement policy.

1.0 BACKGROUND

- 1.1. Council is determined to conduct community engagement processes that genuinely seek to engage the broadest cross-section of the community in decision making about matters that will affect them. A large proportion of the work undertaken by Council can only be progressed in partnership with the community.
- 1.2 Council is committed to this process in the belief that a considered approach to community engagement will result in:
 - Quality feedback to Council that will enhance decision making
 - The development of outcomes supported by the community
 - Higher satisfaction with forward planning for the community.
- 1.3 With the progression of community engagement activities within Council since the creation of a community engagement officer, there has been a need to clearly distinguish between the different elements of a comprehensive community engagement framework. This has led to the development of three documents to assist staff undertaking this work. The community engagement framework now includes:
 - **Community Engagement Policy** - sets out a clear policy direction and describes the values underpinning the implementation of the policy. Reference is made to supporting documents and legislation that interact with the policy. The revised policy is attached (**see Attachment 1**).
 - **Community Engagement Procedures** – provides a step by step process to guide staff in the preparation of community engagement plans. This will assist all Council staff when planning community engagement activities.
 - **Community Engagement Toolkit** – details the range of methods that can be utilised and best practice tips to conduct consultation activities successfully.
- 1.4 The community engagement procedures and toolkit are both internal documents located on Council's Community Engagement intranet page accessed by all staff responsible for undertaking community engagement. These documents can be viewed by the community via the Community Engagement page on Council's website.
- 1.5 With the establishment of the framework described above the existing Community Engagement policy (No. 170) required revision.

- 1.6 The draft Community Engagement policy was brought to Council at its meeting on 21 February and was placed on public exhibition. A range of methods were used to encourage feedback from the community about the policy. This included:
- Advertisements were placed in Council's community noticeboard in the Manly Daily
 - Display copies of the draft policy and Council report were made available at Council's customer service centres at Mona Vale and Avalon and Library.
 - A consultation page was added to Council's website to invite submissions and comment on the policy.
- 1.7 During the development of the policy both staff and senior management have been consulted and their comments in relation to the policy have been incorporated.

2.0 ISSUES

- 2.1 During the period of public exhibition one submission was received from a resident in Pittwater. Their submission requested an amendment to the community engagement matrix in the previous policy. They recommended that the website should be an 'essential' method of engagement for all levels of consultation. The matrix (**Attachment 2**) is located within the Community Engagement Procedures and Toolkit documents and has been amended accordingly.
- 2.2 A further suggestion included the establishment of email distribution lists for specific projects. Council has recently upgraded software to encourage residents to subscribe to email alerts so that they can be kept informed about a range of Council activities including consultation projects. There are a number of Council projects where planning is currently underway and a specific email distribution list will be created to keep residents up to date about the progression of the project.
- 2.3 The review of the policy has ensured that Council is compliant with the Privacy and Personal Information Protection Act 1998 (PPIPA). The management of private information collected in the course of consultation will be dealt with in accordance with this legislation and its principles.
- 2.4 It is anticipated that over time there will be further advancements with community engagement methodologies. The procedures and toolkit documents will have the capacity to be amended in a timely manner without affecting the current policy document.
- 2.5 The current policy reconfirms Council's commitment to community engagement processes and clearly defines the objectives of this work.
- 2.6 This policy specifies that community engagement plans will be required for projects where consultation with the community is to be undertaken. The development of the community engagement plan template will ensure that there is a consistent and thorough approach to community engagement.
- 2.7 This policy will require Council staff to provide detail in reports to Council and senior management about community engagement methodology for projects where consultation with the community is desired. The advantage of taking this policy approach will be that planning for community engagement will occur at the earliest stage of each project and enshrined as part of each project plan.
- 2.8 Council will embark on a series of workshops with staff undertaking community engagement activities once the current policy is adopted. This will ensure familiarity with the policy and compliance with completion of community engagement plans.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting Our Community (Social)

- 3.1.1 This policy will ensure that the community will be informed about matters that concern them. They will have the opportunity to express their views in relation to key Council plans and projects and due consideration will be given to issues raised in the consultation process.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Not applicable.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Not applicable.

3.4 Leading an effective & Collaborative Council (Governance)

- 3.4.1 The policy highlights the importance of quality community engagement processes and the principles of accountability and transparency that underpin all community engagement work.

3.5 Integrating our Built environment (Infrastructure)

- 3.5.1 Not applicable.

4.0 EXECUTIVE SUMMARY

- 4.1 The Community Engagement Policy (no.170) has been updated to strengthen the community engagement framework for Council. The framework now includes a community engagement procedure and toolkit to support the policy.
- 4.2 The policy reconfirms Council's commitment to community engagement processes and sets a clear policy direction for the future.
- 4.3 The policy has been on public exhibition and amended in accordance with the submission (1) received.
- 4.4 Workshops will be facilitated with staff undertaking community engagement activities once the policy is adopted.

RECOMMENDATION

1. That the information provided in the report be noted.
2. That the attached Community Engagement Policy be adopted.
3. That Council's Policy Register, be updated to include the new Policy.

Report prepared by
Jane Mulroney - Community Engagement Officer

Paul Reid
MANAGER – CORPORATE STRATEGY & COMMERCIAL

Council Policy – No 170 Version:	Adopted:	22.10.2007
	Amended:	

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

PURPOSE

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

POLICY STATEMENT

Pittwater Council is committed to involving the community in decisions that affect them and recognises that a standard of consultation should be undertaken which appropriately responds to the nature, complexity and impact of the issue/s involved.

POLICY DIRECTION

The Community Engagement policy will assist Council to achieve the aims, goals and targets identified under Key Direction 4: Leading an Effective and Collaborative Council of Pittwater Council's *2020 Strategic Plan*. "Community Engagement, Education and Awareness" is an important strategy within this key direction and requires a clear and robust policy framework to achieve the outcomes identified. The Community Engagement policy sets out the principles underpinning all community engagement activities which will assist Council to undertake consultation in a manner that is in line with community expectations.

In addition, community engagement will demonstrate a collaborative effort to resolve issues and seek solutions that will result in better outcomes for Council and the community. An ultimate goal of community engagement is to strengthen trust between Council and the community and build confidence in Council's ability to plan and make decisions that will respond to present and future needs of the community.

COMMUNITY ENGAGEMENT FRAMEWORK

Council's community engagement framework consists of the following documents which are intended to guide and support consultation activities.

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

Community Engagement Procedures – The procedures provide a step by step guide to completing community engagement plans underpinning consultation approaches.

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

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

CORE VALUES

Staff will conduct community consultation with Council's core values of Respect, Quality, Ethics and Communication at the forefront of the community engagement process.

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

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

POLICY OBJECTIVES

This Community Engagement Policy aims to ensure the following in relation to both Council and the community -

That Council:

- Informs staff about elements to be considered in every consultation activity,
- Establishes an approach within the organisation that values community involvement in planning and decision making,
- Maintains best practice standards in all community engagement processes,
- Ensures that a consistent approach is undertaken in relation to all community consultation activities, and
- Sets out a clear process so that the community can have confidence in the consultation undertaken by Council.

That the Pittwater Community are:

- Informed on issues that may directly or indirectly affect them,
- Actively encouraged to participate in Council's decision making processes,
- Provided with an appropriate opportunity to voice their opinions, concerns or interest in matters that affect them.

ENGAGEMENT CONTEXT

Council will undertake consultation with the community for a variety of reasons which may be statutory and non-statutory in their nature.

Planning for community engagement should be undertaken on any project that requires community input and consultation. This may include but not be limited to the following examples:

- Community Strategic Plan
- Plans of Management
- Introduction or revision of Council policy
- Planning documents such as the Development Control Plan (DCP) and Local Environmental Plan (LEP)
- Delivery Programs and Budgets
- Action Plans

LEGISLATIVE REQUIREMENTS

Staff should ensure that they are familiar with any statutory requirements concerning consultation with the community. The Local Government Act 1993 (NSW) in particular sets out in a number of sections the obligation of Council to consult with the community and promotes consultation as a necessary part of delivering services to the community.

Recent amendments to the *Local Government Act 1993 (NSW)* brought about by the Local Government Planning and Reporting Bill 2009 now require Council to establish and implement a community engagement strategy, based on social justice principles, when developing and reviewing the community strategic plan.

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

PUBLIC PARTICIPATION SPECTRUM

Community engagement plans will be developed for every project requiring consultation with the community. Any approach to community engagement will be informed by the internationally recognised “Public Participation Spectrum” developed by the International Association for Public Participation (IAP2) which outlines five levels of public participation. When planning for community engagement Council staff will need to determine the most appropriate level of participation depending on the nature and complexity of the project/issue.

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

	Level of Participation	Public Participation Goal
<div style="text-align: center;"> Increasing levels of public impact ↓ </div>	Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
	Consult	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
	Involve	To obtain feedback public on analysis, alternatives and/or decisions.
	Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
	Empowerment	To place final decision making in the hands of the public.

PLANNING FOR COMMUNITY ENGAGEMENT

Adequate attention to planning for community engagement by staff will ensure that the most effective and innovative processes are implemented.

DEVELOPMENT OF A COMMUNITY ENGAGEMENT PLAN

A Community Engagement Plan must be completed for every project requiring community participation and consultation. A community engagement plan must be finalised at the earliest opportunity to ensure that adequate notice of engagement activities is given to interested members of the community.

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

All community engagement plans will be reviewed by the relevant Business Unit Manager and a completed copy of the plan must be forwarded to the Community Engagement Officer and the Office of the General Manager and Mayor and Councillors.

REPORTING REQUIREMENTS

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

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

PRIVACY IN COMMUNITY CONSULTATION

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

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

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

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

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

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

Appendix B - COMMUNITY ENGAGEMENT MATRIX

	Method	Level 1 High Impact - Pittwater	Level 2 High Impact - Local	Level 3 Lower Impact - Pittwater	Level 4 Lower Impact - Local
Inform	Website Consultation project page, public meetings, documents on public exhibition, on-line comment				
	Publications Flyers, fact sheets, newsletters, reports				
	Direct Communication Phone, letter, email, email alerts				
	Media Press Release, advertisement				
	Displays/Exhibits Customer Service, Libraries, community noticeboards				
	Meetings Public meeting, stakeholder meeting				
Consult	Community Fairs & Events				
	Submission/Feedback sheets				
	Surveys Phone, On-line, paper				
	Social Media Blogs, Twitter, Facebook				
	Focus Groups				
	Shopfronts				
Involve	Open House				
	Community Reference Groups				
	Photovoice				
	Round table workshops				
Collaborate	Charettes				N/A
	Deliberative Forums				N/A
	World cafes				N/A
	Deliberative retreats/polling		N/A	N/A	N/A
	Citizen juries		N/A	N/A	N/A
	Citizen panels		N/A	N/A	N/A
	Summits		N/A	N/A	N/A

 **Essential**
 **Desirable**
 **Optional**

 N/A **Not applicable**

The table above has been developed as a checklist to assist staff in designing community engagement strategies. These are just a number of methods outlined in the Community Engagement Toolkit. Staff will need to be flexible and always keep in mind the specific factors of any individual project to decide on the appropriate community engagement methodology.

22 www.pittwater.nsw.gov.au/intranet/community_engagement

C10.10 Policy Review - Corporate Services Division

Meeting: Governance Committee**Date:** 20 June 2011

STRATEGY: Business Management**ACTION** To effectively manage Council's Corporate Governance Responsibilities

PURPOSE OF REPORT

To review the policies currently adopted by Council for which the Corporate Services Division holds responsibility.

1.0 BACKGROUND

- 1.1 A comprehensive review of policies has been undertaken in response to a Department of Local Government Better Practice review.

Councillors were briefed on an overall review of Council's Policy Register on 28 August 2010. Following that brief each Business Unit has been required to audit the Council Policies for which they are responsible and report to Council with recommendation as to those policies to be revoked, retained or amended.

2.0 ISSUES**2.1 Current Policies**

Those current policies for which the Corporate Services Divisions have responsibility, together with an outline of the proposed action described in detail later in this report, are as follows:

Policy No.	Policy Name	Proposed Action
No. 1	Media/Communications	Retain
No 3	Agenda Papers – Procedure for Public Release	Revoke
No 4	Attacks on Councillors and Staff Members - Meetings	Revoke
No 5	Public Forum –Resident Question time – Council Meetings	Revoke
No 6	Opening of Public Buildings	Revoke
No 7	Plaques – New Civic Buildings	Revoke
No 8	Mail-Outs – Exclusion of Enclosures	Revoke
No 10	Receipts – Issue of	Revoke
No 11	Rebates and Accruals of Pensioner Rates, Domestic Waste Charges and Interest	Revoke
No 12	Aggregation of Values for Rating Purposes	Revoke
No 13	Rate Collection and Recovery	Revoke
No 14	Relief from Rate Increases – Hardship in first Year of New Valuations	Revoke
No 15	Interest Earned on contributions Levied and Security Deposits Held	Retain
No 16	Kerbing and Guttering Charges Debt Recovery - Pensioners	Revoke
No 17	Fees and Charges – Guidelines for Determining – user Pays Principle	Revoke
No 23	Working From Home	Revoke

Policy No.	Policy Name	Proposed Action
No 42	Development Applications by Councillors – Council Staff	Retain
No 50	Urban Design Award	Revoke
No 51	Lakeside Caravan Park	Retain
No 55	Golf Courses – Mona Vale and Palm Beach – Approval of Fees	Retain
No 56	Public Reserves and other Land – Resumption for Public Utilities	Retain
No 57	Sale of Drainage Reserves	Revoke
No 92	Land – Disposal of Surplus	Retain
No 108	Submission of Draft Reports/Documents to Councillors	Revoke
No 110	Rates on Leased Council Property/Facilities	Retain
No 114	Sponsorship	Retain
No 115	Loan Borrowing – Infrastructure Replacement and Creation	Retain
No 121	Redundancy and Redeployment	Revoke
No 122	Disability Discrimination Action Plan	Revoke
No 134	Privacy and Personal Information Protections Act 1998 – Privacy Management Plan	Retain
No 138	Mediation	Retain
No 143	Investment	Retain
No 145	Payment of Expenses and provision of facilities to the Mayor Deputy Mayor and Councillors	Retain
No 150	Regulatory Process – Permanent Section – Sydney Lakeside Narrabeen	Revoke
No 151	Amending Council Policies	Retain
No 153	Credit Cards	Retain
No 155	Ethical Business Relationships	Revoke
No 164	Pittwater Sustainability Policy	Retain
No 165	Public Access to Information	Retain
No 166	Customer Service Charter	Retain
No 170	Community Engagement	Retain
No 177	Road Rule Education	Revoke

It is noted that the Council has recently adopted 2 new Policies, not listed above, since the review was commenced on 28 August, 2010 as follows:

No. 181 Human Resources Policy (adopted by Council on 1.11.2010); and

No. 185 Breastfeeding Policy (adopted by Council on 7.2.2011)

The two abovementioned Policies are still current and have been developed in the new policy format and are therefore intended to remain in their current form without any amendment.

2.2 **Standard Format for Policies**

As part of the review process, Council's Policies will be reformatted to align with its Strategic Plan. This reformatting:

- Provides for a clear Policy Objective
- Provides for a clear Policy Statement
- Links each Policy to a Strategy
- Assigns a Responsible Business Unit
- Identifies the Relevant Legislation
- Identifies related Policies

Each of the retained and new Policies have been expressed in the prescribed format suitable for public exhibition prior to adoption and inclusion into Council's Policy Register.

2.3 **Public Exhibition of Council's Finalised Policy Register**

This Report is the second of three reports to Council from each Division over the period May, June and July 2011.

These three reports will address all of Council's Policies on a Strategy Related Basis. Following the final Report in July 2011, all new and substantially amended Policies proposed to be included in Council's Policy Register, will be placed on public exhibition.

2.4 **Policies to be Retained with only minor changes and format modification**

It is proposed to retain the following current policies with minor alteration to the content to address current requirements and reformatted to conform to the required standard (see **Attachment 1 - blue**):

Policy No.	Strategy	Policy Name	Reason for Retention
No. 1	Community Engagement, Education & Awareness	Media Policy	2 Policies to be created a/ Media b/ Communication (incorporating Social Network) – new Policy
No 15	Business Management	Interest earned on contributions levied and security deposits held	Minor wording changes to better clarify policy intent
No 42	Business Management	Development application by Councillors – Council Staff	To include ' <i>To be determined by the elected Council</i> '
No 51	Business Management	Lakeside Caravan Park	This policy has been amended to reflect current Management arrangements and recent changes in the relevant legislation. The objectives of the policy are unchanged.
No 55	Business Management	Golf Course Fees	This policy is consistent with S377 of the Local Government Act
No 56	Business Management	Resumption for Public Utilities	This is a broad based Policy Statement reflecting the elected Council's view on this issue.
No 92	Business Management	Land – Disposal of Surplus	This Policy accurately reflects Community expectations and is consistent with the Local Government Act and similar policies in other Sydney Council areas.
No 110	Business Management	Rates on Leased Council Property/Facilities	Format amendments only
No 114	Business Management	Sponsorship	Amended to reflect current Best Practice
No 115	Business Management	Loan borrowing – infrastructure creation and replacement	Moderate wording changes to better clarify objective
No 134	Business Management	Privacy and Personal Information Protections Act 1998 – Privacy Management Plan	To incorporate requirements of the GIPA Act and the revocation of Section 12 of the LGA

Policy No.	Strategy	Policy Name	Reason for Retention
No 138	Business Management	Mediation	Format amendments only
No 145	Business Management	Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors	Format amendments only
No 151	Business Management	Amending Council Policies	Updated revision date – suggested to mid term and amended to only advertise significant changes to Policy
No 153	Business Management	Credit Cards	Moderate wording changes to update and better clarify policy in line with council operations
No 164	Sustainability Co-ordination	Pittwater Sustainability Policy	Format amendments only
No 165	Business Management	Public Access to Information	To included implementation of the GIPA Act.
No 166	Business Management	Customer Service Charter	Change response to correspondence to 10 days

2.5 **Policies to be Retained with substantial modification as well as format modification**

It is proposed to substantially modify the following current policies (see **Attachment 2 - manilla**):

Policy No.	Strategy	Policy Name	Reason For Amendment
No 143	Business Management	Investment	To update Policy inline with new DLG Guidelines and Ministerial Investment Order

2.6 **New Policies**

When reviewing the current range of Policies, it was identified that to improve transparency the following new Policies should be created as follows (see **Attachment 3 - green**):

Policy No.	Strategy	Policy Name	Reason For Implementation
New	Community Engagement, Education & Awareness	Communication	Policy No 1 – Media (amended) and new Policy Communication
New	Business Management	Rates and Charges Administration	To consolidate existing Policies Nos 11, 12, 13, 14, 16 into one concise Policy concerning the administration and collection of rates and charges
New	Sustainability Co-ordination	Sustainable Event Management	This policy is part of the WASIP funding from DECCW. This policy brings together all council's event management guidelines under a sustainability banner.

2.7 **Policies to be Retained and be the subject of a separate Review & Report to Council**

Policy No.	Strategy	Policy Name	Reason For Implementation
No. 170	Community Engagement, Education & Awareness	Community Engagement	<p>With the progression of community engagement activities within Council there was a need to clearly distinguish between a policy framework and procedural guidelines to assist staff undertaking this work. As a result three documents have been developed to ensure quality consultation outcomes:</p> <ul style="list-style-type: none"> • Community Engagement Policy • Community Engagement Procedures • Community Engagement Toolkit <p>The policy has been through a separate process of public exhibition and amended in accordance with feedback.</p>

2.8 **Policies to be Revoked**

It is proposed to revoke the following policies for the reasons outlined in the following table (see **Attachment 4 - pink**):

Policy No.	Policy name	Reason for Revocation
No 3	Agenda papers – Procedures for Public Release	Agenda Papers should be made available to the Public as soon as possible particularly Tabled Reports – therefore obsolete
No 4	Attacks on Councillors and Staff Members - Meetings	Incorporated in Council's Code of Conduct , Guidelines for Residents and the Code of Meeting Practice
No 5	Public Forum – Resident Question Time – Council Meetings	To be included in Council's Code of Meeting Practice:
No 6	Opening of Public Buildings	To be included in Policy No 1 (Media)
No. 7	Plaques – New Civic Buildings	To be included in New Policy (Communication)
No 8	Mail Outs – Exclusion of Enclosures	Operational issue
No 10	Receipts – issue off	Issuing of receipts is an operational issue
No 11	Rebates and Accruals of Pensioner Rates, Domestic Waste Charges and Interest	Revoked in lieu of establishment of a single new Policy (Rates and Charges Administration)
No 12	Aggregation of Values for Rating Purposes	Revoked in lieu of establishment of a single new Policy (Rates and Charges Administration)
No 13	Rate Collection and Recovery	Revoked in lieu of establishment of a single new Policy (Rates and Charges Administration)
No 14	Relief from Rate Increases – Hardship in first Year of New Valuations	Revoked in lieu of establishment of a single new Policy (Rates and Charges Administration)
No 16	Kerbing and Guttering Charges Debt Recovery – Pensioners	Revoked in lieu of establishment of a single new Policy (Rates and Charges Administration)

Policy No.	Policy name	Reason for Revocation
No 17	Fees and charges – guideline for determining user pay principles	Operation issue – this function is a guideline outlined in Councils delivery program and accordingly does not require a supporting policy
No 23	Working From Home	This is not a policy matter but a staff/operational matter which will be retained as a Staff Guideline under the control of the General Manager.
No 50	Urban Design Awards	Award now incorporated into the biennial Sustainability Awards
No 57	Sale of Drainage Reserves	Now incorporated into council's Asset Management Strategy.
No 108	Submission of Draft Reports/Documents to Councillors	To be incorporated into Council's Code of Meeting Practice
No 121	Redundancy & Redeployment	This is not a policy matter but a staff/operational matter which will be retained as a Staff Guideline under the control of the General Manager.
No 122	Disability Discrimination Action (DDA) Plan	This is not a Policy matter but an Action Plan which is now out of date. An updated DDA Action Plan is currently being finalised and will be administered under the direction of the General Manager.
No 150	Regulatory Process - Permanent Section – Sydney Lakeside	This policy is outdated and redundant. Because the relevant regulatory processes are clearly set out in the Residential Parks Act 1998 and more specifically the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
No 155	Ethical Business Relationships	Council has adopted Values and Sustainability Policies which communicates Councils' position and in addition promotes an Ethical Business Statement on Council's website and as such this Policy is redundant.
No 177	Road Rule Education	To be incorporated into the Compliance Enforcement and Orders Policy

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 Provides clear information to the community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

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

3.3 Enhancing our Working & Learning (Economic)

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

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 Facilitates accountability to the community for policy direction.

3.5 Integrating our Built Environment (Infrastructure)

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

4.0 EXECUTIVE SUMMARY

- 4.1 Council policies for which the Corporate Services Division is responsible have been reviewed and where appropriate recommended to be retained, amended or revoked.

The Policies recommended to be retained or amended, together with new Policies, have been expressed in a standard format suitable for inclusion in Council's Policy Register following exhibition and final adoption. This is a publicly available register and accessible via Council's Webpage.

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

RECOMMENDATION

1. That Council adopt the following as Draft Policies for the purpose of Public Exhibition (as shown in **Attachments 1, 2 and 3**):

**Policies to be Retained with only minor changes and/or format modification
(Attachment 1 – blue)**

Policy No.	Strategy	Policy Name
No. 1	Community Engagement, Education & Awareness	Media Policy
No 15	Business Management	Interest earned on contributions levied and security deposits held
No 42	Business Management	Development application by Councillors – Council Staff
No 51	Business Management	Lakeside Caravan Park
No 55	Business Management	Golf Course Fees
No 56	Business Management	Resumption for Public Utilities
No 92	Business Management	Land – Disposal of Surplus
No 110	Business Management	Rates on Leased Council Property/Facilities
No 114	Business Management	Sponsorship
No 115	Business Management	Loan borrowing – infrastructure creation and replacement
No 134	Business Management	Privacy and Personal Information Protections Act 1998 – Privacy Management Plan
No 138	Business Management	Mediation

Policy No.	Strategy	Policy Name
No 145	Business Management	Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
No 151	Business Management	Amending Council Policies
No 153	Business Management	Credit Cards
No 164	Sustainability Co-ordination	Pittwater Sustainability Policy
No 165	Business Management	Public Access to Information
No 166	Business Management	Customer Service Charter

Policies to be Retained with substantial modification as well as format modification (Attachment 2 - manilla):

Policy No.	Strategy	Policy Name
No 143	Business Management	Investment

New Policies (Attachment 3 – green):

Policy No.	Strategy	Policy Name
New	Community Engagement, Education & Awareness	Communications Policy
New	Business Management	Rates and Charges Administration
New	Sustainability Co-ordination	Sustainable Event Management

2. That Council revoke the following Policies (Attachment 4 - pink):

Policy No.	Policy name
No 3	Agenda papers – Procedures for Public Release
No 4	Attacks on Councillors and Staff Members - Meetings
No 5	Public Forum – Resident Question Time – Council Meetings
No 6	Opening of Public Buildings
No. 7	Plaques – New Civic Buildings
No 8	Mail Outs – Exclusion of Enclosures
No 10	Receipts – issue off
No 11	Rebates and Accruals of Pensioner Rates, Domestic Waste Charges and Interest
No 12	Aggregation of Values for Rating Purposes
No 13	Rate Collection and Recovery
No 14	Relief from Rate Increases – Hardship in first Year of New Valuations
No 16	Kerbing and Guttering Charges Debt Recovery - Pensioners
No 17	Fees and charges – guideline for determining user pay principles
No 23	Working From Home
No 50	Urban Design Awards

Policy No.	Policy name
No 57	Sale of Drainage Reserves
No 108	Submission of Draft Reports/Documents to Councillors
No 121	Redundancy & Redeployment
No 122	Disability Discrimination Action (DDA) Plan
No 150	Regulatory Process - Permanent Section – Sydney Lakeside
No 155	Ethical Business Relationships
No 177	Road Rule Education

3. That the Draft Policies as shown in Attachments 1, 2 and 3, together with those Draft Policies to be identified in separate reports to Council during May, June and July 2011, be placed on public exhibition for a period of 28 days following the final Policy Report to Council.
4. That on completion of the Public Exhibition, a further report facilitating adoption of the finalised Policies be made to Council.

Report prepared by

Ruth Robins
PRINCIPAL OFFICER ADMINISTRATION

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

**Policies to be Retained
with only Minor Changes
and
Format Modification**

Council Policy – No 1 Version: 2	Adopted:	OM 4.5.98
	Amended	

TITLE:	MEDIA
STRATEGY:	Community Engagement Education & Awareness
BUSINESS UNIT:	Administration & Governance
RELEVANT LEGISLATION:	Government Information (Public Access) Act 2009 (GIPA) Local Government Act 1993
RELATED POLICIES:	No. 165 - Public Access to Information No. 170 - Community Engagement Communication (new Policy) No. 134 - Privacy Management Plan

Objective

To provide guidelines for communication with the media on Pittwater Council's behalf.

Policy Statement

To ensure the media are provided with factually correct and timely information.

Statement to the Media

All media statements are to be prepared by the Community Relations team and approved prior to release by the General Manager or his delegate and where appropriate, the Mayor. Media statements issued on behalf of the Council must be in the approved format. (see Attachment 1)

Media enquiries

All media enquiries must be referred in the first instance to the Community Relations team. In the absence of the Community Relations team, media enquiries should be referred to either the Mayor or the General Manager.

Staff must not communicate with the media unless prior approval has been obtained from the General Manager or his/her delegate. Providing approval is given staff may provide factual information to the media on Council business or Policy matters.

Council employees and Councillors must not discuss staff, confidential legal advice or commercial in-confidence matters with the media.

Councillors may communicate with the media provided their comments are not put forward as representing Council's official position or policy.

Council employees may speak to the media as private individuals, with the following restrictions:

- they do not comment on Council business or policy
- they are not identified as Council employees
- their comments are representing official Council position or policy.

Contractors or service providers employed by Council must refer all media enquiries relating to Council Business to the Community Relations team.

Requests to film or photograph Council staff, properties or events for news and current affair purposes must be referred to the Community Relations team for prior approval.

Meetings

All Council and Committee meetings are open to the media, except those dealing with staff issues, confidential legal advice or commercial-in-confidence matters as set out in Sec 10 of the Local Government Act 1993.

Access to Information

All Council documents that are on the public record are open to perusal by the media, except those relating to staff, confidential legal advice and commercial-in-confidence matters. All file perusals by the media are subject to the provisions of privacy related legislation and Council policies.

Unauthorised release of Council documents by staff or Councillors may be subject to disciplinary action.

Emergency Events

In the event of an emergency in the Pittwater Council area involving serious injury to and/or death of residents, Councillors or Council staff, or significant damage to Council assets, the following procedure will apply to all Councillors and Council staff:

- The Senior Communications Officer must be notified immediately of details of the incident. The Senior Communications Officer is on 24-hour call.
- Details of the incident must not be discussed with any media representative unless approved in advance by the General Manager.
- Requests to film or photograph Council staff, properties or events for news and current affairs purposes during an emergency event must be referred to the General Manager for prior approval.

Spokepersons

The Mayor is the Council's official spokesperson and is responsible for providing comment on Council Policy and other matters of public interest.

The General Manager is the Council's official spokesperson responsible for providing comment on Council Policy and all operational matters relating to the Council.

In the absence of the Mayor and the General Manager, other staff may be delegated to be the Council's official spokesperson, subject to the General Manager's approval. Such staff are responsible for providing comment on Council policy and matters of fact relating to Council business.

Definitions

Media statement: A written statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

Media comment: A verbal statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

Council spokesperson: The Mayor, General Manager or delegated staff member authorised to speak to the Media on a matter of Council business, Council policy or public interest.

Related Documents

Disaster Management Plan
Code of Conduct

Attachment 1



MEDIA RELEASE
(Insert title here Arial18 point)

(Insert body copy here Arial 11/12 point)

ends

Media contact: (insert name and title)

(insert date of issue)

Council Policy – No 15 Version: 2	Adopted:	3.3.1997
	Amended	20.6.2011

TITLE: **INTEREST EARNED ON CONTRIBUTIONS LEVIED AND SECURITY DEPOSITS HELD**

STRATEGY: Business Management

BUSINESS UNIT: Finance and IT

RELEVANT LEGISLATION: Environmental Planning and Assessment Act, 1979
Local Government Act 1993.

RELATED POLICIES: Nil

Objective

1. To reduce the effects of inflation and hence the future purchasing power of Developer Contributions levied and received under Section 94 of the Environmental Planning and Assessment Act, 1979.
2. To determine the rate of interest applicable for security deposits held and subsequently refunded as required under Section 97(5) of the Local Government Act, 1993.

Policy Statement

That Council, as a matter of procedure, allocate interest on the unspent balance of funds received as Developer Contributions under Section 94 of the Environmental Planning and Assessment Act, 1979. The rate of interest applicable on such funds will be set as per Council's prevailing Contributions Plans.

That Council, as a matter of procedure, allocate interest on the balance of all refundable deposits and bonds held as per Section 97 (5) of the Local Government Act, 1993, which states; "a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment".

Accordingly, the rate of interest applicable on refundable deposits and bonds will be set at the prevailing return for Council's Corporate Cheque Account - General Account held with Council's current banker.

Council Policy – No 42 Version: 3	Adopted:	OM: 03.03.97
	Amended	OM: 13.02.06

TITLE: **DEVELOPMENT APPLICATION BY COUNCILLORS AND COUNCIL STAFF**

STRATEGY: Business Management

BUSINESS UNIT: Administration and Governance

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To adopt a process for the determination of Development Applications submitted by Councillors and staff.

Policy Statement

There is an expectation that Development Applications made by Councillors, staff and Council itself go through a rigorous independent process to ensure openness and transparency.

Public officials should perform their duties impartially when exercising their statutory discretionary power or delegated authority and should not act as decision makers in relation to any matter in which they have an interest.

This policy will ensure that each application is determined independently and in an open and transparent manner free of any conflict of interest.

Development Application by Councillors and Council Staff

1. That Development Applications by Councillors be determined by the elected Council.
2. That Development Applications involving Council staff as the Applicant or objector and Development Applications where the Council itself is the Applicant, will only be referred to Council if they are unable to be determined under existing delegations notwithstanding the fact that the Council or its staff is the Applicant or objector. The Internal Auditor will conduct a probity audit on all such applications determined under delegation which shall be documented and available for public inspection.

Council Policy – No 51 Version:	Adopted:	OM: 2.3.98
	Amended	OM: 20.6.11

TITLE: **LAKESIDE CARAVAN PARK**

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: Residential Parks Act 1998

RELATED POLICIES: Nil

Objective

To protect and enhance the intrinsic qualities of the site as a recreational, tourist, environmental and community resource.

To promote a more effective management framework for the site and derive optimum return on the asset to ratepayers.

To satisfy the needs of tourists and long term residents.

To maintain the site's current NRMA rating of 4.5 stars.

Policy Statement

Site

The main area of the caravan park is on land owned by Council and this land is classified as community owned land under the Local Government Act, 1993. An area of the caravan park fronting Narrabeen reserve is Crown Land and is subject to the Crown Lands Act, 1989.

Council is empowered, subject to approval from the Minister for Lands to lease the site for up to 21 years.

The caravan park is licensed for 99 long term sites and 276 short term sites. Within the site but not forming part of the caravan park operations is the Coastal Environment Centre which functions as an environmental training centre and community facility under Council control.

Management

Under a contract with Council. Australian Tourist Park Management Pty Ltd manages the caravan park for a management fee. Council fixes site fees and charges and retains all income from which it meets all operational expenses.

Legislation, Codes, Delegations

Residential Tenancies Act (Residential Tenancy Agreements for relocatable homes and caravans with rigid annexes attached).

Caravan and Relocatable Home Park Industry Code of Practice.

Local Government Act, 1993.

Residential Parks Act 1998

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Delegation to Council pursuant to Section 745 Local Government Act from Director General to Department of Local Government dated 12 October, 1995 (to issue an Approval to Operate).

Documentation

Lakeside Caravan Park Rules

Residential Tenancy Agreement (Long Stay)

Residential Site Condition Report

Tourist Site Hire (Weekend/Holiday Van) Agreement

Van Storage Agreement

Site Fees and Charges.

Compliance Issues

Approval to Operate a Caravan Park/Camping Ground (issued by Council under Section 68 Part F2 Local Government Act, 1993).

Building Code compliance (Certificate of Compliance or 'work as executed' issued by Council); see Recommendation 5.2.4 of Council Meeting of 7 April, 1997.

Council Policy – No 55 Version:	Adopted:	OM: 3.3.97
	Amended	OM: 20.6.11

TITLE: **GOLF COURSES – MONA VALE AND PALM BEACH – APPROVAL OF FEES**

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To ensure proper approvals process for the setting of fees and charges.

Policy Statement

In accordance with the terms of the respective leases from Council, proposed increases in fees charged to the public at Mona Vale and Palm Beach Golf Courses be submitted to and approved by Council on an annual basis.

Council Policy – No 56 Version:	Adopted:	OM: 3.3.97
	Amended	OM: 20.6.11

TITLE: **PUBLIC RESERVES AND OTHER LANDS
– RESUMPTION FOR PUBLIC UTILITIES**

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To ensure adequate compensation for loss of public assets.

Policy Statement

That where land owned by the Council as a Public Reserve or other is to be resumed by an authority to accommodate its facility, the council seek appropriate compensation to be determined by Market Valuation.

Council Policy – No 92 Version:	Adopted:	OM: 3.3.97
	Amended	OM: 20.6.11

TITLE: **LAND – DISPOSAL OF SURPLUS**

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To regulate the disposal of surplus public land.

Policy Statement

Council will consider the sale of surplus properties as and when they are identified provided:-

1. the property does not form part of a long term strategic initiative.
2. it can be clearly demonstrated that the initial use proposed for the property is not likely to be achieved and/or that priorities have changed to the extent that the proposed use of the site will not be fulfilled.
3. that its disposal will benefit the wider community.
4. subject to consideration of any alternative use or community benefit arising from the retention of the land in its vacant form eg public reserve for access purposes or open space.

Council Policy – No. 110 Version: 1	Adopted:	CO: 24.8.98
	Amended	

TITLE: **RATES ON LEASED COUNCIL PROPERTY/FACILITIES**

STRATEGY: Business Management

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To provide a clear statement of Pittwater Council's treatment of levying rates on leased Council property/facilities.

Policy Statement

That Council adopt the following policy in regard to the levying rates on leased Council property/facilities:-

A) Full Commercial use of Council Facility/Building

The Lessee shall be liable to pay the full amount of Council rates levied on the property

B) Club Use with Public Access

- (i) Where the valuation per square metre is less than 50% of neighbouring residential valuations, then the Lessee shall be liable to pay the full amount of Council rates levied on the property
- (ii) Where the valuation per square metre is greater than 51% of neighbouring residential valuations, then the Lessee shall be entitled to a contribution towards rates in proportion with the measurable public access to the facility

C) Community Service/Public Benefit

The Lessee shall be liable to pay the full amount of Council rates levied on the property. However, Council is prepared to contribute up to the full amount of rates providing that the organisation complies with the service standards in regard to meeting the obligations of the organisation to the public as established in the service standards as contained in the lease documents.

D) Exempt in accordance with legislation.

Council Policy – No 114 Version:	Adopted:	OM: 7.12.98
	Amended	

TITLE:	SPONSORSHIP POLICY
STRATEGY:	Business Management
BUSINESS UNIT:	Administration & Governance
RELEVANT LEGISLATION:	Nil
RELATED POLICIES:	No. 182 - Gifts and Benefits Policy

Objective

Pittwater Council supports corporate sponsorship with organisations whose public image, products and services are consistent with the values, goals and specific policies of local government in the Pittwater Area

Policy Statement

“Sponsorship” means a contribution in money or kind, generally by the corporate sector or private individuals, in support of a Council activity. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the Council does not extend beyond some modest acknowledgment.

SPONSORSHIP PRINCIPLES

1.0 General Principals

- 1.1 The General Manager, or an officer authorised by the General Manager, has the authority to seek and negotiate corporate sponsorship agreements.
- 1.2 Final approval of each corporate sponsorship agreement over \$50,000 shall be by the full Council in accordance with this Policy.
- 1.3 Any consideration given to the establishment of sponsorship agreements shall include regard to the following:
 - Council is, and is seen to be, impartial with respect to its decision making,
 - The maintenance of a consistent and professional image of Council and the sponsor within the community at all times,
 - Realistic servicing of the sponsorship agreement by Council, and
 - Sponsorship agreements are to be developed in line with Council's long-range strategic planning and reflect unified and consistent themes.
- 1.4 In relation to sponsor products Council will not enter into a sponsorship agreement with the following:
 - Organisations involved in the manufacture, distribution and wholesaling of tobacco and tobacco-related products,
 - Organisations involved in the manufacture, distribution and the wholesaling of alcoholic products where such a sponsorship would be related to services or activities for youth,
 - Organisations whose services or products are injurious to health, or are perceived to be in conflict with Council's policies and responsibilities to the community.
- 1.5 Each project will be assessed on the individual merits of the sponsor and the items to be sponsored
- 1.6 An employee of the Council or Councillors shall not accept any personal benefits from sponsorship
- 1.7 Funds raised through sponsorship of specific expenditure items which are included in the current budget will be used for that purpose and not be redirected into general revenue.
- 1.8 Sponsorship shall generally be sought in accordance with Council's Procurement guidelines to ensure transparency and equity in the selection process.

2.0 Recognition Mechanisms

- 2.1 Pittwater Council will recognise its corporate sponsors in a number of ways. The extent of such recognition will be determined in relation to the level and nature of the sponsorship. Such forms of recognition may include:
 - Appropriate signage of the sponsored item,
 - Media release and seeking of associated media opportunities,
 - Invitations to selected Council functions,
 - Annual function for sponsors,
 - Naming rights for an event, building, etc for the term of sponsorship,
 - Award or trophy struck in the sponsor's name and publicly presented ,

- Right to use the asset, service, event, name and logo, etc in sponsor's advertising and sales promotion in a form to be mutually agreed,
- Event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions, etc,
- Merchandising of goods at selected points of sale,
- Static display in the foyer of Council's Administration Building or other Council-owned facility in a form to be mutually agreed,
- Professional footage and photography of the asset, service, event etc, for use by sponsor in a form to be mutually agreed,
- To use the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Council's use, and
- Opportunity for sponsor's name / or logo to be promoted through appropriate general advertising by Council.

3.0 Sponsorship Conditions

3.1 Sponsorship must comply with the following conditions:

- The sponsorship must not conflict or be seen to conflict with the objectives and policies of the Council,
- The sponsor shall not impose or imply conditions that would limit the Council's ability to carry out its functions fully and impartially,
- Council explicitly will not endorse the sponsor or its products, and
- The agreement to sponsor will not control or influence in any way any other dealings between the parties.

3.2 The Council may terminate the sponsorship agreement if any of the conditions in 3.1 occur.

In particular:

- If Council is asked to make a determination in respect of an application made to it by the sponsor for approval under a statute which requires the exercise of Council's discretion then the Council will have the right to forthwith terminate the sponsorship agreement and no party shall be entitled to claim compensation. The Council may also seek appropriate independent advice on the merits of the application, whether it ought to be approved, and if so, on what conditions, and
- If Council is required to exercise its regulatory functions and serve a notice, on the sponsor pursuant to a function, the contract will be terminated without the right of either party to claim compensation.

3.3 Benefits accorded to sponsors will be determined by the value of the sponsorship in dollar terms, the length of sponsorship and the type of asset, service, function or program being sponsored. For major sponsors with a multi-year commitment, sponsorship benefits may need to be negotiated on an individual basis.

4.0 Responsibility / Accountability

4.1 The General Manager is responsible for authorising Council officers to seek and negotiate corporate sponsorship agreements.

Council Policy – No 115	Adopted:	OM 03.5.1999
	Amended	13.9.2004 20.6.2011
Version: 3		

TITLE: **LOAN BORROWING POLICY**

STRATEGY: Business Management

BUSINESS UNIT: Finance and IT

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To provide a disciplined approach to the supplementary financing of the Council's Capital Improvements Program through the use of loan funds.

While it has historically been considered desirable to keep debt levels as low as possible, borrowing is a valid and appropriate option available to Council to help finance ongoing infrastructure requirements and is justified due to the greater cost in future years through deferring the spending activity.

A zero debt policy is often inappropriate for local government as it implies that the current ratepayers are expected to meet the full cost of infrastructure assets, while in reality most of the benefit will actually be gained by future ratepayers. On inter-generational grounds it is considered that additional borrowings can be considered to fund enhancement capital expenditure, and such capital expenditure gives rise to infrastructure enhancement that benefits future as well as existing ratepayers. This way, the cost of the asset is matched by the benefits from consumption of service over the life of the asset, and it promotes inter-generational equity, which is only reasonable given the future benefit of the asset.

Policy Statement

Given the Objectives above, in terms of Council's Loan Borrowing Program;

1. Council recognises that loan borrowing plays an important part in the local government financial structure.
2. Council recognises that it is equitable to the ratepayers that the liability for the capital costs of infrastructure should be distributed over the period during which the people enjoy the benefits derived there from.
3. Council, therefore, adopts the principle of using loan funding as a resource to fund the replacement and creation of infrastructure that has a reasonably long life expectancy.
4. The use of loan funds will, in the main, be limited to the construction, alteration and or renewal of buildings, the acquisition of income producing assets (including land) and the acquisition of new or renewal of existing infrastructure assets which have a life expectancy greater than ten years.

5. Loan borrowings will generally be limited to a level where the ratio of net debt service costs (principal and interest) to Operating Revenue does not exceed 5.5%.

Council Policy – No 134 Version:	Adopted:	23.10.00 OM
	Amended	18.05.09 OM

TITLE: **PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 -PRIVACY MANAGEMENT PLAN**

STRATEGY: Business Management

BUSINESS UNIT: Administration and Governance

RELEVANT LEGISLATION: Privacy and Personal Information Protection Act 1998
Government Information (Public Access) Act 2009
Health Records & Information Act 2002
NSW Local Government Act 1993
Children and Young Peoples Act
Environmental Planning and Assessment Act 1979

RELATED POLICIES: Policy No 165 - Access to Public Information

Objective

To provide for the protection of personal information and for the protection of the privacy of individuals.

Policy Statement

This Policy has been prepared in accordance with Section 33 of the Privacy and Personal Information Protection Act (PPIPA) and the Privacy Code of Practice for Local Government

In order to comply with the requirements of the Act, Council is to comply with the twelve Information Protection Principles which have been incorporated into this Plan.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

PRIVACY MANAGEMENT PLAN FOR PITTWATER COUNCIL

Introduction

Council's Privacy Management Plan provides for the protection of personal information and for the protection of the privacy of individuals and has been prepared in accordance with Section 33 of the Privacy and Personal Information Protection Act (PPIPA) and the Privacy Code of Practice for Local Government

In order to comply with the requirements of the Act, Council is to comply with the twelve Information Protection Principles which have been incorporated into this Plan.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

What is personal information?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

What is not "personal information"?

"Personal information" does not "include information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA.

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper.
- Personal information on the Internet.
- Books or magazines that are printed and distributed broadly to the general public.
- Council Business papers or that part that is available to the general public.
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA. However, Council's decision to publish in this way must be in accordance with the PPIPA.

Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's Mona Vale Library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner. Council will not provide copies of the Electoral Roll.

Application of this Plan

The PPIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including those which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must:-

- comply with PPIPA,
- comply with the Code of Practice for Local Government,
- comply with any other applicable Privacy Code of Practice and this Plan,
- not collect personal information by an unlawful means.

Personal Information Held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities;

The Council holds personal information concerning its customers, ratepayers and residents, such as (but not limited to):

- rates records
- DA applications and related submissions
- Unsolicited complaints and petitions
- Submissions and information provided as part of Community Engagement
- Details as provided on any form or application presented to Council

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns; and
- wage and salary entitlements.

Applications for suppression in relation to general information (not public registers).

Where an application for suppression is made in relation to anything other than a public register, then an application under section 739 of the Local Government Act 1993 ("LGA") is required.

Section 739 of the LGA covers all publicly available material under the GIPA Act other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739.

When in doubt, Council will err in favour of suppression.

Caution as to Unsolicited Information (Complaints, Petitions)

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal information, then that information should be still treated in accordance with this Plan, the Code and the PPIPA for the purposes of Principles 5-12 which relate to storage, access, use and disclosure of information.

As a matter of course the subject matter of petitions may be reported to Council meetings but the names and addresses are not provided in the Business Paper nor will they be provided to any third party.

Similarly the nature of any unsolicited complaint received may be available in accordance with the Freedom of Information Act however the name and address of the complainant will not be disclosed to any third party nor will any other relevant information relating to the complaint that may identify the complainant (ie photos).

Information collected as a result of a Community Engagement process (submissions, surveys, contact details at meetings)

Council engages the public by way of public meetings, surveys or invitations for submissions on a Council project, event or other initiative. Council will advise the public in letters, on website, in advertising and at public meetings how any personal information that is collected will be handled. Unless indicated otherwise such personal information will generally be dealt with as follows:-

PUBLIC MEETINGS: Personal information collected at public meetings will only be collected for the purpose of ongoing consultation on the issue by Council officers. Such information will not be made available for release to the public.

SUBMISSIONS: All submissions received as part of a community engagement process will be considered in the public arena and as such any submission will be made available in its entirety if so requested, unless confidentiality is requested in accordance with the provisions of Section 739 of the Local Government Act.

Health Records and Information Privacy Act 2002

This Plan details how the Council deals with both personal information and health information it collects to ensure that it complies with the Privacy and Personal Information Protection Act 1998 (NSW) or The Privacy Act 1988 (Commonwealth) and the Health Records and Information Privacy Act 2002. In the Plan a reference to "information" is a reference to both health information and personal information.

The following paragraphs in italics have been paraphrased from the Department of Local Government's Privacy Code of Practice.

Privacy principles (Part 2 Division 1 Sections 8 to 19 inclusive, PIPP Act)

Collection of Personal Information for Lawful Purposes

1. *Council will not collect personal information unless:*
 - (a) *Information is collected for a lawful purpose that is directly related to a function or activity of Council, and*
 - (b) *The collection of the information is reasonably necessary for that purpose.*
2. *The Council will not collect personal information by any unlawful means.*

Dealings With Other Councils and Government Agencies

Council continues to collect and deliver personal information to and from Government Departments involved in the normal functions of Council's operation. Council deals with the NSW Commission for Children and Young People for enquiries on personnel and recruitment matters i.e. for pre-employment screening of people working with children (Children and Young Peoples Act).

Multiple Uses of Personal Information

Council uses personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other Council related purposes.

For example, the names and address of individual owners of property kept on the Rate and Charging Record (Section 602 of the Local Government Act, 1993) are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate applications for the removal of trees, investigate complaints regarding non compliance with the various Acts administered by Council, evaluate applications for uses of public land including dedications and resumptions as well as being the basis of the Rating and Valuation Register.

Personal information collected by Council may also be used for the purpose of customer/ratepayer satisfaction surveys or any other Council related project that may require a random selection of names and addresses for any other consultation purpose.

Collection of Information Directly from the Individual

When collecting personal information, Council will collect information only from the individual to whom the information relates unless:

- (a) *the individual has authorised collection from someone else, or*
- (b) *the information has been provided by a parent or guardian of a person under the age of 16.*

Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Requirements When Collecting Personal Information

When Council collects personal information about an individual, that person will be notified of:

- (a) *the fact that the information is being collected,*
- (b) *the purposes for which the information is collected,*

- (c) *the intended recipients of the information,*
- (d) *whether the supply of information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) *the existence of any right of access to, and correction of the information,*
- (f) *Council's name and address and where the information will be stored.*

A privacy protection notice will be added to all forms, where the Council solicits personal information from the general public. Internal forms are not affected. A Privacy Statement will be read at public meetings, where lists of names and addresses of attendees are collected. Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Other Requirements Relating to the Collection of Personal Information

Council will take reasonable steps to ensure that:

- (a) *information collected, is relevant to a purpose, is not excessive, is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

Council may use public place video surveillance in accordance with **NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places**. The provisions of the Work Place Surveillance act will be complied with.

Retention and Security of Personal Information

With regard to the retention and security of personal information, Council will ensure:

- (a) *that information is kept for no longer than is necessary for the purposes for which the information may be lawfully used, and*
- (b) *that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) *that the information is protected, by taking such security safeguards as a reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances), and*
- (d) *that if it is necessary for the information to be given to a person in connection with the provision of a service to council, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

Where it is necessary for personal information to be given to a person in connection with the provision of a service to council, Council shall ask the following questions and make the following enquiries:

- Who, or which statutory requirement, has authorised its transfer?
- To what purpose will the personal information be used?
- What measures are in place to ensure its proper use?
- How will it be held?
- Who will have access to it?
- What measures are in place to prevent unauthorised access?
- Upon use of the information, how will it be disposed of?
- What measures are in place to ensure compliance with PIPPA?

Disposal (archiving and destruction) of Council records is the responsibility of the Group Leader - Records. All records approved for destruction by the Group Leader -Records are also recommended for destruction by the manager/director responsible for the functional area that created the records.

The Records Disposal Schedule used as the basis for records disposal is GDA10: General Records Disposal Schedule for Local Government Records, issued by State Records NSW and having effect under the State Records Act 1998. GDA10 is a public document available from State Records NSW.

Destruction of records which have no residual business or research values and which are eligible for destruction in accordance with GDA10, is undertaken on an as required basis.

Information About Personal Information Held by Agencies

If Council holds personal information about any individual it will take the necessary steps to enable any person to ascertain:

- (a) Whether the Council holds personal information; and*
- (b) Whether the Council holds personal information relating to that person, and*
- (c) If Council holds personal information relating to that person:*
 - (1) The nature of that information; and*
 - (2) The main purposes that the information is being used, and*
 - (3) That person's entitlement to gain access to that information.*

Access To Personal Information Held by Agencies

Where Council holds personal information, it will, at the request of an individual to whom personal information relates and without excessive delay or expense, provide the individual with access to that information.

Any person will be able to ascertain whether Council holds their personal information by contacting Council in writing addressed to the General Manager. Employees should enquire at the Corporate Development Unit to access their records.

Alteration of Personal Information

If Council holds personal information, it will, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:

- (a) is accurate, and*
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*

If Council is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, Council will, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

If personal information is amended Council will arrange for records to be physically altered, whether computerised or in hard copy.

The council will seek to notify recipients of information, as soon as possible, of the making of any amendment where it is reasonably practicable. In deciding whether notification is reasonably practicable in the circumstances of a particular case, Council shall have regard to the following matters:

- Did Council collect the personal information?
- Has the personal information been forwarded to other parties?
- How many other parties would have received the personal information?
- What was the use of the information by the other parties?
- How widespread was the dissemination of the personal information within the organisations?
- How many persons would have had access to the information before and after the amendments?
- Would there be an unfair and misleading impression given of the individual?
- Would there be a potential adverse outcome for the individual as a consequence of a failure not to modify?
- What are the practical issues that have to be resolved to manage the process?
- Can Council quantify the resources, financial and human, required to notify all the parties who received the information?

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the General Manager in the first instance and treated in accordance with the grievance procedures or complaint handling procedures.

Agency Must Check Accuracy of Personal Information Before Use

Council will not use personal information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

Limits on Use of Personal Information

Council will not use personal information for a purpose other than for which it was collected unless:

- The individual to whom the information relates has consented to use the information for that other purpose, or*
- The other purpose for which the information is used is directly related to the purpose for which it was collected, or*
- The use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or to another person.*

Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- Where the use is in pursuance of Council's lawful and proper functions and Council is satisfied that the personal information is reasonably necessary for the exercise of such functions; or
- Where personnel information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.
- Those purposes referred to in the section heading "Multiple Uses of Personal information".

Staff using relevant personal information to perform usual office functions will not notify individuals for their approval. Personnel and recruiting records will be discussed with solicitors when the need arises and with council staff when necessary without prior approval of individuals. These processes relate to the normal operational functions of council and any personal information collected will be used for multiple purposes, only if required for the business of Council.

Limits of Disclosure of Personal Information

- (a) Council will not disclose personal information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (1) The disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object; or
 - (2) The individual has been made aware that this kind of information is usually released; or
 - (3) Disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.
- (b) Council may disclose personal information to public sector agencies or public utilities on condition that:
 - (1) The agency has approached Council in writing;
 - (2) Council is satisfied that the information is to be used by that agency for the proper and lawful functions of that agency, and;
 - (3) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's functions.
- (c) Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- (d) Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she applied.
- (e) A disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner (if such a direction exists) until such time as a Research Code is made by the Attorney General.

Special Restrictions on Disclosure of Personal Information

- (a) Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (b) Council will not disclose the information to any person or body who is in jurisdiction outside New South Wales unless:
 - (1) a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
 - (2) the disclosure is permitted under a Privacy Code of Practice.
- (c) For the purposes of sub section (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.

- (d) *There is no intention to depart from the above otherwise that is permitted by the PIPPA or any other Privacy Code of Practice which may apply to Council from time to time except in the circumstances described below:*
- (1) *For the purposes of S19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.*
 - (2) *A disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner (if such a direction exists) until such time as a Research Code of Practice is made by the Attorney General.*

Public Registers (Part 6 Clauses 57, 58 and 59 PIPP Act)

A public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

Example of registers held by Council (but not limited to):-

- * Register of Development Applications
- * Land Register
- * Pecuniary Interest register
- * Register of Investments
- * Register of current declarations of disclosures of political donations to Councillors
- * Register of Delegations
- * Register of Councillors voting on Development matters
- * Register of Graffiti removal (Section 67C LGA)

Register Provisions

Council may allow any person to:

- inspect a publicly available copy of a public register in council premises, and
- copy a single entry or a page of the register

without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the act under which the register is kept.

In particular Council does not require any person to provide a reason for inspecting the Council's Pecuniary Interest Register or any register on which the Council records declarations made by Councillors or designated officers under Chapter 14 Part 2, Divisions 3 or 4 of the Local Government Act.

Requests for access, copying or sale of the whole or a substantial part of a public register held by council may not necessarily fit within the purpose for which a public register was created. Council may therefore:

- (a) disclose by way of providing access, copy or sale of the whole or a substantial part of a public register, provided that the names and addresses of all current and

- previous property owners and the names and addresses of all current and previous applicants are not disclosed; or
- (b) disclose by way of providing access, copy or sale of the whole or a substantial part of a public register where Council has satisfied itself by way of a statutory declaration by the person requesting the information that the information is to be used for a purpose of the register or the Act under which the register is kept.

With respect to (a) and (b) above Council will ensure that the GIPA Act and Section 149G of the Environmental Planning and Assessment Act 1979 are complied with where applicable.

Council requires that any person who requests information from a public register either applies in writing to the General Manager or attends the Council's Customer Service Counters during normal office hours.

Where a copy of the whole or a substantial part of a public register is requested, the applicant is required to complete a statutory declaration (Appendix 1) describing the intended use of any information obtained from the inspection. Justices of the Peace at Council's Customer Service Counters may witness signatures on statutory declarations for this purpose.

Council requires that during certain circumstances it may be possible to suppress personal information held on registers. Where an application for suppression is made in relation to a public register, then an application under Section 57 of the PIPP Act is required.

Suppression of personal information on a public register will only be provided where it can be shown that a person's safety or well being may be affected and that suppression would not be contrary to the public interest.

Initial Enquiry or Complaint

Any person is entitled to obtain access to any personal information that council holds about them. They may request alterations be made to their personal details or request information on the way their personal details have been used. It is important that the initial enquiry or complaint be a formal submission, in the form of a letter addressed to:

The Public Officer
Pittwater Council
PO Box 882
Mona Vale NSW 1660

Where a person has requested information about their personal affairs and has been refused access, is unsatisfied with Council's response or Council's refusal to change a person's personal details, they are entitled to request an Internal Review of the initial complaint or enquiry.

A person who has requested information and;

- is aggrieved by the conduct of Council in the following circumstances:
 - (a) contravention of a privacy principle that applies to Council
 - (b) contravention of a code of practice that applies to council
 - (c) disclosure of personal information kept on a public register, or
- has made an initial request for access to personal information or requested a response concerning Council's actions concerning their personal information.

is entitled to apply for an Internal Review.

A request for Internal Review **must be** in writing and made on the appropriate Internal Review Application Form (**Appendix 2**) and forwarded to:

The Public Officer
Pittwater Council
PO Box 882
Mona Vale NSW 1660

Review Process

On receipt of the request for Internal Review, a copy will be forwarded to the Privacy Commissioner, who will also be informed of progress and the outcome of the review.

Any application for Internal Review must be lodged within 6 months from the time the applicant first became aware of the conduct (the subject of the application). At all times the contents of the review will be kept confidential.

The application will be dealt with by an appropriate Council Officer, who will consider any relevant material submitted by either the applicant or the Privacy Commissioner. The review will be completed as soon as reasonably practicable within 60 days from receipt of the application for Internal Review.

Following completion of the Internal Review, Council will do one or more of the following:

- (a) take no further action on the matter,
- (b) make a formal apology to the applicant
- (c) take appropriate remedial action,
- (d) provide undertakings that the conduct will not occur again,
- (e) implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable and within 14 days of the completion of the Internal Review, Council will notify the applicant and the Privacy Commissioner in writing of:

- (a) the findings and the reasons for those findings,
- (b) any proposed actions to be taken
- (c) the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

Training and Education

Council's Public Officer will provide advice to appropriate staff when required and staff will receive training during the Staff Induction Programme. The Privacy Management Plan will be available on Council's intranet, website and at Council's customer service centres.

Further Information

Further information may be obtained from the Public Officer, Pittwater Council on telephone 99701112 or the NSW Privacy Commissioner's Office on telephone 92685588.

STATUTORY DECLARATION FOR ACCESS UNDER SECTION 57 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 TO A PUBLIC REGISTER HELD BY COUNCIL

**STATUTORY DECLARATION
OATHS ACT, 1900, NINTH SCHEDULE**

I, the undersigned,(name of applicant)
of.....(address),
in the State of New South Wales, do solemnly and sincerely declare that:-

I am.....(relationship (if any) to person inquired about)

I seek to know whether is on the public register of*

The purpose for which I seek this information is
.....
.....

The purpose for which the information is required is to
.....
.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Declared at.....

in the said State this day of 200
before me.

.....
before me:
Justice of the Peace/Solicitor

.....
Name to be printed

* *Applicant to describe the relevant public register.*

The Public Officer
Pittwater Council
PO Box 882
Mona Vale NSW 1660

PRIVACY COMPLAINT: INTERNAL REVIEW APPLICATION FORM

(The Privacy and Personal Information Protection Act 1998 (PIPP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act) provide that public sector agencies deal with complaints by way of internal review.)

Applicants Name:

Address:

Phone No:

Please detail the conduct which you wish to have reviewed. (please attach a separate piece of paper if there is insufficient space below.)

.....

.....

.....

.....

.....

.....

.....

.....

.....

When did the alleged conduct occur?

.....

When and how did you first become aware of the alleged conduct? (Please specify precise dates). If you became aware of the conduct more than 6 months ago, please specify the reasons why Council should undertake a review even though it is not required to do so.

.....

.....

.....

.....

Applicant's signature

Council Policy: No 138 Version: 2	Adopted:	OM: 13.08.01
	Amended	

TITLE: **MEDIATION**
STRATEGY: Business Management
BUSINESS UNIT: Administration and Governance
RELEVANT LEGISLATION: Nil
RELATED POLICIES: Nil

Objective

To establish processes that will assist to:

- Reduce the level of community conflict related to development, environmental and land management
- Empower the parties in dispute to take control of their own dispute and attempt to reach a resolution which satisfies the needs and interests of all those involved
- Permit the parties the opportunities of informing the council of any agreements they have reached and or clarification of issues still in dispute, in order for Council to take these into account in determining the development application or resolving other matters that are in dispute
- To pursue consistency and fairness in the manner in which the Council deals with and resolves disputes

Policy Statement

This policy applies to the following:

- Disputes arising from differences of opinion between neighbours or other persons external to Council who are in conflict but seeking to resolve their differences, eg. development applications and related planning, development and land management matters; and
- Any other environmental dispute concerning animals, trees, noise, effluent, odours or other pollution that Council considers appropriate to be dealt with by mediation.

WHAT IS MEDIATION?

Mediation is a voluntary process of assisted negotiation between disputing parties conducted by an impartial person or persons.

Mediation aims to provide a fair, consensus-building dispute resolution process in which the disputing parties are empowered to:

- Clarify their needs and interests,
- Acknowledge the needs and interests of other parties,
- Become aware of the range of potential solutions, and

Negotiation in good faith to achieve an agreement which; satisfies their mutual interests, is fair and is capable of implementation within the existing statutory processes and is consistent with Council policies.

TO WHICH MATTERS DOES THIS POLICY APPLY?

This policy applies to the following:

- Disputes arising from differences of opinion between neighbours or other persons external to Council who are in conflict but seeking to resolve their differences, eg. development applications and related planning, development and land management matters; and
- Any other environmental dispute concerning animals, trees, noise, effluent, odours or other pollution that Council considers appropriate to be dealt with by mediation.

WHAT MATTERS ARE CONSIDERED IN DETERMINING WHETHER MEDIATION WILL BE APPLIED?

In general terms, the Council will recommend mediation when:

- It appears that mediation is the best method for dealing with the issues involved;
- The parties are willing to participate in mediation;
- There are a large number of participants, they are willing and able to appoint representatives to attend mediation (this ideally is a maximum of two people).

WHEN WILL MEDIATION NOT TO BE USED?

Mediation will not be recommended when, in the opinion of the Council:

- There is intractable animosity between parties (including, but not limited to threats of violence, or acts of violence, between parties).
- There are too many parties for mediation to work and each group is unable or unwilling to nominate a representative.
- One or more of the parties is not willing to participate and negotiate in a genuine effort to reach a negotiated solution.
- (In relation to a development application) the application is grossly inconsistent with Council's policies or other legal requirements, and is likely to be refused by Council.
- Another dispute resolution procedure may be more appropriate.
- The dispute does not involve Council's business or responsibilities.
- The nature of objections is not a reasonable basis for which to conduct mediation.

PRINCIPLES OF MEDIATION

The following are to be the principles upon which the mediation programme in Pittwater is to be based:

- Mediation is conducted by a recognised and independent mediator that is impartial to the dispute at hand;
- Mediation is a voluntary process;
- Mediation is most effective when applied as soon as possible after a dispute and stakeholders are identified;
- Where the mediation is attended by a representative of a group of people, a process must exist whereby any in principle agreement can be referred back to the group for endorsement in a timely fashion;
- Any agreement reached is a decision made by the parties themselves, and is one which satisfies their needs and interests. If the subject of the mediation relates to a statutory process such as an application for development, Council will take into consideration such agreement but will still need to assess that application under any legislative requirements and Council's policies such as the Local Environmental Plan;
- Mediation is confidential and only the agreement reached can be publicly discussed. This applies even if no agreement is reached. Parties may pursue a private agreement not involving Council related issues. Parties may choose to maintain confidentiality over such an agreement;
- Mediation does not prejudice any future action a party may wish to take;
- Council officers shall not be present at mediation sessions except to provide technical advice and only with the disputing parties' agreement;
- Mediation will not always be the most appropriate method of dispute resolution available;
- Participants in mediation are of greatest value to those parties most affected by the proposal. This is usually those closest to the site or area of which a proposal or action is pending.

THE PROCESS (DEVELOPMENT APPLICATIONS)

The Council has adopted a five stage structured process for processing development applications which provide opportunities for issues to be discussed and resolved.

They are as follows:-

1. Pre-Lodgement Period
2. Notification / Assessment Period
3. Point of Determination – Development Unit
4. Point of Determination – Council/Committee Meeting
5. Post Determination Period – Prior to Legal Proceedings

In the course of assessing development applications at any of these stages in the process where issues become conflicts, then the parties in conflict may apply to Council for mediation as an additional means or tool for resolving the conflict.

The mediation programme will operate according to the following process for applications for development.

1. Pre-lodgement

Parties proposing development are encouraged to consult with the local community about their intentions prior to lodgement of an application to Council. Council may provide a venue for such discussions upon request.

2. Lodgement of development application

Upon receipt of a development application, Council will notify nearby residents in accordance with its Notification Procedures. In this notification, advice will be included describing Council's mediation programme. The advice will encourage potential objectors to discuss the DA with the relevant Development Officer prior to applying to participate in the mediation programme.

3. Assessment of Applications

Upon receipt of an application to mediate, the mediation co-ordinator, in consultation with the case officer, will determine whether mediation is likely to be the preferred method of approaching the dispute having regard to this policy. The matter will only proceed to mediation if the applicant is willing to participate in the process.

4 Preparation Meeting

A preparation meeting may be held prior to mediation involving the mediation co-ordinator, the application case officer and objectors and the applicant. The purpose of the preparation meeting is to provide each party with sufficient information to enable them to effectively participate in mediation. Issues may be resolved here by the submission of additional information or amendments without the need to take the matter further. The preparation meeting will provide each party the opportunity to ask questions about technical details and clarify issues.

A Development Officer will be present at the pre mediation meeting. His or her role will be limited to explanation of the proposal at hand and controls that may apply and description of the development control process generally. He or she will not speculate about the likelihood of approval or refusal nor comment on development controls that require discretionary judgements to be made.

Where matters in dispute appear to be straightforward or there are timing constraints, the mediation co-ordinator may determine that a preparation meeting is not necessary.

5. Scheduling of Mediation

Following the preparation meeting, mediation will be organised by the mediation co-ordinator. In order to reduce delays in addressing the dispute or in the determination of applications, these sessions will be organised at short notice by phone, fax or e-mail.

6. Mediation

Mediation will be conducted with all parties as identified in the preparation meeting and with all necessary information for the mediation to be an informed session. The application case officer should be available either by phone or in person to advise the mediation session upon request to provide clarification of Council's policies and guidelines, but not to offer opinion or speculate.

7. Reporting and Determination

The Officer's report to Council and/or the Officer's report to the Development Unit dealing with the application will be accompanied by a report of the mediation conducted. The report on the mediation will only include factual details such as date of mediation, attendance etc, and mediation agreement, if agreed to by participants. The discussions that occur in the mediation are confidential and will not be reported.

The path of determination (i.e. under delegated authority or Council) will not be altered if mediation is undertaken.

8. Amended plans

If an agreement results from mediation which requires amended plans to be submitted, the applicant may wish to lodge these prior to determination of the application by Council. Those participating in the mediation should have the opportunity of viewing such amended plans prior to the application being determined by Council.

9. Payment of Costs – External Mediator(s)

The applicant for development approval is responsible for the payment of all costs associated with the engagement of an external mediator(s) where applicable.

THE PROCESS (OTHER MATTERS)

The mediation programme will operate according to the following process for matters other than development applications to which this policy applies.

1. Identification of a Dispute

Upon identification of a dispute, a Council officer may recommend mediation as a form of resolving that dispute to any or all of the parties in dispute. Application to mediate in accordance with Council's mediation programme should be made to the mediation co-ordinator as soon as possible after the identification of the dispute. Alternatively, a party in dispute may initiate mediation by way of application directly to Council.

2. Assessment of Applications

Upon receipt of an application to mediate, the mediation co-ordinator, in consultation with the case officer or manager of the business unit (if relevant), will determine whether mediation is likely to be the preferred method of approaching the dispute having regard to "what matters are considered in determining whether mediation will be applied" of this policy.

3. Preparation Meeting

A preparation meeting may be held prior to mediation involving the mediation co-ordinator, the application case officer (if relevant) and parties involved. The role of the preparation meeting for "other matters" is similar to that involving development applications. The mediation co-ordinator may wish to proceed straight to mediation if the dispute appears to be straightforward and both parties appear to have a good understanding of the relevant issues.

4. Scheduling of Mediation

Following the preparation meeting, mediation will be organised by the mediation co-ordinator. In order to reduce delays in addressing the dispute or in the determination of applications, these sessions will be organised at short notice by phone, fax or e-mail.

5. Mediation

Mediation will be conducted with all parties as identified in the preparation meeting and with all necessary information for the mediation to be an informed session. The application case officer should be available either by phone or in person to advise the mediation session upon request to provide clarification of Council's policies and guidelines, but not to offer opinion or speculate.

6. Payment of Costs – External Mediator(s)

The parties in dispute are responsible for the payment of all costs associated with the engagement of external mediator(s) where applicable.

Mediators

Council will recommend a recognised mediation provider to provide the independent and impartial mediation service described in this policy. Mediators are to be accredited and trained professionals in the field.

Monitoring and Review

The effectiveness and cost of the application of this policy, shall be monitored by the Manager Administration and Governance and amendments to this policy recommended accordingly as necessary.

MEDIATION PRACTICE GUIDELINES

(To be used in conjunction with Pittwater Council's Mediation Policy)

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Mediation in Pittwater should be conducted in accordance with the following guidelines:

INITIATION OF MEDIATION

Any party to a dispute described in this policy, may apply to participate in the mediation programme. If mediation is the selected dispute resolution process, the Councils mediation co-ordinator will contact each of the parties to the dispute to seek an agreement to mediate. An agreement to mediate must be signed by each party in which each party acknowledges and agrees to abide by these "Mediation Practice Guidelines"

SELECTION OF MEDIATOR

Upon agreement of parties to mediate, Council will request the recommended external mediation provider to organise mediation. The selected mediator must disclose to Council whether he or she has any interest in the matter to be mediated or if there are any circumstances that may lead to the presumption of bias. All parties are to agree to the selection of the mediator.

PREPARATION MEETING

The preparation meeting is to be conducted as soon as possible after all relevant parties have agreed to mediate the dispute.

The Councils mediation co-ordinator is to chair this meeting. The meeting is to be kept as informal as possible but it should be made clear that the purpose of the meeting is not to determine the application but to gather information and ensure there is common understanding about the dispute. The chairperson is to ensure that attendees do not engage in unconstructive argument nor should the Council officer:

- Be asked to speculate about the prospects of approval or refusal
- Be asked to make discretionary judgements about any aspect of this issue at hand.

PRELIMINARY ASSESSMENT

Where the mediation involves a development application, the relevant Council officer will prepare a brief preliminary assessment of the application. This assessment will only provide for a comparison of the application against the various Council policies. It is important that people entering the process understand that this represents a preliminary appraisal and no discretionary judgements or opinions will be expressed. Depending upon the stage of the development application process at which time this assessment will be made, such assessment should be treated as indicative and advisory only and not to be substituted for the assessment process required under the Environmental Planning and Assessment Act. A standard disclaimer which recognises this should be incorporated into every such advisory assessment. Parties should be made aware of this at the commencement of the preparation meeting.

The full assessment of the application will continue in parallel with the mediation process.

ARRANGEMENT OF MEDIATION

The Council's mediation co-ordinator is to arrange the mediation at a time and venue agreeable to all parties. The mediation is to occur as soon as possible after receipt of the application to mediate. Prior to mediation, all parties are to sign an "agreement to mediate" setting out the terms under which the mediation will be conducted.

STATEMENT OF FACTS

Applicants under the mediation programme must provide on the application form, a brief statement of facts outlining the important issues and objections. This statement will be provided to the proponent for a response.

The statement of facts, response from the proponent and a briefing statement prepared by the relevant assessment officer setting out the details of the application and relevant issues will be provided to the mediator prior to mediation. The documents may be made available to all parties at the discretion of the mediation co-ordinator.

ROLE OF MEDIATOR

The mediator does not have the authority to impose any settlement on the disputing parties. The mediator's role is to help the parties reach a satisfactory understanding and resolution of their dispute.

The mediator is authorised to end the mediation whenever, in his or her opinion, further efforts at mediation will not contribute to a resolution of the dispute.

REPRESENTATION AND ATTENDANCE

If a party to a dispute is an individual, that individual must attend the mediation. If the party is a company, government authority or unincorporated association, an authorised representative must attend the mediation. If there are a large number of individuals constituting a number of parties, each party must send at least one representative. Representatives must have the authority to settle the matter.

Each party attending mediation may bring a legal representative or other advisors with knowledge or experience relevant to the dispute. Where the dispute involves a group of individuals with common interests, Council may request the group to elect one or two persons to represent the group. Others may attend strictly as observers (only with the consent of the participating parties), but may not participate in the formal proceedings except with the consent of the mediator and other parties.

At least three days prior to the mediation, the parties must inform Council of the names of each person who will be attending. Council will in turn inform other parties and the mediator prior to the mediation taking place.

TECHNICAL ADVICE

Council officers should not be present in mediation except to provide technical or procedural advice and only with the consent of participating parties. Council staff shall respond only to questions from the mediator. Upon completion of providing such advice, staff should vacate the mediation room. Responses will not be provided in relation to Council's likely determination of the application.

CONFIDENTIALITY

Mediations must be conducted in a confidential manner. It is not necessary that information disclosed during a mediation be confidential amongst those attending the mediation.

A mediator must not divulge records, reports or other documents received in the course of mediation, or testify as to the proceedings of the mediation, unless otherwise compelled to do so by law. A mediator must also maintain as confidential; any discussion with parties in "separate sessions" unless expressly authorised by that party to divulge details of such session.

Where parties are accompanied by an advisor, support person or other persons, these persons are to sign a third party confidentiality agreement.

Parties involved in mediation shall not rely upon, or introduce as evidence, in any arbitration (including a Development Unit or Council meeting) or litigation:

- Views expressed or suggestions made by another party with respect to a possible settlement of the dispute.
- Admissions made by another party in the course of mediation
- Proposals made or views expressed by the mediator.
- The fact that another party had or had not indicated a willingness to accept a proposal for settlement made by the mediator.
- Statements or notes made by the mediator
- Documents presented at the mediation conference, unless these documents are otherwise discoverable
- Briefing notes and other documents distributed to the parties immediately prior to a mediation conference.

In addition, no transcript of proceedings shall be kept of a mediation conference. The mediator will destroy any notes made by him or herself at the termination of the mediation.

MEDIATION AGREEMENTS

Written agreements reached at mediation must be signed by all the disputing parties present at the mediation. Spokespersons are to confirm their authority to reach agreement from their constituents. Where there is no consensus among the parties in relation to an agreement, a partial agreement may be considered at the discretion of the parties concerned.

A copy of the agreement is to be retained by each of the parties and the Council's mediation provider. Where authorised by the terms of the agreement, the mediation provider is to convey the agreement or relevant clauses, to the mediation co-ordinator. The agreement may then be referred to the appropriate Council Officer for the appropriate action.

Participants in a mediation are to be made aware that in the circumstances of a development application being the subject of the mediation, the normal assessment process will still be followed regardless of any agreement or partial agreement reached. In other words, the mediation is an avenue that people involved in a dispute may pursue to maximise involvement and communication, however, any agreement reached does not bind Council to a certain course of action. It does however provide an additional consideration for Council in making a final decision.

TERMINATION OF MEDIATION

Mediation should be terminated if:

- The parties execute a settlement or agreement; or
- The mediator makes a written declaration to the effect that further efforts at mediation are unlikely to lead to a resolution of the dispute; or
- One or all of the parties makes a written or oral declaration to the proceedings that they should be terminated.

Council Policy – No 145 Version: 18	Adopted:	OM04.07.94
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TITLE: **POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND COUNCILLORS**

STRATEGY: Business Management

BUSINESS UNIT: Administration and Governance

RELEVANT LEGISLATION: Local Government Act 1993 (Section 252)

RELATED POLICIES: Nil

Objective

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

Policy Statement

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

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PART 1 – INTRODUCTION

- **Title, commencement of the Policy**

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

- **Purpose of the Policy**

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

- **Objectives and coverage of the Policy**

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

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

- **Making and adoption of the Policy**

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

- **Reporting requirements**

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

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

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

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

Councils are required to report separately on:

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

-

Expenses

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

• Provision of facilities

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

• Reporting of equipment and facilities costs

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

• Legislative provisions

Provisions under the *Local Government Act 1993*

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

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

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

Section 252 states:

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*

- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

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

Section 253 states:

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

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

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

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

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

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

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

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

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

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

(1) For the purposes of section 428(2) (r) of the Act, an annual report of a council is to include the following information:

(a) Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),

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

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

(a) to pay any councillor an allowance in the nature of a general expense allowance, or

(b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

- **Other Government Policy Provisions**

Department of Local Government Guidelines

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

Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

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

The Model Code of Conduct for Local Councils in NSW

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

Use of Council Resources (Pages 20-21)

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

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

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

• Approval arrangements

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

- (i) With the General Manager, authorise attendance at conferences which either have been included in Council's annual program of Conferences or for which attendance by Councillors has been authorised by resolution of Council.
- (ii) With the General Manager, authorise attendance on a study tour involving domestic travel where the study forms part of a task force / project plan and funds are available in the Task Force / Budget Project.
- (iii) With the General Manager, authorise attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved. **(OM 13/12/04)**

PART 2 – PAYMENT OF EXPENSES

GENERAL PROVISIONS

- **Payment of expenses generally**

- **ALLOWANCES AND EXPENSES**

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

- **REIMBURSEMENTS AND RECONCILIATION OF EXPENSES**

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

- **PAYMENT IN ADVANCE**

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

- **Establishment of monetary limits and standards**

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

- **Spouse and partner expenses**

- Where the attendee is accompanied by his or her spouse/partner to a conference, seminar or training course, the Council will not reimburse any expenses incurred by the spouse/partner. (OM14.02.05)

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

- "In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an agreement with a Councillor under which the Councillor agrees to forgo all or part of their annual Councillor fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively".(OM04.02.08)*

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

- **Attendance at seminars and conferences**

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

- WHO MAY ATTEND CONFERENCES:

Councillors may be nominated to attend conferences by:

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

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

- WHAT CONFERENCES MAY BE ATTENDED:

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

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

- REGISTRATION:

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

- CATEGORIES OF PAYMENT OR REIMBURSEMENT:

Travel:

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

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

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

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

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

Accommodation:

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

Out-of-Pocket Expenses:

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

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

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

Conference Reporting:

Following attendance at a Conference authorised under this Policy, the relevant Councillor/s is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater. (OM 13.12.04)

- **Training and educational expenses**

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

- **Local travel arrangements and expenses**

Mayor and Councillors:

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

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

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

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

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

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

- TRAVEL OUTSIDE THE LGA INCLUDING INTERSTATE TRAVEL

Interstate Travel:

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

Overseas Travel:

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

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

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

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

- TELEPHONE COSTS AND EXPENSES

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

- INTERNET

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

- CARE AND OTHER RELATED EXPENSES

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

- INSURANCE EXPENSES AND OBLIGATIONS

Councillors are to receive the benefit of insurance cover for:

(a) Personal injury

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

(b) Professional Indemnity.

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

(c) Public Liability.

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

- LEGAL EXPENSES AND OBLIGATIONS

In the event of:

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

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

into the conduct of a Councillor, or

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

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

PART 3 – PROVISION OF FACILITIES

GENERAL PROVISIONS

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

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

PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

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

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

PRIVATE USE OF EQUIPMENT AND FACILITIES

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

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

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

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

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR

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

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

PART 4 – OTHER MATTERS

ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

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

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

PAYMENT OF COUNCILLOR FEES INTO A COMPLYING SUPERANNUATION FUND

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

STATUS OF THE POLICY

This policy is current and is scheduled for further review in June 2013.

Council Policy – No 151 Version: 2	Adopted:	20.10.03
	Amended	

TITLE: **AMENDING COUNCIL POLICIES**

STRATEGY: Business Management

BUSINESS UNIT: Administration and Governance

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

To standardise the procedures and processes for amending Council Policies

Policy Statement

The Council amends its policies from time to time as legislation changes, operational requirements change or as part of an ongoing quality assurance program. This policy establishes the procedures to be followed in amending Council policies.

Amending Council Policies

1. Definition of “policy”

The definition of “policy” for the purposes of this Policy relates to those current Policies adopted by Council and contained in Council’s Policy Register.

2. Justification for Policy Change

Prior to taking a decision to notify the public of council’s intention to amend a council policy, a report shall be submitted to the council by its officers identifying the implications of the proposed policy change and justifying the need for the change/s to the existing policy.

3. Notification

Any proposed amendment to a Council policy shall be notified in the local media only where there is a substantial amendment to the Policy and that amendment would have a considerable impact on the community. Minor amendments due to change in the name of the legislation, affecting the Policy, grammatical amendments or amendments made that will not have a significant affect on the public (as determined by the General Manager) will not be notified in the local media.

If, in the opinion of the Council, a proposed policy amendment has a direct and significant impact on a resident/s or landowner/s then a direct notification of the proposed amendment is to be provided to that effected resident/s or landowner/s. In all instances, the public notice will nominate a contact officer within Council to assist the public with any enquiries together with a telephone number/email address for contact.

4. Public Exhibition

All persons in the community are to be provided with at least 28 days to provide comment on, or make a submission in relation to a proposed policy amendment. The public notification referred to above will request that submissions be made to the General Manager in writing, however persons wishing to make personal representations at a meeting of the Council or one of its Committees, will also be given that opportunity.

5. Consideration of submissions

Following the public notification period, a report will be submitted to the Council advising it of all submissions received. This reporting back procedure shall apply even if no submissions are received. A copy of all/any submissions received is to be made available to councillors upon request prior to consideration of the officer’s report. Depending upon the number of submissions received, copies of the submissions shall be attached to the officer’s report (deleting the names and addresses for privacy reasons). In any event, a table shall be included within the officer’s report identifying each submission received, a summary of each of the issues raised and a comment by the Council officer adjacent to each issue raised.

6. Adoption of Amended Policy

The adoption of an amendment to a Council Policy shall only occur at a meeting of the full Council, not at one of its delegated Committees. This requirement shall only be waived in cases of urgency where under special circumstances an early resolution is required.

7. Format

All policies or amended policies shall be in the attached format and include a concise “Policy Statement”, together with the detail of the policy (Attachment 1).

8. Revision Date

All policies are to be reviewed every 4 years (ie mid term of the elected Council)

ATTACHMENT 1

Council Policy – No Version:	Adopted:	
	Amended	

TITLE:

STRATEGY:

BUSINESS UNIT:

RELEVANT LEGISLATION:

RELATED POLICIES:

Objective

Policy Statement

Council Policy – No 153 Version: 2	Adopted:	21.6.2004
	Amended	20.6.2011

TITLE: **CREDIT CARD UTILISATION**

STRATEGY: Business Management

BUSINESS UNIT: Finance and IT

RELEVANT LEGISLATION: Nil

RELATED POLICIES: Nil

Objective

Corporate Credit Cards are a routine aspect of accounts management and procurement for the Council. Credit cards, when used appropriately, can save money by streamlining processes for the purchase of goods and services. The use of credit cards carries the potential for some risk, particularly in the area of fraud and misuse.

Policy Statement

This policy establishes appropriate controls on the use of Council issued credit cards and addresses areas of potential fraud and misuse and seeks to protect Council funds and maintain public confidence in Council operations

Circumstances in Which Cards May and May Not be Used

Corporate Credit Cards should only be used for the payment of goods and services associated with Council business.

Activities that would **not** qualify for the use of a corporate credit card include the following:

- any use that is of a personal or private nature;
- cash advances unless for emergency purposes associated with Council business.
- fines, for example a motor vehicle parking fine or a speeding offence which was incurred while on Council business.

Where inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder.

Credit Limits

The maximum credit limit for the Pittwater Council Corporate Credit Card Facility shall be \$30,000. The General Manager or his delegated officer shall have the authority to determine, within this limit, individual credit limits for the Directors and the Chief Financial Officer.

Eligibility for Cards

The General Manager, the Directors and the Chief Financial Officers of Council shall be the prevailing holders of a Council Corporate Credit Card.

However, the General Manager shall have the authority to issue additional Corporate Credit Cards if it is determined (by the General Manager) that a business advantage would be achieved by the issuing an additional card.

Formal Acknowledgement of Policy Conditions

Council officers issued with a Corporate Card are in a position of trust in regard to the use of public funds. Improper use of that trust may render the card holder liable to disciplinary/legal action/criminal prosecution.

All Corporate Card holders are to acknowledge receipt of the corporate card and instructions for use. The acknowledgement will include a signed agreement to abide by all Council and card supplier (Bank) guidelines and conditions of use.

Procedures for Lost, Stolen and Damaged Cards

Card holders are personally responsible and accountable for the safe custody of the corporate card issued. Card holders must:

- Secure the card at all times to safeguard against loss or theft;
- Ensure that personal identification numbers (PINs) are not written on nor carried with cards or within the wallets of the card holder;
- In the event that a corporate card is lost or stolen the card holder should telephone the Bank as soon as the loss is discovered and report the loss to the Chief Financial Officer at Council.

In the event of a damaged card the card holder should return the card to the Chief Financial Officer for destruction and replacement.

Procedures for Returns and Final Reconciliation of Card Accounts on Cessation of Employment

Upon cessation from Councils employment, the card holder must ensure that:

- All outstanding transactions are cleared and properly accounted for;
- The card is returned to the Chief Financial Officer who is to arrange for destruction of the card;
- The officer returning the card is to obtain an acknowledgement for the return of the corporate card from the Chief Financial Officer.

Council Policy – No 165 Version: 2	Adopted:	OM20.11.06
	Amended	

TITLE:	PUBLIC ACCESS TO INFORMATION
STRATEGY:	Business Management
BUSINESS UNIT:	Administration & Governance
RELEVANT LEGISLATION:	Local Government Act 1993 Government Information (Public Access) Act 2009 Environmental Planning and Assessment Act Health Records Information Privacy Act
RELATED POLICIES:	No. 134 - Privacy Management Plan

Objective

To outline Council's principles regarding public access to information held by Council.

To provide a framework for the processing of requests for access to information held by Council.

Policy Statement

Pittwater Council is committed to the following principles in respect of public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

Council Policy – No 165	Adopted:	OM20.11.06
	Amended:	

PUBLIC ACCESS TO INFORMATION

Purpose

The purpose of this policy is to establish the principles that apply, and Council's approach to, disclosure of information and rights of public access to documents.

Council is subject to NSW legislation regarding disclosure of information, in particular the Local Government Act, Freedom of Information Act, and the Environmental Planning and Assessment Act. It also is subject to the NSW Privacy and Personal Information Protection Act and Health Records Information Privacy Act which establish standards for fair information handling practices for personal and health information.

The Commonwealth Copyright Act may apply in some circumstances to limit the copying of certain documents held by the Council.

Policy Statement

Pittwater Council is committed to:

- Openness and transparency in the conduct of its public functions.
- Pro active disclosure and dissemination of information about operations, plans and decisions or information which will enhance the quality of life of the Pittwater community.
- Provision of access to Council documents unless disclosure in a particular case would be contrary to the public interest.

Principles

Pittwater Council will promote disclosure and dissemination of information about its operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will facilitate public access through this and other appropriate mediums.

Documents required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques.

Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.

Other Council documents not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.

Copying of some documents may be restricted where the Copyright Act imposes limitations.

This Council Policy on Access to Information lists the types of documents, including public registers, available for inspection.

The Policy also lists the categories of documents not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.

Inspection of Council documents in accordance with the Local Government Act is free of charge, or on payment of reasonable copying charges.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest.

Any member of the public may also lodge an application under the Freedom of Information Act which will be dealt with in accordance with the Act's provisions. FOI applications will not be required where documents are otherwise available in accordance with this policy.

Any individual also has a right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

1. Introduction

This Policy sets out the documents and types of information that are available to members of the public as a matter of routine, and those that will not generally be available for inspection and copying.

Council is committed to proactive dissemination of information about the conduct of its public functions and information that will assist community advancement.

Documents required to be available for public inspection will, where practicable, be made available on Council's website.

Council will deal with informal applications to inspect other documents in accordance with the GIPA free of charge but charges may apply for photocopies, and for any additional services which go beyond the provision of access to identified documents.

The rights of access to other documents held by the Council will be provided unless disclosure is, on balance, contrary to the public interest.

While any application will be considered on its merits Council may refuse access where requests are of a general nature, for example for access to all Council documents of a certain kind, or all documents held relating to a particular subject or matter, depending on the time involved in location, collation and assessment and the nature of the documents requested.

Any applications will be processed in accordance with the Act's requirements and a determination made to release the documents, or refuse access, on the basis of the exemption provisions in the Act. Charges for formal GIPA applications are in accordance with the GIPA Act.

An individual also has rights to access and amend the personal and health information held by Council about him or her under the NSW Privacy and Personal Information Protection Act (PPIPA) and the NSW Health Records and Information Privacy Act (HRIPA). Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under GIPA which provides for consultation with any other affected parties prior to disclosure of information concerning their personal or business affairs.

2. Privacy Legislation and Access to Council Information and Documents

The privacy acts referred to above also apply to the collection, storage, use and disclosure of personal and health information by Council. The acts set out principles for the handling of this type of information.

Full details of the acts and Council's obligations are set out in the Council's Privacy Management Plan.

It is not a breach of the privacy principles to disclose personal or health information where this is in accordance with the acts, (eg where disclosure is consistent with the purpose for which the information was collected, or where the person was aware that particular information is usually disclosed) or where another act or law requires, permits or contemplates disclosure.

Disclosure of documents required to be made available for public inspection by the Local Government Act, the Environmental Planning and Assessment Act or any other act, or disclosure under GIPA is not contrary to privacy legislation.

Where access to other documents is requested and a judgment needs to be made about whether disclosure, on balance, is contrary to the public interest, privacy may be a consideration if personal information about another person is involved. Relevant factors include the nature of the information, and the degree to which disclosure involves significant privacy issues, and any public interest that would be advanced by disclosure. Council may need to be able to explain considerations taken into account in deciding to disclose personal information to someone other than the person concerned.

3. Council Documents Available for Inspection

The following documents are available for inspection as required by Schedule 12 of GIPA and can be accessed on Council's website or from Council's Customer Service Offices:

3.1 Documents About Council

- The Code of Conduct adopted by the Council under Section 440(3)
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- The Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors.
- Agendas and business papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public).
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- Any annual reports of bodies exercising delegated Council functions.
- Any reports by a representative of the Department of Local Government presented to a meeting of the Council in accordance with Section 433.

3.2 Documents about Development Applications and Related matters

- Applications under Part 1 of Chapter 7 of the LGA for approval to erect a building, and associated documents. These documents concern building applications which were discontinued in 1998. Any relevant documents relate to the prior period.
- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979 (EPA)) and the documents lodged with the application or subsequently requested by Council of the applicant. These documents include the statement of environmental effects where required. Certain documents such as those that show the internal lay out and design of a residential building or contain sensitive commercial information are not available.

Council treats submissions and objections received in response to an advertised or notified development as public documents. These documents are vetted for content prior to posting on the website.

Internal draft working documents relating to an application, and the delegation of authority or development unit report, are not available for public inspection until the DA assessment is finalised.

Council also maintains a DA Register which is available for public inspection.

After a decision on a DA has been made, the Register and documents specified in the Environmental and Planning and Assessment Regulation 2000 (see Appendix) continue to be available for public inspection.

- Council's Local Approvals Policy.
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals. This information is contained in the Register available for public inspection.
- Records of building certificates under the EPA 1979 are available in the Register of Building Certificates.
- Plans of land proposed to be compulsorily acquired by the Council.
- Leases and licenses for use of public land classified as community land.
- Plans of management for community land.
- Environmental planning instruments, development control plans and plans made under section 94AB of the EPA 1979 applying to land within the Council's area.
- Section 94 Register of Contributions required in connection with approval of a development application – available in combination of hard copy and electronic copy and accessible to the public.
- Register of Construction Certificates.
- Register of Complying Development Certificates.
- Register of Subdivision Certificates.

3.3 Documents about Councillors, Candidates and Designated Office Holders

The following documents are available for inspection by appointment with Council's Public Officer.

- Returns of the interests of Councillors, designated persons and delegates.
- Returns as to candidates' campaign donations.

3.4 Public Registers

In addition to registers mentioned at clause 3.2 above, Council maintains other registers which are required by law to be available for public inspection.

Where the public register contains personal or health information, Council is required to ensure that access by a member of the public is for a purpose consistent with the purpose for which the register exists. The Local Government Code of Practice issued under the Privacy and Personal Information Protection Act (PPIPA) permits Council to provide access to such registers by way of inspection on Council premises and for the copying of an entry or page in the register without regard to the purpose of the person who seeks access.

Council reserves the right to seek to satisfy itself about the purpose of access and to require a statutory declaration from persons seeking access to personal information that it will only be used for a specified lawful purpose.

Council maintains some registers which are not available for public inspection. Particular entries in these registers, for example from Council's Rates Record and the Register of Impounded Items required by the Impounding Act, are available to any person. In the case of an application for a certificate of an entry in the Rates Record under Section 603 of the LGA, a charge is payable.

3.5 Access to Other Documents Held by the Council

Other Council documents are available for inspection under GIPA unless disclosure is, on balance, contrary to the public interest. Any application must be received in writing and will be processed promptly and within the agreed timeframe. The request should specify the documents sought, with a reference to any time or date limitations.

Any application will be considered on its merits and considered in the light of the obligation to make documents available unless public interest considerations favour the withholding of the document(s).

4. Information and Documents Not Usually Available

Information about the name of a property owner is in the public domain through Internet access to the register maintained by the NSW Land and Property Information Service. Council holds information about property ownership for the purpose of carrying out its functions. Council policy is not to make available information about the name of a property owner except in emergency circumstances or where the enquirer can establish a clear need to know.

Council will not supply bulk property data to third parties for the purposes of direct marketing. Documents listed below will not usually be available because they are excluded from the right to access by an express provision in GIPA, or Council has concluded that disclosure of such documents, or documents containing information of the kind indicated would, in the usual case, be contrary to the public interest. However any request for Council documents under GIPA will be dealt with in accordance with the provisions of the legislation which require an officer to make a determination on each application.

4.1 Documents Not Available

- Documents or parts of documents which would reveal the identifying particulars of persons who provide information to Council in good faith in connection with its law enforcement and regulatory responsibilities, or who otherwise contact Council about matters of interest or concern, including unsolicited complaints about other persons conduct or activities, and matters that require investigation by Council.
- Documents which reveal confidential communications between the Council and its legal advisers, or documents which have been prepared by Council officers or others for the dominant purpose of use in proposed or anticipated legal proceedings.

- Documents, the release of which are likely to endanger the life or safety of any person, or the security of any building or structure, or which would prejudice the conduct of a lawful investigation by Council or another authority.

- Documents concerning Council functions or operations where disclosure would have a prejudicial effect on Council's property or financial interests, or would otherwise have an adverse effect on its regulatory functions, or its capacity to operate in an efficient and effective manner.
- Council working/draft documents prepared or received in connection with its decision making functions, prior to inclusion of the final document on a public agenda for the making of a decision by Council, a committee of Council, or an officer exercising delegated authority.

4.2 Large General Requests for Access to Documents

Broad, general requests for a large number of documents, for example all documents of a certain kind, or documents held on a number of different Council files, or which otherwise require a substantial allocation of Council resources, may be refused after consideration of the public interest factors involved by Council's Public Officer. The Public Officer may in the light of an assessment of the work involved in identifying, locating, collating and assessing a large number of Council documents, conclude that access should be refused on the grounds that the substantial diversion of Council resources necessary to deal with the application would, on balance, be contrary to the public interest. The Public Officer shall, in reaching such a decision take into account the following:

- An assessment of the work and time involved in responding to the application.
- The extent to which the work involved in dealing with the request would result in Council resources being diverted from dealing with other access requests, or from other important functions.
- The nature of the documents requested and any public interests to be advanced by disclosure generally, or disclosure to the particular applicant. Council acknowledges there is a public interest in disclosure of documents about Council operations and the exercise of its functions, and in a particular applicant gaining access to documents where there is a strong and justifiable right to know. However the right to access documents free of charge to an individual also requires consideration of the effect the processing of such an application may have on the rights of others, and on the efficient and effective use of Council resources in the interests of all ratepayers.

5. Copyright

Copyright issues may arise when requests are made for copies of documents held by the Council. The Commonwealth Copyright Act (1968) takes precedence over State legislation. Therefore the right to copy documents under the Local Government Act does not override the Copyright Act. There is no system of registration for copyright protection, it is free and automatic. Material that is eligible for copyright protection includes drawings such as sketches and plans of houses. Permission is required from the Copyright owner for any reproduction, for the whole or part of their work, including photocopying, copying by hand, filming, recording and scanning. Hence documents created by Council, can be copied by Council. If Council commissions a report etc. from a consultant it will be under the terms of the contract whether it can be copied.

Documents that are available to the public:

Based on Schedule 12 of GIPA

- The Council's Code of Conduct
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- The Council's policy concerning the Payment of Expenses incurred by, and the Provision of Facilities to Councillors
- The Council's land register
- Register of Investments
- Returns of the interests of Councillors, designated persons and delegates
- Returns as to candidates' campaign donations
- Agendas and business papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public).
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- Any codes referred to in this Act.
- Register of delegations.
- Annual reports of bodies exercising delegated Council functions.
- Applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents.
- Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents.
- Local policies adopted by the Council concerning approvals and orders.
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Records of building certificates under the *Environmental Planning and Assessment Act 1979*.
- Plans of land proposed to be compulsorily acquired by the Council.
- Leases and licences for use of public land classified as community land.
- Plans of management for community land.
- Environmental planning instruments, development control plans and plans made under section 94AB of the *Environmental Planning and Assessment Act 1979* applying to land within the Council's area.
- Departmental representatives' reports presented at a meeting of the Council in accordance with section 433.
- The register of graffiti removal work kept in accordance with section 67C.

Based on Clause 266 of EP&A Regulation

- (a) development application
- (b) relevant section 81 notice to the applicant
- (c) any instrument by which some other development consent or existing use right has been modified or surrendered
- (d) the decision of the Land and Environment Court, in the case of a development consent granted by the Court on appeal from the determination of the Council
- (e) the Minister's determination of the application, in the case of an application determined by the Minister for State significant development or an application determined by the Minister under section 80 (7) of the Act
- (f) any recommendation made by the relevant employees of the Council with respect to the determination of the application
- (g) if the development consent has been revoked, modified or surrendered the instrument of revocation, modification or surrender
- (h) if a notice has been published in respect of the development consent as referred to in section 101 of the Act, the page of the newspaper in which the notice was published
- (i) the notification of the determination to issue a construction certificate relating to the consent and a copy of the certificate and any related plans, specifications and any other documents that were forwarded to the Council
- (j) the notification of the appointment of the principal certifying authority and the notification of the commencement of building or subdivision work relating to the development subject of the consent.
- (k) The notification of the determination of an application for an occupation certificate relating to any building the subject of the consent
- (l) The notification of the determination of an application for a subdivision certificate relating to any subdivision the subject of the consent and the endorsed plan of subdivision
- (m) The notification of the determination of any application for a compliance certificate relating to the development the subject of the consent and any relevant plans and specifications and other documents relating to the compliance certificate
- (n) The decision of the Land and Environment Court in the case of an occupation certificate, subdivision certificate or construction certificate issued by the Court on appeal from a determination of the Council.
- (o) Details of approved alternative solutions relating to construction certificates or compliance certificates together with details of the assessment methods used to establish compliance with the relevant performance requirements.

Based on Clause 267 of EP&A Regulation

For a complying development certificate whether or not the application is made to the Council and each complying development certificate whether or not the certificate is issued by the Council:

- (a) the determination of the application for a complying development certificate including any related plans and specifications,
- (b) if a notice has been published in respect of the complying development as referred to in section 101 of the Act, the page of the newspaper in which the notice was published,
- (c) the notification of the appointment of the principal certifying authority and the notification of the commencement of building or subdivision work relating to the development the subject of the complying development certificate,
- (d) the notification of the determination of an application for an occupation certificate relating to any building the subject of the complying development certificate,
- (e) the notification of the determination of an application for a subdivision certificate relating to any subdivision the subject of the complying development certificate and the endorsed plan of subdivision,
- (f) the notification of the determination of any application for a compliance certificate relating to the development the subject of the complying development certificate,
- (g) the decision of the Land and Environment Court in the case of an occupation certificate or subdivision certificate issued by the Court on appeal from a determination of the Council,
- (h) details of approved alternative solutions relating to compliance certificates, together with details of the assessment methods used to establish compliance with the relevant performance requirements.

Council Policy – No 166 Version: 2	Adopted:	18.12.06
	Amended	

TITLE:	CUSTOMER SERVICE CHARTER
STRATEGY:	Business Management
BUSINESS UNIT:	Administration & Governance
RELEVANT LEGISLATION:	Nil
RELATED POLICIES:	No. 165 - Public Access to Information No. 134 - Privacy Management Plan

Objective

To serve the community with integrity, efficiency, fairness, impartiality and the encouragement of mutual respect.

To maintain the highest standards of conduct and abide by certain values including:

- Communication;
- Quality;
- Ethics; and
- Respect.

Policy Statement

Pittwater Council is committed to addressing and resolving customer enquiries and complaints, improving customer service delivery and increasing satisfaction. This document aims to provide a guideline for staff, councillors and customers alike regarding enquiries or complaints received by Pittwater Council, and how they should be resolved

Pittwater Council has a systematic process for managing enquiries and complaints. This approach benefits customers, the community and the council, leading to continuous improvements in council processes.

Council will treat all matters, whether an enquiry or complaint, diligently and aim to provide a fair and reasonable outcome to both the customer and Council. Comments about Council's service or staff are welcomed and provide valuable feedback about Council's quality of service.

Council's operations are wide and varied. Regardless of the nature of the business unit this customer service charter applies. However, some processes for dealing with customer enquiries and complaints may differ according to specific site operations.

Council aims to respond to all enquires and complaints. However, in some cases council may not be able to respond to some requests because of the nature of the enquiry or complaint, or because of Council's limited resources. The way in which council responds to the customer enquiry or complaint will depend on the nature and complexity of the issue. Limited resources should be considered by all involved. Other avenues for resolution of the issue, where appropriate, should also be considered.

Council will only deal with council related matters. Civil issues such as a fencing dispute between neighbours will not be addressed by council. Other matters being addressed through the judicial system, for example in the Land and Environment Court, may not be able to be addressed by Council at that time.

3. External Agencies

Any issues in relation to corruption, serious or substantial waste, or pecuniary interests should be directed to the General Manager. The General Manager has reporting responsibilities to external agencies such as the Department of Local Government (DLG) and the Independent Commission Against Corruption (ICAC).

External recourse is always available to all members of the community and information can be provided on the most appropriate agency if required. External agencies that may be considered include: the DLG; NSW Ombudsman and the ICAC.

4. Response Timeframes

All enquiries and complaints shall be acknowledged and finalised within timeframes as established in this charter (see Table 1 below). However, in some cases (e.g. development applications), incoming correspondence such as objection letters may not be finalised within the time limits as it forms part of larger deliberations. A telephone request for a garbage bin to be emptied, for example does not need to be acknowledged.

Table 1: General guide for acknowledging and finalising enquiries and complaints

Source of enquiry/complaint	Deadline for acknowledgment and finalisation
Mayoral and Councillors	Acknowledge in writing within 3 working days. Response in 10 working days.
Incoming correspondence (includes letters, emails, faxes)	Response in 10 working days.
Direct phone calls with council staff	Verbal response for non-complex issues within 3 working days.
Voicemail messages	Return call by close of business the next working day.
Public safety issues (general) Public safety (life threatening)	Within "5 hour inspection" rule. Immediate response – first available officer.

5. Interpreters

Pittwater Council will provide assistance (where available) to customers wishing to lodge a complaint who may have difficulty in adequately communicating the information. This may include the provision of interpreters.

6. Confidentiality

Confidentiality of complaints, including the identity of the customer, will be maintained in accordance with appropriate legislation and Council policies. Further information can be found in Councils Public Access to Information Policy and Privacy Management Plan.

7. Customer Requirements

In order for Pittwater Council staff and Councillors to provide customers with a high standard of customer service, it is necessary that all customers:

- a) not make complaints which are frivolous, vexatious, not in good faith, or concerns a trivial matter;
- b) not make complaints which are aimed at escalating neighbourhood disputes or purposely disadvantaging a neighbour;
- c) where appropriate attempt to resolve the matter themselves before approaching council.
- d) Consider the appropriateness of
 - mediation facilities such as the Community Justice Centre for resolving neighbour related matters, or
 - raising the issue with the appropriate authorities, e.g. Police, Sydney water, Waterways Authority etc.
- e) provide adequate and accurate details (dates, time, location, photos, council staff names, other relevant documents and so on) to Council about the matter;
- f) keep records of correspondence received or sent, other important documents, and details of telephone calls;
- g) allow Council adequate time to address the enquiry or complaint depending upon its type;
- h) leave detailed messages on staff voicemail systems when staff are unavailable and allow staff adequate time to respond to messages;
- i) not make complaints regarding matters which are old, or where finding a practical solution to the grievance may be unrealistic (for instance, by requesting the demolition of a block of units); and

8. How to Contact Pittwater Council

Customers of Pittwater Council can make enquiries or complaints via the following:

Council's website	www.pittwater.nsw.gov.au
By email:	pittwater_council@pittwater.nsw.gov.au Complaints received by email must include the sender's name and address, so correspondence between Council and the customer are directed appropriately and not through incorrect email channels.
By telephone:	For general enquiries phone the Customer Service Centre on: (02) 9970 1111 (24 hours)
By facsimile:	(02) 9970 7150
By letter:	address all correspondence, quoting a file reference number if available to: General Manager, Pittwater Council, PO Box 882, NSW 1660
In person:	Visit the Customer Service Centres at either, 1 Park St, Mona Vale or 59a Old Barrenjoey Road, Avalon

Policies to be Retained with Substantial Modification and Format Modification

Council Policy – No 143 Version: 3	Adopted:	OM 10.3.2003
	Amended	13.9.2004 20.6.2011

TITLE:	INVESTMENT POLICY
STRATEGY:	Business Management
BUSINESS UNIT:	Finance And IT
RELEVANT LEGISLATION:	Local Government Act, 1993 Local Government General Regulations, 2005 Local Government Ministerial Investment Order
RELATED POLICIES:	Nil

Objective

- To provide a disciplined approach to the investment of Council funds.
- To outline the legislative framework associated with the investment of surplus funds
- Outline key issues when investing funds, such as risk, portfolio diversity, liquidity requirements, benchmarks etc
- Define duties and obligations of the Council and Council Officers
- Establish proper reporting and monitoring procedures

Policy Statement

In the investment of Council funds, investments are to be made on the basis of ensuring capital preservation and an optimum safe return from Council's surplus funds.

Investments are to be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy.

Policy Principles:

1. Delegation of Authority

The investment of funds to be at the discretion of the General Manager and/or a nominated Officer of the Council as determined by the General Manager and outlined in Council's Delegations of Authority Register.

2. Authority for Investment

All investments are to be made in accordance with:

- Local Government Act 1993 – Section 625;
- Ministerial Order - Relating to investments by Councils (The Ministerial Order relates to the Order prevailing at the time the investment is made)
- Local Government (General Regulation) Regulations 2005 – Reg 212
- NSW Government Gazette No. 160 (24-12-2008) – Shares in Kimbriki Environmental Enterprises Pty Limited
- Local Government Code of Accounting Practice and Financial Reporting,
- Any applicable International Accounting Standards; and
- Department of Local Government Circulars

3. Authorised Investments

All investments must be denominated in Australian Dollars.

Authorised investments must comply with Section 4 (Risk) of this Policy and are to be limited to securities as prescribed below:

- Any Debentures or Securities issued by the Commonwealth, State or Council;
- Mortgage of Land (as prescribed by the Ministerial Investment Order);
- Interest bearing deposit, debentures or bond issued by an authorised deposit taking institution (ADI) (as defined by the banking Act , 1959 Cwth), including but not limited to a term deposit (short term investments) and or an investment in Senior Debt with an authorised deposit taking institution (ADI), including Floating Rate Notes or Fixed Bonds (Longer Term Investment);
- A bill of exchange which has the maturity date of not more than 200 days issued by an authorised deposit taking institution (ADI);
- A deposit with the New South Wales Treasury Corporation or Investment with NSW Treasury Corporation Hourglass Investment Facility;

Note: The above investments reflect the prescribed investments contained within the latest Local Government Act, 1993 - Ministerial Investment Order.

4. Risk

In order to minimise risk and preserve capital within Council's investment portfolio Council must;

- Diversify investments whereby the amount invested with any one authorised deposit taking institution (ADI) shall not exceed 25% of Council's total portfolio.

- The term to maturity of any Council's investments may range from "At Call" to 2 Years in order to allow for maximisation of investment yields and the matching of longer term obligations with funds invested. The purchase of land as an asset holding is exempt from this term restriction as land would be purchased on the basis of a long term holding with a focus on capital appreciation.
- Ensure that the entire portfolio maintains a level of liquidity that is commensurate with Council's operational needs.

5. Investment Practices

- When investing not less than three (3) quotations shall be obtained from an authorised deposit taking institution (ADI) when an investment is proposed.
- If any of Council's investments alters as such they no longer fall within the investment policy guidelines, they will be divested as soon as practicable.
- Investments that are currently held yet cannot be liquidated due to market forces and do not fall within the above parameters of this guideline (e.g. Collateral Debt Obligations) will be grandfathered as long as necessary as per the Transitional Arrangements prescribed in the Local Government Act, 1993 – Ministerial Order and associated guidelines (Relating to investments by Councils).
- All Investments made must comply with Council's Delegation of Authority Register.
- Where required Council is to obtain independent valuations on a monthly basis and these valuation are to be utilised in Reports to Council.
- From time to time Council may seek the advice of an Independent Investment Advisor to review investment practices, type, exposure and valuations. (see clause 9 of this Policy).

6. Officer Responsibility

Council Officer should act at all times with the duty of care, level of skill, prudence and diligence that a prudent person would exercise when investing and managing their own affairs and in the spirit of the "Prudent Person" principle as set out on Section 14 of the Trustee Act, 1925 (NSW).

At all times Council Officers must invest funds on the basis of preservation of capital and the minimisation of risk.

7. Council Responsibility

As per Section 8 of the Local Government Act, 1993, "Council's Charter", Council must "bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible", including the investment of funds.

Accordingly, based on Council's Charter, Council must be satisfied that an appropriate Investment Policy (this Policy) is in place and enacted by the Delegated Officers to ensure the preservation of Council's invested funds.

8. Ethics and Conflicts of Interest

Council Officers and Councillors shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

9. Investment Advisors

If Council chooses to seek advice from an independent Investment Advisor they must be approved by the General Manager (as the Delegated Officer) and licensed by the Australian Securities and Investment Commission.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

10. Performance Benchmarks

- Council's investments are to be performance benchmarked in order to measure the returns on Council's funds as follows:

Investment Type	Performance Benchmark
Cash	"At Call" BBSW Cash Rate
Direct Investments	UBSWA Bank Bill
Land	CPI + Council deemed margin of 2%

11. Reporting

- As per the Local Government (General Regulation) Regulations 2005 – Reg 212, a monthly report shall be provided to Council detailing Council's investment portfolio.
- For audit purposes, Certificates shall be obtained from authorised deposit taking institution (ADI) confirming the amounts of investment held on Council's behalf at 30 June each year.

12. Prohibitions

Council must not:

- Invest in speculative financial instruments (e.g. derivative based investments)
- Use leveraging (debt) to fund its investment portfolio

Definitions:

ADI

Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.

Bill of Exchange

A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

Debentures

A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.

Securities

For financial markets these are the many types of financial instruments (ie, documents) that are traded in financial markets (except futures contracts), eg, bonds and shares.

Floating Rate Notes (FRNs)

An FRN is a medium term debt security paying a periodic floating rate of interest linked to a reference rate such as the BBSW. As the reference rate changes so too do the payments you receive providing investors with the ability to achieve returns at a margin above the benchmark.

Senior Debt

Is debt such as a bond or other form of debt that takes priority over other debt securities sold by the issuer, usually when facing liquidation.

Grandfather Clause

Grandfather clause is a legislative clause, which, when prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.

Investment Portfolio

The total pool of all of Council's investments.

Preservation of Capital

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

Prudent person standard

Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

Responsible accounting officer

Responsible Accounting Officer (RAO) of a council means a member of the staff of the council designated by the General Manager. The Chief Financial Officer is Council's ROA.

Bank Bill Swap rate (BBSW)

This rate is the average mid-point yield (bid and offer) in the bill market as at 11am. It is used as the money market's reference rate for short-term funds.

UBSWA Bank Bill

Is the bank bill rate issued by UBS Warburg Australia who is a global investment banker and leading corporate advisor in Australia. The UBS Warburg Australian Bank Bill Index is one of the most widely used benchmark for analysing short duration "cash" funds in the Australian Cash Market. In use since 1987, this leading global investment bank's index comprises 13 bank bills of identical face value with maturity dates ranging between 7 and 91 days. As each bill matures it is reinvested for 91 days and the accumulation index value is the sum of the discounted face values of these 13 bills on a particular date.

Note: The above policy has been formed with regard to the NSW Department of local Government Investment Policy Guidelines May 2010.

New Policies

Council Policy – No Version:	Adopted:	
	Amended	

TITLE:	COMMUNICATION
STRATEGY:	Community Engagement, Education & Awareness
BUSINESS UNIT:	Administration & Governance
RELEVANT LEGISLATION:	Government Information (Public Access) Act 2009 (GIPA) Local Government Act 1993
RELATED POLICIES:	No. 170 - Community Engagement No. 1 - Media No. 165 - Public Access to Information

Objective

To provide our community with a diverse range of ways to communicate with Council and to have input into the decision-making process in a timely and effective manner.

We encourage the use of new technologies to drive two-way communication and interaction between the Council and its community.

Our internal communication is open and transparent and designed to engender trust within the organisation.

Policy Statement

Council undertakes that:

- Communication by the Council to its community is planned and proactive.
- Communication is clear, simple and easy to understand, with a focus on plain English when explaining technical or complex issues.

We will respond in a timely manner to requests for information from the media and the public.

Statement to the Media

All Communication statements are to be prepared by the Community Relations team and approved prior to release by the General Manager or his delegate and where appropriate, the Mayor. Media statements issued on behalf of the Council must be in the approved format.

Publicity/Media Relations

Our relationships with the media are based on openness. Council and committee meetings are open to the media, except when confidential matters are discussed in closed sessions as outlined by the requirements of Sec 10 of the Local Government Act.

We obtain publicity for projects and issues by timely planning and a proactive approach. We aim to issue a minimum of four media releases each week and for media enquiries to be responded to within 24 hours.

We provide our Councillors and staff with a clear understanding of their roles and responsibilities in relation to the media.

Crisis/Disaster Management

We ensure that a range of communication tools are used to deliver key messages to the community and that relevant staff understand their responsibilities during a crisis or disaster situation.

We ensure that we work closely with relevant government agencies in managing communication activities and that we understand our place in the external communications process.

We formulate specific communication plans to deal with any crisis in a timely and proactive manner that tie in with the Council's overall Disaster Management Plan.

Internal Communication

We ensure that staff and Councillors are well-informed about the organisation's strategies and goals.

We encourage a plain English approach towards communication and discourage bureaucratic and technical jargon or language that intimidates.

We create openness and trust by using a range of communication methods to talk to our staff and Councillors. We embrace the use of new communication technologies.

Corporate Branding

We project a professional, recognisable and consistent presence whenever Pittwater Council is in the public domain.

We use our brand to communicate clear and consistent messages in everything we say and do.

We find ways to continually strengthen our brand and give Pittwater Council a competitive advantage among its peers.

Advertising

We use advertising to inform our community about our activities, projects and matters in the public interest.

We ensure that all advertising reinforces our corporate brand standards and when required, conforms to legislative requirements.

We choose our means of advertising based on merit, cost-effectiveness and appropriateness for the message.

Website/Social Media

We strive to continually increase the number of users of our website by a focus on continuous improvement. We accept the principles of Web 2.0, by which all levels of government use websites as a two-way form of communication, rather than as simply a source of information.

We embrace the use of social media tools for external and internal communication. Currently the Council is on Facebook and Twitter, as well as external and internal blogs.

We regularly monitor website and social media use so we can benchmark ourselves and continually find ways to improve our online presence.

We accept that social media is reciprocal and not always complimentary. We value that openness and use it to continually improve communication between ourselves and our community.

Commissioning/Opening of Public Infrastructure

That, subject to a Council resolution to the contrary in any particular case, the Mayor be responsible for performing the commissioning/opening of any new infrastructure owned by Council or for which Council has that right.

Plaques – New Civic Buildings

The names of the Mayor and all Councillors be placed on plaques for major projects.

Related Documents

Disaster Management Plan
Code of Conduct

Council Policy – No	Adopted:	
	Amended	
Version:		

TITLE: **RATES AND CHARGES ADMINISTRATION**

STRATEGY: Business Management

BUSINESS UNIT: Finance and IT

RELEVANT LEGISLATION: Local Government Act 1993

RELATED POLICIES: Nil

Objective

To provide the legislative framework and procedures to administer the function of rating within Council, especially with respect to:

- Pensioner rebates and accrual of rates and charges
- Rate debt recovery
- Sundry debt recovery
- Kerb & Gutter debt recovery from Pensioners
- Relief from rate increases due to hardship (for the first year of a new valuation)
- Aggregation of Values for rating purposes

Policy Statement

REBATES AND ACCRUALS OF PENSIONERS RATES AND CHARGES

That Council's procedure under section 579 of the Local Government Act, 1993 is that all pensioners make initial application for rebate on the prescribed form. If the application is not made in the year for which the rates are levied, then prior year rebates can be granted providing the applicant is the current owner of the subject property and council is able to satisfy itself that the owner was an eligible pensioner (as defined by the Local Government Act) on the dates being claimed.

That Council's procedure for non-mandatory rebates under section 582 of the Local Government Act, 1993, is as follows:-

1. (a) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to eligible pensioners who are under the accepted retirement age at the time of making application and continues whilst the owner remains an eligible pensioner and under the retirement age.
- (b) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to persons in receipt of blind pension, regardless of age.
- (c) The commencement and ending of the extended rebates is as prescribed respectively under section 574(4) and section 584 of the Local Government Act, 1993.

2. (a) That where, after granting of either the mandatory or the mandatory plus extended rebate, the owner is unable to make payment of rates by the usual instalments, council may write off any accrued interest charges if the rates and charges are paid in accordance with an agreed payment arrangement.

That Council's procedure under section 564(1) of the Local Government Act, 1993 is as follows:-

- (1) Where, after rebate of rates and charges, payment of the balance will cause hardship, an eligible pensioner that is over the accepted retirement age, on a property where all owners are eligible pensioners, and the property is not the subject of a crown lease or licence, may make application to enter into an agreement with Council to accrue rates, charges and interest against the pensioner's estate and no action for recovery be taken. Those rates and charges become payable once the property is sold or transferred (regardless if the sale or transfer is to a family member).
- (2) An eligible pensioner accruing the balance of rates and charges against the estate is required to make annual application where the accrual is to continue.

DEBT RECOVERY

Council has a responsibility to recover debts owing to it in a timely and efficient manner to finance its operations and ensure effective cash flow management. Council aims to ensure effective control over debts owed to it and to establish procedures for the efficient collection of receivables. Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances.

Rates Debt Recovery

That the General Manager be authorised to enter into arrangements with any ratepayer, to have rates and charges paid by agreement as per Section 564 of the Local Government Act, 1993. Ideally these agreements are to be for regular instalment payments (weekly, fortnightly or monthly), with the debt to be finalised by financial year-end.

That the General Manager be authorised to write off or reduced any current interest for a ratepayer who has adhered to a rate payment agreement.

That all ratepayers, excluding those paying by agreement as above, who have overdue instalments, be issued with a Reminder Letter requesting them to either make full payment of the overdue amount, or make a suitable agreement for the payment of the outstanding amount. The Reminder Letters are to be issued within three weeks after the instalment due date.

Generally within one month to six weeks from the issue of the Reminder Letter, further recovery action to be commenced. This recovery action will occur twice throughout the year, being after the first and third instalments. All ratepayers (excluding eligible pensioners) who have two or more overdue instalments are to be sent a second Reminder Letter. After three weeks from the issuance of the second Reminder Letter, a Letter of Demand for payment within seven days, or a suitable arrangement for payment is issued. The Letter of Demand is to be sent by Council's current mercantile agent on their letterhead.

Generally within twenty-one to thirty days from the issue of the Letter of Demand, further recovery action to be commenced. All ratepayers who received a Letter of Demand, and who have not made payment or entered into a suitable arrangement for payment, will be issued with a Statement of Liquidated Claim (SLC). Council's current mercantile agent is to organise the issue and service of the SLCs. All legal costs are recoverable from the ratepayer.

Any further legal action required for the recovery of the outstanding rates and charges to be either a Writ of Execution; an Examination Summons; a Garnishee Order; a Rental Order; or a Notice of Bankruptcy. Council is to be guided by our mercantile agent as to the most suitable form of recovery action.

That where legal action is unsuccessful and rates and charges are overdue in excess of five years, the property be sold by public auction in accordance with section 713 of the Local Government Act, 1993 subject to the concurrence of Council.

An application from a debtor for the waiving or reducing of costs will be considered under the following circumstances – if it is deemed the costs were raised in error; the debtor is experiencing financial hardship; the debtor is a new property owner and their solicitor had notified Council of an erroneous postal address.

Sundry Debt Recovery

The terms for payment of sundry debts are 14 days.

That the General Manager be authorised to enter into arrangements with any debtor, to have the outstanding amounts paid by agreement.

A Statement is to be sent every fortnight to the debtor requesting payment until the debt is finalised.

Once a sundry debt is overdue, a Reminder Letter is issued requesting payment or a suitable arrangement for payment. If the debt remains outstanding after the first Reminder Letter a second Reminder Letter is sent to the debtor again requesting payment of the debt within seven days, or an arrangement for payment. This letter will advise the debtor of the likelihood of legal action and costs, should payment or an arrangement for payment not be made.

If the debt remains outstanding after the second Reminder Letter a Final Notice is issued that indicates legal proceedings could be commenced if payment is not received within seven days.

If the debt remains outstanding after this seven day period, the relevant contact in the specific Business Unit is to be notified of the debt and seek further instructions. Possible recovery action to include – removal of outdoor seating; cancellation of dinghy pole storage; issuing of a Council Order and infringement notice; notation of debt on section 603 certificates; or legal action.

Kerb & Guttering Recovery - Pensioners

Where charges such as kerbing and guttering construction are owing for more than 6 months in respect of any property owned by a pensioner who qualifies for rate rebates, and legal action is being taken to recover the debt:

1. The pensioner is advised that Council, in taking legal action, is doing so to secure the debt as a charge on the property and will not take action to enforce the Court Judgment whilst the property remains in the same ownership.
2. Action to enforce the Court action be deferred accordingly.

RELIEF FROM RATE INCREASES – HARDSHIP IN FIRST YEAR OF NEW VALUATIONS

Deferral of Rates

1. That authority be delegated to the General Manager to defer the amount of the rate increase in excess of the previous year following applications lodged under section 601 of the Local Government Act, 1993, requestion relief as a result of the valuation change.
2. That in the event of a dispute that the application be referred to the General Manager for determination.
3. That where the application is approved and payment of the amount of the increase is subsequently made within the current year, interest charges will be written off under section 564 of the Local Government Act, 1993.

Waiving or Reduction of Rates

Council will not reduce or waive the increase in rates in excess of the previous year, but will negotiate an arrangement for payment of the rates if the owner is unable to make payment by the usual instalments.

AGGREGATION OF VALUES FOR RATING PURPOSES

That the provisions of section 548A of the Local Government Act, 1993 be adopted to allow aggregation of values of certain parcels of land for the purposes of levying rates, in order to avoid causing financial hardship. (An example would be where a person owns a home unit in a strata complex and has separate title to a non-dwelling type parcel such as a car space or storage space. Council could aggregate the values of the unit and the non-dwelling type parcel and levy one rate assessment).

Council Policy – No Version:	Adopted:	
	Amended	

TITLE: **SUSTAINABLE EVENT MANAGEMENT**

STRATEGY: Sustainability & Climate Change Coordination

BUSINESS UNIT: Corporate Strategy & Commercial

RELEVANT LEGISLATION:

RELATED POLICIES: No. 164 - Sustainability Policy

Objective

To provide a clear statement of Pittwater Council's commitment to acting as a leader in the community for sustainable behaviour by ensuring that Council and community events are as sustainable as possible.

Policy Statement

All Pittwater Council events must adhere to Pittwater Council's 'Sustainable Events Guide'. This documents outline how to minimise the amount of natural resources used at our events to lessen our impact on the environment.

When organising a Pittwater Council event, staff will consider the following:

- Minimising the carbon footprint and greenhouse gas emissions of the event
- Minimising the amount of waste generated at the event and properly managing the recycling of any waste generated
- Minimising the amount of water consumed at the event
- Minimising the impact of any promotional materials in organising the event
- Minimising the impact of any products and supplies used at the event.

Policies to be Revoked

Council Policy – No 3	Adopted:	OM: 3.3.97
	Amended:	

AGENDA PAPERS – PROCEDURE FOR PUBLIC RELEASE

That this Council adopt a policy for the timing of release of papers to be placed before a properly constituted Council/ Committee meeting as follows:-

1. **Papers in bound form distributed to Councillors** on the Thursday prior to the constituted meeting are available for public release at the same time (current procedure).
2. **Any other** papers, reports, minutes, mayoral minutes, urgent reports or late reports (including those tabled) at the relevant meeting are embargoed from public or press release and will be made available to the public not earlier than the time scheduled for the commencement of a Council meeting. This policy will apply to any such matter which it is proposed to add to the meeting agenda as circulated in bound form.

Council Policy – No 4	Adopted:	OM: 3.3.97
	Amended:	

ATTACKS ON COUNCILLORS AND STAFF MEMBERS – MEETING

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

Council Policy – No 5	Adopted:	OM:31.01.94,
	Amended:	OM:21.03.94, OM:20.11.06

PUBLIC FORUM / RESIDENT QUESTION TIME

1. That “Public Forums” be introduced for a trial period of 3 months at the commencement of the second Council Meeting of each month, commencing from December 2006.
2. That the procedures and guidelines outlined below be applied to the Public Forums.

Procedures

- Up to 30 minutes be allocated to the Public Forum at the commencement of the **second** Council Meeting of each month (the second Council Meeting of the month is usually the shorter of the two Council Meetings held each month so that is why it has been chosen in place of the first meeting of the month as is the current practice);
- Any resident questions will be handed up on forms located at the back of the Meeting room to Council staff prior to commencement of the Meeting (the current practice) and any requests for a presentation shall be lodged with Council staff by 12 noon on the day of the Council Meeting . The request shall include the name of the presenter/s and the topic of the presentation;
- Council officers will provide a list of all requests for a presentation to the Mayor and councillors prior to commencement of the Meeting;
- At the commencement of the Council Meeting, any presentations will be heard first in the order they are received by Council staff, followed by resident questions;
- A limit of 2 resident questions per person be applied (ie. the current arrangement for Resident Question Time);
- Residents are to be invited to sit/stand at the allocated table to ask their question/make their presentation;

Guidelines

1. The Public Forum is not a decision making forum for the Council. Accordingly no resolutions will be carried in relation to the presentations.
2. The name of the presenter/s and the topic of the presentation only will be recorded in the minutes, not the substance of the presentation.
3. A maximum of one presentation per person per meeting be applied, with a maximum of 4 presentations per meeting;
4. Up to a maximum of 5 minutes be allocated to each presentation,
5. The subject matter of a presentation is not to be repeated by a subsequent presentation on the same topic by the same person within a 3 month period;
6. There will be no debate with, or by, councillors following a presentation;
7. Presentations will not be permitted in relation to the following matters:
 - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, etc); and
 - Current legal matters.
8. No defamatory or slanderous comments will be permitted. Should a presenter make such a comment, the presentation will be immediately terminated by the Chair of the Meeting.

Council Policy – No 6	Adopted:	OM: 3.3.97
	Amended:	

OPENING OF PUBLIC BUILDINGS

That, subject to a Council resolution to the contrary in any particular case, the Mayor be responsible for performing the opening of any new building owned by Council or for which Council has that right.

Council Policy – No 7	Adopted:	OM: 3.3.97
	Amended:	

PLAQUES – NEW CIVIC BUILDINGS

The names of all Councillors be placed on plaques for major projects.

Council Policy – No 8	Adopted:	OM: 3.3.97
	Amended:	

MAIL OUTS – EXCLUSION OF ENCLOSURES

That Council does not include third party publications in Council's mail outs.

Council Policy – No 10	Adopted:	OM: 3.3.97
	Amended:	

RECEIPTS – ISSUE OF

Receipts for payment received through the mail shall not be forwarded unless a written request is received.

Council Policy – No 11	Adopted:	OM: 3.3.97
	Amended:	

REBATES AND ACCRUALS OF PENSIONERS RATES, DOMESTIC WASTE CHARGES AND INTEREST

That Council's procedure under section 579 of the Local Government Act, 1993 be that all pensioners make initial application for rebate on the prescribed form and that any backdating of rebate be limited to the two (2) years prior to the year of application.

That Council's procedure under section 582 of the Local Government Act, 1993, be as follows:-

1. (a) An extended rebate of 50% of the rates and charges to a maximum of \$150 be granted to eligible Civilian Widow, Invalid, Service (Invalid), Supporting Parent, Carer, NewStart and Mature Age Pensioners who have not reached the age of 60 (female) or 65 (male).
- (b) An extended rebate of 50% of the rates and charges to a maximum of \$150 be granted to persons in receipt of blind pension, regardless of age.
- (c) The commencement and ending of the extended rebates be as prescribed respectively under section 574(4) and section 584 of the Local Government Act, 1993.
2. (a) That where, after granting of either the mandatory or the mandatory plus extended rebate, an eligible pensioner meets payment of the balance of current rates and charges prior to 31 May of the current rating year, interest charges raised on the current rates be written off and incorporated in Council's Abandonment Register.

That Council's procedure under section 564(1) of the Local Government Act, 1993 be as follows:-

- (1) Where, after rebate of rates and charges, payment of the balance will cause hardship, and eligible pensioner, on a property where all owners are eligible pensioners, may make application to enter into an agreement with Council to accrue rates, charges and interest against the pensioner's estate and no action for recovery be taken.
- (2) An eligible pensioner accruing the balance of rates and charges against the estate be required to make annual application where the accrual is to continue.

Council Policy – No 12	Adopted:	OM: 3.3.97
	Amended:	

AGGREGATION OF VALUES FOR RATING PURPOSES

That the provisions of section 548A of the Local Government Act, 1993 be adopted to allow aggregation of values for the purposes of rate calculation.

Council Policy – No 13	Adopted:	OM: 1.6.98
	Amended:	

RATE COLLECTION AND RECOVERY

That the General Manager be authorised to enter into arrangements with any ratepayer, to have rates and charges paid by agreement as per Section 564 of the Local Government Act, 1993.

That the General Manager be authorised to write off or reduced any current interest for a ratepayer who has entered into an agreement, subject to the current rates being paid in full by the end of the current rating year.

That all ratepayers, excluding those paying by agreement as above and excluding eligible pensioners, who have instalments overdue exceeding a total of two hundred dollars (\$200) be issued with notice of intention to take follow up action for recover. The notice of intention is to be normally incorporated in an instalment notification. Ratepayers not responding to this notice before the due date for that next instalment are to be issued with a letter of demand allowing fourteen days prior to either the instigation of legal action, or the handing of the debt to a debt recovery agency.

In the case of eligible pensioners, who have not entered into an agreement with the Council to pay their rates and charges by arrangement or to accrue rates, charges and interest against the pensioner's Estate, the following procedure is to be followed:

1. Eligible pensioners are to be contacted and made aware that they can apply to have their rates, charges and interest accrue against their Estate under the Council's procedure "Rebates and Accruals of pensioners rates, Domestic Waste Charges and Interest" – (Ref.OM.3.3.97) or alternatively that they can enter into an arrangement to pay under the Council's procedure "Rate Collection and Recovery" (Ref.OM.1.6.98).
2. Eligible pensioners are to be invited to either make application to the Council accrue rates, charges and interest against their Estate or to enter into an arrangement to pay.
3. If after 30 days, eligible pensioners have not responded, contact is to be made again and the invitation repeated.
4. Eligible pensioners not responding to the second invitation within twenty one days are to be issued with a Notice of Intention to take follow up action for recovery.
5. Eligible pensioners no responding to the above Notice of Intention within fourteen days are to be issued with a Letter of Demand allowing fourteen days prior to either the investigation of legal action of the handing of the debt to a debt recovery agency.

That the General Manager be authorised to take the necessary legal action or employ a debt recovery agency to take appropriate action against all ratepayers who have not made payment or made satisfactory payment arrangements in response to Council's letter of demand.

That where legal action is unsuccessful and rates and charges are overdue in excess of five years, the property by sold by public auction in accordance with section 713 of the Local Government Act, 1993 subject to the concurrence of Council.

That, in line with Council's procedure regarding "Rebates and Accruals" (Ref.W.8.1.02), where payment of rates will cause hardship, eligible pensioners be allowed to accrue rates, charges and interest against the Estate and no action for recovery be taken.

Council Policy – No 14	Adopted:	OM: 3.3.97
	Amended:	

RELIEF FROM RATE INCREASES – HARDSHIP IN FIRST YEAR OF NEW VALUATIONS

Deferral of Rates

1. That authority be delegated to the General Manager to defer the amount of the rate increase in excess of the previous year following applications lodged under section 601 of the Local Government Act, 1993, requestion relief as a result of the valuation change.
2. That in the event of a dispute that the application be referred to the General Manager for determination.
3. That where the application is approved and payment of the amount of the increase is subsequently made within the current year, interest charges will be written off under section 564 of the Local Government Act, 1993.

Waiving or Reduction of Rates

All applications under section 601 of the Local Government Act, 1993 for the waiving or reduction of the amount of the increase in excess of the previous year must be referred to Council for determination.

Council Policy – No 16	Adopted:	OM: 3.3.97
	Amended:	

KERBING AND GUTTERING CHARGES – DEBT RECOVERY – PENSIONERS

Where charges such as kerbing and guttering construction are owing for more than 6 months in respect of any property owned by a pensioner who qualifies for rate rebates, and legal action is being taken to recover the debt:

1. The pensioner be advised that Council, in taking legal action, is doing so to secure the debt as a charge on the property and will not take action to enforce the Court Judgment whilst the property remains in the same ownership.
2. Action to enforce the Court action be deferred accordingly.

Council Policy – No 17	Adopted:	OM: 2.3.98
	Amended:	

FEES AND CHARGES – GUIDELINES FOR DETERMINING – USER PAYS PRINCIPLES

When considering any Fee or Charge to be incorporate into its Schedule of Fees and Charges Council should:-

Consider any Legislative limitations;
Consider User Pays principles when reviewing pricing levels;
Take into account the National Competition Policy Guidelines.

Council Policy – No 23	Adopted:	OM: 1.6.98
	Amended:	

WORKING FROM HOME POLICY

Summary

Working from home is a flexible work practice that allows a Council staff member to perform various work activities (as negotiated between the staff member and their manager at a location other than a Council office (for example, the staff member's place of residence).

Pittwater Council supports the use of Working From Home as one of a range of flexible workplace practices developed with the aim of achieving an optimal balance between the needs of our people and our organisation.

A term that is commonly used to describe a staff member who is "working from home" is "Telecommuter", and this is applied throughout this Policy. References to "home office/ work space" apply to any location from which the staff member is "telecommuting".

A staff member can work from home for part of their work hours (eg 2 days a week, one day a month or an approved extended period), as a substitute for commuting to the usual worksite. A Working From Home Arrangement covers a predetermined period of time, a period determined by agreement. This Working From Home Policy does not apply to staff members who take work home overnight. It does apply to situations where, for example, staff members require a few days away from the distractions of the usual office to complete a project under the conditions for occasional usage listed in the "Approval for Working From Home" section of this policy.

The foundation of a successful Working From Home agreement is effective communication and trust. The same trust is to be extended to staff working from home as is extended to staff engaged in day to day work away from direct supervisory contact.

Working From Home is a voluntary and co-operative arrangement between Pittwater Council and the staff member, it is not a formal benefit or entitlement. Delegation to approve Working From Home is with the General Manager. As it is a practice designed to improve local work group flexibility, delegation to approve may be sub-delegated to Directors.

Divisional Directors however, are responsible for monitoring and reporting on the usage and effect of the Policy. Eligibility for working from home is to be evaluated on a case by case basis, dependent upon the applicant's personal and professional qualities, the work role they perform, and the needs of the business unit.

The mutual benefit of the arrangement and the Telecommuter's performance are to be reviewed and evaluated on a regular basis by divisions throughout the life of the agreement. Working From Home data related to incidence and outcomes, may be requested by Corporate Development to provide for reports.

For more detailed information regarding Working From Home in Pittwater Council please consult the attached Policy. Should you have further questions after reading this Policy, please contact the Corporate Development Unit.

Policy Context

The Working From Home Policy has been approved by the Pittwater Council.

Guiding Principles for Working From Home

The same trust, status, managerial commitment and support is to be extended to Telecommuters as is extended to staff engaged in day to day work away from direct supervisory contact.

A Supervisor/Manager's role is that of setting expectations and providing guidance, advice, feedback and ensuring performance standards are maintained.

Successful Telecommuters are mature people who are motivated, outcomes focussed and professional in all their business dealings.

Effective and consistent communication is vital between the Supervisor/ Manager and the Telecommuter. Good communication will maintain a positive relationship between the Telecommuter and Supervisor/Manager and facilitate supervision and productivity.

The Supervisor/ Manager and the Telecommuter must be careful not to underestimate the technology and equipment needs of the Telecommuter. Provision of only minimal resources may appear cost effective in the short term but may hamper productivity and communication in the long term.

The Telecommuter's pre-designated and approved home office/ workspace is considered an extension of their Pittwater Council workplace. Pittwater Council liability for job-related accidents will continue to exist during the approved job hours.

A well documented position description, clear performance indicators and targets must be agreed to prior to Working From Home Arrangements commencing.

Telecommuters are eligible for all developmental opportunities which are available to other staff members. Telecommuters should be regarded as available to perform higher duties, although the staff member may decide a change of work pattern is involved.

Telecommuters have a right of return to working in the office. Specific arrangements are to be agreed to by the staff member and Supervisor/ Manager.

The usual **redeployment** provisions apply to Telecommuters.

Relevant Provisions

Industrial Relations Act, New South Wales, 1991

Disability Discrimination Act, 1992

New South Wales Anti-Discrimination Act, 1997

Occupational Health and Safety Act, 1983

Pittwater Council Industrial Agreement, 1992

Superannuation arrangements

Workcover Authority Working From Home: Guide to Occupational Health and Safety, Rehabilitation and Workers Compensation Requirements

Workcover Authority: Health and Safety in the Office publication

Policy Guidelines

Access to Working From Home

Who Should Work From Home?

Successful Telecommuters are:

Capable time managers, resourceful and flexible
Excellent communicators, good negotiators
Mature, independent, motivated
Confident about the quality of their work and their contribution to the organisation, a sense of professional competence.

Successful Telecommuters have:

A good informal Pittwater Council network, ie they “know their way around the organisation”.

Who Should Not Work From Home

People who are:

Workaholics
Poor time managers
Poor negotiators/ communicators

People who:

Wish to work from home to care for young children where constant care and attention is required during the proposed working time at home. In these circumstances part-time leave without pay, or part-time work are more appropriate options.

Approval For Working From Home

A. Long Term Applications

1. Approval to work from home on a long term basis under this Policy rests with the General Manager.
2. The Telecommuter and the Supervisor will develop the initial proposal seeking approval.
3. This must be supported by the relevant Business Unit Manager and recommended by the Divisional Director prior to the General Manager's approval.
4. Supervisors/ Managers will negotiate with the Telecommuter the project/ task to be worked on, the required output/ outcome, performance measurement and standards as well as provide the appropriate resources. This will form the basis of performance management. Where standards are not being met, a review of the Working From Home Arrangements needs to be effected.

5. The Application to Work From Home Form must be completed by the staff member, Supervisor/ Manager and Director and submitted to the General Manager for approval. This must form part of the documents attached arrangement details and approvals to be retained by both parties.
6. Mechanisms for supervision should be consistent with the structure and output/ outcome focus of the Telecommuter's Performance Agreement in the Performance Management System. These should be detailed in the same document as for 2.
7. Managers and staff may wish to keep a log of activities to assist with evaluating performance.
8. Effective and consistent communication is vital between the Supervisor/ Manager and the Telecommuter.

B. Occasional Applications

1. Initial approval to establish a home work site which meets all the policy requirements and Occupational Health and Safety inspection rests with the General Manager.
2. Subsequent approval to work from home on Occasional basis may be approved by the relevant Director.
3. A Register of Occasional Working From Home Approvals must be maintained by the Business Unit Manager detailing: Name and Title of the Officer, Project Undertaken; Duration of Project and Outcomes Expected and Achieved.
4. The Officer will complete an official Timesheet recording hours worked during this period.
5. Variation of the agreed project details must be discussed and agreed by both parties.
6. Outcomes must be recorded in the Register of Occasional Working from Home Approvals.
7. A memo approving Occasional applications must be issued to the Telecommuter and copies placed in the Register and forwarded to Corporate Development.

A simple communications strategy between the Telecommuter and their Supervisor/ Manager must be agreed upon and specified. As part of this strategy the Telecommuter needs to agree to be contactable during the periods in which home based work is carried out and available for communication with the employer.

The Telecommuter must be kept up to date on current issues or changes to work trends and practices. There must be a commitment to conduct regular meetings, ensure access to minutes/ information concerning staff meetings, circulars, newsletters, Pittwater Council notices, training and other career development opportunities available to other employees.

Managing Working From Home

Performance Management

While it is not intended to place an undue burden on managers, full and accurate Working From Home records must be kept for purposes of performance management, workers compensation, insurance (staff and equipment) and liability.

Monitoring Working From Home

The monitoring requirements of Working From Home are:

1. Managers and telecommuter review performance and mutual benefit of the arrangement on a monthly ongoing basis.
2. Managers who approve working from home must notify Corporate Development/ Human Resources of the Working From Home Arrangements.
3. Prior to commencement of a Working From Home Arrangement, the arrangement details and Approvals and OH and S Checklist documentation included in this Policy need to be completed.

This information is to be kept current

4. The Evaluating Success of Working From Home Questionnaire must be completed after a period of 6 months or at the end of the Working From Home Arrangement. It is to provide a formal record to show that there are no problems with the arrangement from either management or staff perspective and that any problems are being addressed.

This completed documentation should be forwarded to Corporate Development/ Human Resources.

Administration

Work Hours

Current conditions (including RDO where applicable and the use of time sheets) continue to apply. However, some flexibility or variation to core hours may be acceptable as agreed by the Telecommuter and Supervisor/ Manager as long as performance standards continue to be met.

Pittwater Council will agree to pay 100% or pro rata of telephone rental, and a pre-estimated percentage of local calls and all official STD/ Mobile phone calls.

Electricity

Pittwater Council will pay for a pre-estimated percentage of electricity usage.

Insurance

All Pittwater Council equipment that is issued to Telecommuters and is on the Pittwater Council Asset Register is covered by Pittwater Council insurance.

Pittwater Council is not responsible for any liability on the part of a third party, unless the third party or parties are present in connection with work related duties.

Domestic Insurance

Domestic policies are framed on the assumption that the residential home is not used to produce income.

The Telecommuter must also provide a copy of a current schedule of insurance including provisions for third party liability.

If the Telecommuter is using their own equipment to work for Pittwater Council at the home office/ workspace, they should note that domestic insurance normally does not cover items used to produce income. Telecommuters should speak to their insurers and ensure that they have adequate protection.

The Telecommuter must have household insurance as Council cannot be held liable for personal property loss.

Home Office/ Workspace Inspections

Entry and Inspection by Officers of Industrial Organisations

An authorised industrial officer may enter, during work hours, any premises where relevant employees are engaged, for the purpose of holding discussions with employees at the premises in any lunch time or non-working time.

No Entry to Residential Premises Without Permission

An authorised industrial officer does not have authority under this Part to enter any part of premises used for residential purposes, except with the permission of the occupier.

Entry to Conduct OH & S Assessment

Entry to the home office/ workspace needs to be made available to the Manager, delegated officer or external professional to enable such an assessment to be conducted.

Technology and Equipment

Technology defined as computer related, ie, software, software manuals, hard drives, monitors, laptops, notebooks, modems, cables and printers.

Equipment defined as office related, ie, desk, chair, fire extinguisher, first aid kit, stationery etc.

Where possible all Technology and Equipment should be provided by Pittwater Council.

Technology and Equipment must be consistent with OH & S standards of the usual Pittwater Council's office/ workspace, and be assessed in line with the OH & S Checklist.

Warning Where it is agreed that the Telecommuter may make use of their own Technology and or Equipment, the percentage costs of maintenance, repair and insurance of the equipment to be borne by Pittwater Council will be agreed between the Telecommuter and their Supervisor/ Manager.

The manner in which consumables will be supplied (eg toner, paper etc) will also be agreed. These arrangements will be documented in the Application to work from home.

Technology is to be provided on a case by case basis. No Technology can be provided to a Telecommuter until their requirements are discussed and agreed upon by their particular Divisional Director and Business Unit Development Manager (BUDM).

Anti-virus software must be loaded on to all computers used for Pittwater Council business, irrespective of the computer's ownership. The need for global security and protection from virus infection necessitates this. All Telecommuters have an obligation to satisfy Council that their systems are comprehensively protected from infection. Winframe carries its own anti-virus program and the Network is also virus protected. Telecommuters must, however, not solely rely on these technologies to protect their home computers. They remain responsible for acquiring up-to-date anti-virus software provided by Pittwater Council.

All Technology and Equipment provided by Pittwater Council must be noted on the Telecommuter's personnel file and the Divisional Assets Register. This Technology and Equipment, for use by the Telecommuter in the home office/ workspace will be used solely for the purpose of the employer's work. It remains the property of Pittwater Council and must be signed for by the Telecommuter, and returned at the cessation of the arrangement or employment of the Telecommuter, with Pittwater Council or at the request of the Supervisor/ Manager.

Must be provided by Pittwater Council

St Johns Ambulance type C First Aid Kit;
CO2 fire extinguisher, (minimum size 2kg – maximum size 3.5kg) as recommended by the NSW Fire Brigades; and
Dual socketed portable safety switches with internal earth leakage device.

Preferably provided by Pittwater Council

Appropriate technology (only after agreement by Divisional Director and BUDM);
Work desk/ table and chair;
Safe storage facility (for example, a lockable 2/4 drawer filing cabinet etc); and
Work station lighting.

Occupational Health and Safety

Manager's Responsibilities

- Pittwater Council is required to provide a "safe place of work" regardless of the location. Maintaining a professional OH & S standard in the Telecommuter's home office/ workspace is critical.
- Managers must be confident that working from home arrangements are consistent with the OH & S Policy safety standards in the usual Pittwater Council office/ workspace, and Health and Safety in the Office. A copy of this guide must be made available to Telecommuters. This guide outlines minimum standards for the office environment, keyboard equipment and occupational health and safety in the office. *Copies are available from the Workcover Authority Bookshop at 400 Kent Street, Sydney and at the Human Resources Section of Corporate Development.*

- As outlined in the Technology and Equipment section in this Policy, it is preferable that all technology and equipment is provided by Pittwater Council, to ensure a consistent and acceptable OH&S standard.
- If managers allow Telecommuters to continue to use the desk and chair, storage and technology that they have at home, they must be confident of the ergonomic and OH&S standards being met.

Prior to the Telecommuter commencing the Working From Home Agreement, the home office/ workspace must be assessed and the supervisor/ manager ensure that it complies with OH&S standards to:

- Provide systems of work consistent with operational requirements of the equipment.
- Provide appropriate training and education in operational requirements as required by the systems of work.
- Provide systems of work consistent with operation requirements of the equipment (this assessment may be undertaken by the Telecommuter's Supervisor/ Manager, delegate or an external professional). The OH&S checklist must be completed during the inspection of the home office/ workspace and returned to Corporate Development Unit prior to the commencement of the Working From Home Agreement.

Telecommuter's Responsibilities

The Telecommuter must:

- Designate a workspace solely for Working From Home, and is responsible for maintaining safe conditions in their home office/ workspace.
- Co-operate with employer in complying with systems of work and training and education requirements as provided.
- Make themselves familiar with Health and Safety in the Office as issued by the Workcover Authority of New South Wales.
- Practice safety habits in the home office/ workspace as they would in their usual Pittwater Council office/ workspace. The Telecommuter has an obligation to do nothing that creates an OH&S risk.
- Unless agreed to in the submission detailing the Working From Home arrangement, be the sole user of the technology and equipment which is supplied and/or maintained by Pittwater Council.
- Notify their Supervisor/ Manager of any work related accident, injury, illness or disease arising out of work which occurs at the home office/ workspace. An Accident Report Procedure must be provided to each Telecommuter.
- Must consent to the employer having access to inspect the home office/ workspace subject to the provision of notice of one working day or a shorter period. This inspection, to ensure that the home office/ workspace complies with OH&S standards can only take place within designated working hours.

Council Policy – No 50	Adopted:	OM.3.3.97
	Amended:	OM 2.6.97, OM.7.7.97, OM.2.3.98, OM.4.5.98, OM.26.02.01, OM19.11.07, OM.3.12.07

URBAN DESIGN AWARD

Objectives

To promote Council's published Statement of Urban environmental Values and to recognise:

- Quality Design
- Design sympathetic with the character of the Area
- Restoration of heritage buildings and the preservation of conservation areas
- The enhancement of streetscapes, foreshore areas and beach areas
- Bushland regeneration

Assessment Guidelines

The guidelines for the Awards are in accordance with the guidelines prepared by the Royal Institute of Architects (NSW Chapter) as attached. (OM: 26.02.01)

Conditions of Entry

- (i) Entries to be considered must:
 - Be within the boundaries of the Pittwater Council area.
 - Have been completed within the previous five years, or are Heritage restorations.
 - Be available for inspection by the judging panel (at least one week's advance Notice of the panel's visit will be given).
- (ii) Buildings/landscaping are to be assessed on planning, design, construction and contribution to the environment.
- (iii) All documents submitted with an entry may be inspected and exhibited and reproductions may be made for the purpose of the Award.
- (iv) Entries may be publicised for purposes related to the Award.
- (v) Entries should be accompanied by photos and plans of the building before and after the new work, sufficient to illustrate the layout.
- (vi) The recipient of an Award will be required to permit photos and plans to be retained in the records of Council. (OM: 26.02.01).

Categories of Awards

The following categories are applicable:

- Residential Buildings - New
- Residential Buildings – Extended, Renovated or Refurbished (including Heritage restorations)
- Residential Buildings – Dual Occupancy
- Multi-Unit Occupancy – Shoptop Housing
- Medium Density Housing (including SEPP 5 dwellings)
- Commercial Premises (OM: 26.02.01)
- Best Pittwater Home (OM:19.11.07)
- Sustainable House (OM:3.12.07)
- Sustainable Commercial / Industrial Development (OM:3.12.07)

Finance

An amount to cover the cost of the award program be allocated from Council's budget estimates.

Judging Panel – Membership (4)

Two Councillors appointed by Council, one of whom shall be appointed Chairperson.

Two Architects nominated by the Royal Institute of Architects (NSW Chapter).

Applications

That nominations, on forms provided by Council, be invited for the Urban Design Award.

Frequency of Awards

Awards are to be held on a biennially basis. (OM: 3.12.07)

ARCHITECTURE AWARDS

JURY ASSESSMENT GUIDELINES

The assessment of the entries is the work of the Jury. In the interests of some consistency in standard between successive Juries the following criteria are offered; consideration should be given to:

- 1.1 Siting
The relationships to the site, the immediate and general environment; the vehicular and pedestrian access; the landscaping and "setting"; the effect on the skyline; sense of scale and identity created; the strategic use of topography, topoclimate, microclimate, and orientation for thermal, functional and aesthetic advantage.
- 1.2 Planning
The arrangement and organisation of internal functional relationships, with specific reference to the circulation system; the entrance; the zoning and thermal requirements and for function; efficiency, aspect; quality of light; ventilation; noise control.
- 1.3 Structure
The relationship of the structure to the contained spaces; selection and integrity of the structural system and the expression of these qualities in the detailing of members and junctions.
- 1.4 Fabric
The appropriate use and integrity of the materials and element; Their selection for the additional criterion of energy efficiency incorporating avoidance of waste; continuity of these principles in all detailing including junctions between materials and components; the minimisation of maintenance as a design criterion.
- 1.5 Services
Integration of services with building design; design for energy efficiency; minimisation of waste products; energy wastage and maintenance; incorporation of renewable energy sources; re-use of low grade thermal energy if applicable.
- 1.6 Energy
Minimisation of energy required to construct, operate and maintain the building.
- 1.7 Overall Quality
The building or work as a whole in terms of its consistency of design and detail, its architectural quality; its integration of components and elements; and its character.
- 1.8 User Satisfaction
The success of the building or work from the point of view of the users (client and public) including disabled persons.
- 1.9 Cost Effectiveness
Comparison of cost with that of similar facilities and other relevant economic factors. The concept of 'cost' to include life cycle cost analysis as well as initial cost-to-build.

- 1.10 Environmental Effect
The impact of the project on the natural and built physical environment and the social and economic environment.
- 1.11 Contemporaneity
The content of the work as meaningful and relevant to the particular society place and time.
- 1.12 Aesthetics
The provision of a satisfying sensory and intellectual experience.

Council Policy – No 57	Adopted:	OM:.3.3.97
	Amended:	

SALE OF DRAINAGE RESERVES

That following community concerns which have been expressed in relation to the impact of the sale of drainage reserves in facilitating inappropriate subdivisions in the Palm Beach area in particular, Council refuse to sell or lease any of the unused drainage reserves remaining in its ownership in such area north of Surf Road pending completion of further stages of the Barrenjoey Study, being in the Pittwater LEP 1993 Review and the locality plans for Sensitive Areas with regard to the planning objectives for the area and the controls to achieve these.

Council Policy – No 108	Adopted:	OM.27.11.95
	Amended:	

SUBMISSION OF DRAFT REPORTS/DOCUMENTS TO COUNCILLORS

1. All policy documents and/or any other documents of significant volume be forwarded as a draft to all Councillors at least 14 days in advance of the meeting to which the report is scheduled for inclusion on a Council/Committee meeting agenda.

2. Consistent with the provisions of Section 352 of the Local Government Act, 1993, namely:

“(s 352) Independence of staff for certain purposes

352 (1) (Independence of staff)

A member of staff of a council is not subject to direction by the council as to the content of any advice or recommendation made by the member.

(2) (Direction by council)

This section does not prevent a council from directing a member of its staff to provide advice or a recommendation.”

any changes to a draft report suggested by any Councillor during the 14 day review period be clearly and specifically noted at the conclusion of the report prior to formal submission to the Council/Committee.

3. Any changes to a draft report suggested by any unsolicited third party to be referred to the relevant Assistant General Manager or General Manager for consideration for inclusion as a notation at the conclusion of the report.
4. The Council/Committee to consider any amendments to a staff recommendation only once the report has been formally submitted to a Council/Committee meeting for consideration.
5. In all instances Council officers are to attempt to ensure that there are no reductions to this 14 day period, however the only exceptions are to be in instances where a shorter review period is necessitated by a requirement to meet a statutory deadline.

NOTES:

1. “Policy documents” refer to any policy document of any size.
2. Documents of “significant volume” refers to documents of more than 5 typed A4 pages.

Council Policy – No 121	Adopted:	OM: 2.8.99
	Amended:	

REDUNDANCY & REDEPLOYMENT POLICY

a) Objectives

The key objectives of this policy are to -

- (i) set the conditions for the offer of redeployment to staff whose positions have been made redundant by Council; and
- (ii) minimise the potential for industrial disputation.

(b) Definitions

- (i) Act means the Local Government Act 1993.
- (ii) Award means the Local Government (State) Award 1997.
- (iii) Redundancy means a position redundancy, where:-
 - the position is no longer required to be performed; or
 - results from significant effects, including major changes in composition, operation or size of the council's workforce or in the skills required, the elimination or diminution of job opportunities, promotion opportunities or job tenure, the alteration of hours of work, the need for retraining or transfer of employees to other work or locations and the restructuring of jobs.
- (iv) The effective date of redundancy shall be:
 - following unsuccessful selection attempts within three months of the date of acceptance of an offer for the opportunity for redeployment; or
 - following the acceptance of an invitation for voluntary redundancy at a date nominated by the General Manager.

Where a redundancy situation occurs and affects a number of staff members engaged in the same work at or about the same classification and in the same work area, Council in consultation with relevant unions, will develop criteria by which voluntary expressions of interest for redundancy will be assessed. Where the number volunteering exceeds the number of redundancies required, the relevant Director and appropriate Manager(s) in consultation with Corporate Development shall determine on the basis of a merit assessment utilising the criteria developed as the basis by which staff are offered redundancy.

- (v) Rate of Pay means the weekly rate of pay as defined by Council's salary system together with payments other than wage being received on a regular basis that would normally continue during a period of annual leave for the staff member at the relevant time.

(c) Associated Criteria

This policy needs to be read and interpreted, where necessary, wholly in conjunction with the following:

the Act;
the Award;

Where there is any inconsistency between this policy, its related guidelines and procedures and the above documents, the above documents shall prevail to the extent of the inconsistency.

(d) Application

“This policy applies to all permanent staff as defined by the Local Government Act 1993 and employed under the Local Government (State) Award. Staff who are employed under contract have access to the termination entitlements as endorsed in their contracts of employment.”

(e) Commitment

A commitment is given that staff whose positions have been made redundant will be treated equitably and, where possible, offered redeployment, and that every effort will be made to place them in alternative positions which maintain comparable skills and accountability levels and remuneration no less than previously held by the employee. Full consultation will be maintained with all affected parties, including any representatives of the staff member(s) concerned.

(f) General Principles

(i) Equal and Fair Treatment

All staff will be treated equally and fairly, in line with EEO principles and the relevant legislation.

Where matters relate to workplace and organisation change and contracting out discussions will be held with the unions and the affected employees and consultation with the consultative committee will occur.

Once council has made a definite decision to introduce major changes in production, program, organisation structure or technology that are likely to have significant effects on employees, the council will notify the employees who may be affected by the proposed changes and the unions to which they belong.

(ii) Assistance to Staff

Every effort will be made to assist all staff by making available work-related counselling and advice, and information on their options, entitlements, available services and sources of further information at each stage of the process as appropriate.

(iii) Redeployment Process

(1) Offer and Acceptance

Affected staff will be notified in writing that their position has been made redundant by Council and will be requested to advise, within two weeks of the date of that notice, whether they wish to accept the offer for redeployment in accordance with this policy and related guidelines and procedures.

(2) Consideration for Access to a Vacant Position(s)

All staff who accept the offer for redeployment will be given consideration for access to any position(s) vacant at the time subject to:

- the principles of EEO;
- the individual having the minimum skill level required for the vacant position and the capacity to adequately perform the duties of the position with appropriate training, within an agreed time frame; and
- the rate of pay of the position reflecting the capacity of the individual to perform the job adequately and being no greater than that of the individual's former substantive position.

(3) Restriction on Advertising

A vacant position will not be advertised until a decision is made as to whether any of the staff who have accepted the offer for redeployment meet the requirements in paragraph (2) above for preference to access to that position.

(4) Placements

The decision on whether a staff member has the minimum skill level in respect of the requirements of the alternative position and the capacity to adequately perform the duties of the position with appropriate training, within a probation period of three months, and can be successfully redeployed to that position, will be made by the relevant Director and appropriate Manager(s) in consultation with Corporate Development. This probation period shall also serve as the notice period for termination or part thereof where the latter exceeds the three month period.

(5) Final Determination

In the event that the relevant Director, appropriate Manager(s) and Corporate Development cannot reach unanimous agreement on whether a staff member is suitable for redeployment to a vacant position, the General Manager will make the final determination.

(iv) Review of Offer of Opportunity for Redeployment

If a staff member who accepts the offer of the opportunity for redeployment has not successfully secured a position within three months of the date of acceptance of that offer, the situation will be reviewed and the General Manager will make a determination on the situation.

(v) Employee Refusal

If a staff member at any stage refuses to accept redeployment to a vacant but suitable alternative position, being a position which has comparable skills and accountability levels and remuneration no less than the staff member's former substantive position, the offer to that staff member for redeployment will be reviewed, and the General Manager will make a determination on the situation.

N.B. In such cases, under the terms of the Award the staff member shall not be entitled to severance pay.

(vi) Maintenance of Rate of Pay

- a. Where the employee has been offered an alternative position within the council's organisation structure of comparable skill and accountability levels and remuneration no less than the position previously held by that employee, council is exempt from the obligation to pay severance pay if the offer is refused by the employee.
- b. The rate of pay of a staff member who is successfully redeployed to a position that is of a lower rate of pay to their former substantive position will be maintained for a period equivalent to the amount of notice and severance pay they would be entitled to under the Award. This will apply from the date of acceptance of the offer for redeployment into a identified position. After this time, the rate of pay will be adjusted to that of the new position.
- (c) Where a position is declared redundant that requires a staff member to complete a period of finalisation of the existing role(s), the finalisation period shall be defined. In such cases, the period of maintenance of rate of pay in the new position shall commence at the conclusion of the finalisation period.
- (d) Entitlements that were accumulated prior to redeployment to a position attracting a lower rate shall be "frozen" and paid out at that frozen rate of pay upon future departure from Council's employ.

(vii) Provision of Council Vehicles

Where a staff member who occupies a position to which a Council vehicle is attached is redeployed to a position which does not have a vehicle attached, the staff member will receive 12 months notice that the vehicle will be withdrawn. However should a different type of vehicle be attached to the new position a transfer of vehicles will take place as soon as practicable.

(viii) Provision of Meaningful Work during Redeployment Period

It is Council's responsibility to ensure that until a staff member who has accepted the opportunity for redeployment is successfully redeployed and is provided with suitable meaningful work.

(ix) Re-employment following Redundancy

A staff member who has been paid redundancy entitlements shall not be re-employed by Council during the period for which redundancy has been paid unless at the General Manager's discretion.

REDEPLOYMENT GUIDELINES

(i) Assistance to Members of Staff who have Accepted an Offer for Redeployment

While it is Council's responsibility to co-ordinate and administer the process of redeployment, the staff concerned will continue to play a significant role in their employment and career decisions and will be expected to actively pursue satisfactory redeployment. Every effort will be made to assist a staff member who has been offered and accepted the offer for redeployment in feeling that all measures are being taken to actively achieve a successful redeployment and that their skills and experience have been considered in this exercise.

The services available to such staff consist of, but are not necessarily limited to, the following:

(1) Consideration for Access to a Vacant Position(s)

Staff who have accepted the offer for redeployment are given consideration for access to a vacant position(s) as set out in Council's policy including meeting the required criteria.

(2) Counselling and Advice

Counselling both internal and external is available to staff who have been offered redeployment. This may include career, outplacement, financial and personal counselling.

(3) Job Application Preparation

Members of staff who have accepted the offer for redeployment may also request assistance in preparing applications for alternative positions and in making best use of selection interviews to maximise their prospects of success. This will be arranged by Corporate Development, on request.

(ii) Maintenance of Rate of Pay

Council undertakes to make every effort to redeploy staff members into positions which are of comparable skills and accountability levels and the same rate of pay as their former substantive positions.

If staff members cannot be redeployed into such positions, redeployment may be offered to a position that is of a lower rate of pay.

Maintenance of rate of pay will be provided in accordance with Award requirements and will take effect from the date of official written notification that the staff member has accepted the offer for redeployment into an identified position

(iii) Retraining

Subject to normal constraints, formal retraining will be arranged where appropriate for staff members who have accepted the offer for redeployment. The staff concerned will be actively involved in evaluating and planning their training needs. Retraining may be through internal courses or external programs.

Normal on-the-job training will be provided to help redeployed staff adjust to new work roles and environments.

REDEPLOYMENT PROCEDURES

- Following the selection panel's assessment and recommendation, Corporate Development will consult with the relevant Director and the appropriate Manager(s) for a final determination of a staff member's suitability for redeployment into that position.
- Corporate Development will notify the staff member, in writing, of the final determination.

Review of the Offer Period for Redeployment

- Where the three month period for the offer of redeployment has lapsed, Corporate Development will report to the General Manager for a determination on the situation.

Maintenance of Rate of Pay

- Administered by Corporate Development and the Pay Office.

Advice and Assistance

Corporate Development will provide/source: Counselling and Advice; Information on a range of related issues; Career counselling and advice; Job Application Preparation on request.

Retraining

- Applications for external training will be completed by staff members, considered for relevance by the appropriate Manager(s) and forwarded to Corporate Development for processing of the recommendation made.
- Applications for in-house training will be completed by staff members, considered by the appropriate Manager(s) and forwarded to Corporate Development for processing where appropriate.
- On-the-job training to be carried out as usual.

Council Policy – No 122	Adopted:	OM: 7.6.99
	Amended:	

DISABILITY DISCRIMINATION ACTION PLAN

That the Disability Discrimination Action Plan be adopted. Copies of the Disability Discrimination Action Plan are available from Council on request.

Pittwater Council

Disability Discrimination Act

Action Plan

FINAL DRAFT

Prepared by Therese Sands
DDA Action Plan Consultant
December 1998

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Part One: Introduction

This Action Plan is a public statement of Pittwater Council's commitment to meeting its responsibilities under the Commonwealth Disability Discrimination Act 1992 (DDA).

Fundamental to this commitment is Council's recognition that people with disabilities have the same rights as everyone in the community.

Council has undertaken a number of initiatives to improve access to Council activities, services and facilities and to enhance equity in employment for people with disabilities. These are outlined in Part Two of this Plan.

This inaugural Plan builds on these initiatives by providing strategies for the development of a 'whole of Council' approach to disability access that is consistent with the DDA.

It presents the first stage of a coordinated process of identifying and removing barriers that impede Council's ability to deliver accessible services and employment opportunities to all the community.

1. Definition of Disability

In accordance with the DDA, this Action Plan uses the broad definition of 'disability'. It includes:

- Physical
- Intellectual
- Psychiatric
- Sensory
- Neurological, and
- Learning disabilities, as well as
- Physical disfigurement, and
- The presence in the body of a disease-causing organism.

It includes a disability that people:

- Have now
- Had in the past (for example, a past history of mental illness) or
- May exist in the future (for example, a family history of a disability which a person may also develop) or
- Are believed to have (for example, if people think someone has AIDS).

This broad definition means that the DDA Action Plan aims to cover everyone with a disability in the Pittwater area – people with disabilities of all ages and regardless of whether they are ratepayers, residents or tourists.

2. DDA Action Plan and Council's Management Plan

The DDA Action Plan is designed to be an integral part of Council's Management Plan 1998–2001.

The DDA Action Plan provides strategies for identifying and removing access barriers for people with disabilities. Under the DDA, Council has a responsibility to do this in a number of areas including:

- Access to premises used by the public;
- The provision of goods, services and facilities; and
- Employment.

Implementing Action Plan strategies will assist Council to reach the direction set in its 'Vision Statement', support its values and assist with achieving the 'Corporate Goals' and 'Business Division Objectives', as outlined in the Management Plan. These are reproduced in sections 3, 4, 5 and 6.

The Action Plan strives to ensure that Council's vision, values, goals and objectives are aligned with the rights of people with disabilities and the goals of the DDA.

3. Council's Vision Statement

"To be leaders in the provision of Local Government Services, to strive to conserve, protect and enhance the natural and built environment of Pittwater and to improve the quality of life for our community and for future generations."

Mission

In order to attain excellence as a customer focussed culture of continuous improvement and innovation, Pittwater Council has identified five (5) workplace development priorities and where it wishes to be by the year 2000.

These are:

1. *Customer Focus* – Customer Driven – Customer needs anticipated and integrated into strategic plans. Service systems are continually redesigned with the customer in mind and customers in mind and stakeholders in business planning.
2. *Planning Performance* – Continuous Improvement – Strategic and performance improvement plans fully integrated and used to continuously improve competitive capacity. Employees at all levels make decisions and participate to further continuous improvement.
3. *Work Process Improvement* – Integrated Organisation – Flexible, team-based work process redesign leads to continuous innovation in integrated work organisation with world best practice as the benchmark.
4. *People Involvement* – People Empowered – Teams fully self-managing on day-to-day issues. Operate as improvement units and consistently take on more responsibilities for decisions. Team based performance and reward systems in place.
5. *Leadership* – Collaboration – Managers settle into new roles as leaders and coaches. Team-based planning, decisions and open information sharing are the accepted norm. Shared leadership and co-ordination in place and 360 degree feedback.

4. Council Values

Our COMMITMENT is:

To our community, to work for our residents and ratepayers, to consult with them in the formulation of policy and provision of Council services, to facilitate and foster where possible the community's own desire to help itself.

Our PRIME DIRECTIVE is:

To properly manage, develop, protect, restore, enhance and conserve the local government area with the income derived from the fair imposition of rates, charges and fees, with income earned from property investments and, when appropriate, with grants and loans.

Our PRIME DIRECTIVE is to be executed within a decision-making framework which:

- Is equitable and free from bias
- Has consideration for long-term and cumulative effects
- Pays due regard to the cultural and linguistic differences of the people of the area
- Consults with, and is responsive to, its community, staff, other agencies and levels of government
- Is open and accountable for its actions

Our CORPORATE VALUES are:

- **Focus** on meeting our community's needs
- **Optimise** the use of our assets and resources
- **Continually** search for and improve quality in the delivery of services
- **Understand** and fulfil the career and safety needs of employees
- **Strive** to work as a team and be accountable for our results

5. Council's Corporate Goals

Pittwater Council will manage its area in a manner consistent with industry best practice within a consultative democratic framework and in accordance with the identified needs of our community by:

- conserving and enhancing the unique environmental qualities of Pittwater by ensuring that land use and development reflect the expectations of the residents to conserve the natural environment and enhance the heritage, recreational, and community values.
- providing and facilitating a range of community services and facilities that have fair and equal access.
- ensuring the development of a motivated and trained team of employees committed and able to give effect to Council and the community goals.
- managing the finances of Council in accordance with statutory requirements and prudent financial practices to minimise risk to public assets, our staff and our community.
- ensuring the policies of Council are timely, relevant and consistent with any applicable statutory framework and reflect the priorities and needs of our community.
- creating where possible, and where it is in the best interest of our community to do so, links, relationships and networks with other local government bodies, state and federal governments and their agencies to enhance communication and act co-operatively in the role of government and the provision of government services.
- maintaining an organisation structure which is flat, simple and flexible in style, which separates routine activities from planning activities, and which mirrors the Council's committee structure and chart of accounts.

- conducting the affairs and the business of Council in an operating environment conducive to the promotion of accountability and openness.
- serving the community of Pittwater by providing high quality local government services, developed with the benefit of knowledge of the community's needs and priorities.
- providing or facilitating, where possible, the provision of local government services in a fair, equitable and consistent manner cognisant of the social diversities present within our community.
- understanding the needs, desires and relative priorities of our community and incorporating that understanding into our day to day operations and strategic planning.
- reviewing continually our systems and procedures relative to available published benchmark data to ensure the highest possible quality of output for our customers.
- ensuring the services provided to our customers are provided in a manner consistent with sound business principles and in the most economically favourable way possible.

6. Business Division Objectives and Activities

Environmental Planning & Community Division

Principal Objective:

To meet the land use, cultural and development needs of the people of Pittwater in a sustainable manner consistent with the needs to conserve natural, recreational, heritage and community values.

Principal Activities:

Planning & Assessment
Environmental Compliance
Community & Library

Urban & Environmental Assets Division

Principal Objective:

To provide the community with a broad range of quality infrastructure and services delivered in a cost effective and timely manner.

Principal Activities:

Urban Infrastructure
Urban Services
Reserves & Recreation
Natural Resources
Property and Commercial

Corporate Services Division

Principal Objective:

To support Councillors, The General Manager and the operating Divisions of the Council in their delivery of services to the community through the provision of a full range of financial and management services

Principal Activities:

Business Unit Development
Corporate Development
Executive Support
Finance

Part Two: Development of the Plan

In developing this first DDA Action Plan, Pittwater Council's aim was to identify potential barriers and develop strategies in a way that would enable Council to begin taking action as quickly as possible. The focus was on developing a first stage Plan that would provide a framework for progressive stages.

Consultation was the key method for the review of Council services and facilities, the identification of potential barriers for people with disabilities and the development of strategies to address identified issues.

The timely development of the Plan required the use of a more concentrated consultation method than undertaking an extensive community consultation. Further consultation strategies have been built into the Plan to allow for this.

An independent consultant conducted the consultation process, which consisted of:

- Internal Council consultation:
 - Group meeting with the Senior Management Team
 - Individual meetings with Business Unit Managers
 - Meeting with the staff of the Community and Library Unit
 - Meeting with the staff of the Corporate Development Unit
 - Meeting with the DDA Committee.
- Community consultation focussed on Council's Access Committee, which is made up of people with disabilities, carers of people with disabilities and people from disability service organisations.
- An invitation to the community and local service providers to respond to a comprehensive questionnaire.

The consultations and questionnaire covered a number of areas including access to buildings and urban infrastructure, service provision and employment issues, the use of facilities, participation in Council activities and obtaining Council information.

The Plan's development and the questionnaire were advertised in the Council newsletter, Mayoral Message, in the Manly Daily and other local newspapers. The questionnaire and a briefing were also presented to the members of the Home and Community Care (HACC) Subregional Forum.

1. Key Issues

The consultation process provided an immense amount of information. Not all of it can be outlined in the Action Plan but it has all been considered in the identification of issues and the development of strategies and the evaluation process.

The information relates to the initiatives Council has already undertaken to improve disability access and the areas that still need to be addressed to facilitate equitable access. This information is summarised below.

- **Council Initiatives**

- *Buildings, Facilities and Infrastructure*

- An access audit was conducted of Mona Vale Village Green, Avalon Shopping Centre and Bilgola Beach by an independent access consultancy organisation, Access Australia.
- Some of the audit recommendations have been implemented.
- Disability access has been incorporated into a number of building and infrastructure upgrades.
- Development of the award winning Master Locksmiths Universal Access Key (MLAK) for accessible public toilets.
- In conjunction with the Access Committee, staff were provided an opportunity to attend an 'Access Walk' that raised awareness of access issues relating to buildings and urban infrastructure.

- *Services and Activities*

Mona Vale Library has talking books, books in large print, a house bound service and a nursing home service.

The needs of children with disabilities are accommodated within the programs provided through Children's Services. A program of Integrated Vacation Care currently operates and Family Day Care supports children with additional care needs.

- The height of a section of the counter has been lowered in Council's reception area.
- Environmental Compliance Division conducts on-going education and information programs on assistance animals, such as Guide Dogs. The aim is to ensure that local commercial services, such as shops and restaurants, understand that assistance animals, unlike other animals covered by health regulations, are allowed to accompany their owners onto their premises.
- 'Sailability' initiative, which provided a hoist to lift people with disabilities into sailing, boats at Bayview.
- Accessible fishing area at Narrabeen.
- 3 accessible walking tracks and another being developed at Warriewood Wetlands.
- Coastal Environmental Centre is accessible and incorporates a 'touch table' in its educational displays.
- Ramp access into Bilgola Pool.

➤ *Employment*

- Work from Home Policy has been developed to provide flexible work practices.
- Initial staff training on the DDA has been conducted.

- **Areas for Action**

Access to Buildings, Facilities, Infrastructure and the Environment

The issues in this section have largely been addressed by the Strategies outlined under Goal Two and Three of this Plan. See page 21.

- Consultations identified that this is the major issue that both Council management and the community want to see addressed. In particular, there is an urgent need to ensure that new building and infrastructure developments incorporate equitable access in the initial stage and to avoid dealing with inadequate or no access after construction.
- A number of comments indicate that improvements are required to existing structures such as kerbs, ramps and doors; and that signage placement and an increase in parking spaces and accessible toilets at beaches are required. Some comments raised the issue of wharf and ferry access and the difficulty of transferring between the two.
- Many comments identify most shops and restaurants as having a step into them and that some facilities, such as ATMs, can only be accessed by steps.
- Some comments identify specific locations and issues that need to be addressed such as footpath and ramp construction to avoid having to use roads. These are seen as safety as well as access issues. Specific requests have been referred to the relevant Business Unit Manager as well as addressed in Plan strategies.
- Some specific issues were also identified in the Access Audit (see the section, 'Council Initiatives').
- A few comments identify difficulties in providing access when the Council is not entirely responsible for the barriers. For example, providing wharf access does not solve public or private ferry access; providing accessible streetscapes does not solve steps into businesses.
- Other difficulties involve dealing with competing community interests. For example, community members in favour of maintaining natural environmental settings may compete with people with disabilities who need footpaths built or tree roots removed. One comment stressed that the whole community needs to be considered when dealing with access. For example, footpaths will benefit people with disabilities, the elderly and people pushing prams.
- A number of comments raise the issue of developing physical access expertise within Council. Comments suggest that 'hands on' awareness training is needed and not just training in legislative and building requirements and not training focussed solely on wheelchair access.
- Other comments indicate that further access audits need to be undertaken. There is also a need for physical access to go beyond minimum standards.

- Access for parents with disabilities to such areas as parks, playgrounds and childcare centres is also identified.
- Getting into and around Council and getting to and from its location is considered difficult. One comment stated that it was a long way to go in an electric wheelchair, as the wheelchair battery may not last the distance on the return journey. Another comment stated that elevators do not have sensors that enable doors to remain open so that a person who is slower because of a disability can get in without the doors closing on them.

Organisational Issues

The issues in this section have largely been addressed by the Strategies outlined under Goal One of this Plan. See page 16.

- Consultations indicate that Managers and staff are committed to dealing with disability access issues and are actively dealing with issues as they are raised. A flexible approach to service provision assists Council to incorporate individual needs. Some comments suggest that Council's community development and social planning is becoming more focussed on addressing issues regarding people with disabilities. However, many comments also indicated that there was a need for coordination and consistency across Council in dealing with access.
- Consultations indicate that Council's data is not categorised into areas, such as disability access complaints or access requests, and that customer satisfaction surveys and other evaluation tools do not necessarily incorporate questions on disability access. There are no benchmarks for evaluation of Council's progress in providing equitable access.
- Comments identified a need for Council to understand more about DDA obligations and what was required to meet the needs of people with disabilities. It is generally accepted that more guidelines and resources on disability access would be valuable.
- Some comments raise the issue of attitudinal barriers – community responses suggest that there is a lack of understanding of the issues and conditions that prevent access; and a general lack of understanding of people with disabilities, especially people with intellectual disabilities.

Services and Activities

The issues in this section have largely been addressed by the Strategies outlined under Goal Four of this Plan. See page 25.

a) Participation:

- Many comments identify the need for public meetings to be held in accessible venues with accessible facilities.
- Comments indicate that Council does not actively seek the expertise of disability groups. Other comments identify that people with disabilities need to be involved in making decisions on access issues, as they are the ones who understand the experience.

- It was suggested that more input and participation needs to come from a wide range of people with varying degrees of disability; more time needs to be allowed to obtain input from people with disabilities; and there needs to be a support structure that assists people with disabilities to respond. Information on public meetings needs to be made available to people with disabilities.
- Some comments identify the need to consult with non-users of services and offshore residents.
- Consultations indicate that people with disabilities are not aware of whether Council has a formal complaints procedure or whether this procedure is accessible to people with disabilities.

b) Information and Communication:

- Consultations indicate that there is a need for information to be produced on Council services, recreational facilities and activities that are accessible for people with disabilities. Some comments suggest that more promotion was needed of the work of the Access Committee and the Youth and Disability Officer.
- Another comment identifies that negative perceptions towards Council could result from the community not being aware of what Council is doing in terms of access.
- There were three requests for timetable information on wheelchair accessible buses, information on their availability in the area and more promotion of accessible transport services.
- Consultations indicate that Council information is mainly provided in print format, on the Council's Internet Home Page, at the reception counter or over the telephone. There is a need to look at other communication facilities and strategies.
- Some comments indicate that available information is not suitable for people with intellectual disabilities or for people with literacy problems; information was in small print and there was no available information on audiotape.
- Other comments indicate that receiving Council information often means being able to access the Council newsletter or local newspapers.
- Many comments indicate that Council was responsive to issues once they were raised. The main way of raising issues is through the computerised customer telephone system, CRMS. While some positive comments indicate that the allocation of reference numbers allows callers to follow up issues, other comments indicate that CRMS was not accessible to people with communication difficulties.

c) Service Needs:

- Gaps in services were identified for 12-18 year olds with disabilities.
- Facilities, such as changing rooms in amenity blocks, don't cater for high support needs.

d) Specific Service Issues:

- Sand build-up on ramps at pedestrian crossings and on approaches to beaches and Bilgola and Avalon Pools presented access problems.

- The need to increase the integration of children's services, especially for children with intellectual disabilities, was raised as an issue.
- Wheelie Bins were identified as being unmanageable for some people with disabilities – the service that assists with putting bins out and returning them charges a fee.

Employment

The issues in this section have largely been addressed by the Strategies outlined under Goal Five of this Plan. See page 30.

- Consultations indicate that Council is working towards addressing its DDA obligations in the area of employment, but there is still the need to consolidate these activities.
- Comments indicate that inadequate access to the Council building and facilities is a barrier to employment for some people with disabilities.
- The application of the DDA to specific employment situations, such as identifying the limits of making adjustments, is an issue.
- Comments indicate that new grievance procedures need to be developed.

2. Other Issues

- **Outside Council's Area of Responsibility:**

A number of issues identified during the consultations do not fall within Council's area of responsibility:

- Not enough accessible taxis in peak times and unreliable pick-up service;
- More respite facilities for people with disabilities are needed to assist carers;
- A light rail service is needed from Palm Beach to the city;
- Access improvements need to be made to Avalon Cinema, including hand rails, toilet facilities and torn carpet; and
- Access required to Palm Beach Golf Club House.

Council is able to raise these issues in relevant forums or refer them to the appropriate organisation and level of government. This has been incorporated into the Plan's strategies. See Strategy 5 in the section, *Working with Others*, page 20.

- **Requests for New Facilities:**

The aim of the consultations was to identify access barriers to *existing* services and devise ways to remove those barriers. Requests for Council to build new community facilities, such as an accessible 50-metre swimming pool, will be referred to the relevant Manager for consideration when planning to meet community needs.

- **Success of Plan's Development Process:**

The concentrated consultation method was largely successful in identifying *initial* access barriers to Council's services and facilities.

However, the main focus of consultation with people with disabilities was Council's Access Committee. While this enabled valuable information to be obtained, particularly on physical access issues, information on other issues, such as attitudinal and communication barriers to Council's services and facilities was limited.

Moreover, the questionnaire aimed to provide an opportunity for members of the community to have initial input into the development of the Plan until more extensive consultation could take place. However, response to the questionnaire was poor.

Consequently, this Plan aims to provide for further community consultation on a variety of access issues, particularly with people with a range of disabilities. See Strategy 1 in the section, *Planning, design and review of all Council services and facilities* on page 28; and Part Four: Action Plan Review and Evaluation on page 32.

3. Public Exhibition

Part Three: Action Plan Goals and Strategies

The strategies developed in this Plan aim to address the issues identified by Council staff and the community and they are largely based on their discussions on how Council can provide equitable access.

Each strategy has a corresponding timeframe and a nominated Manager responsible for implementation.

The five goals have been developed to broadly reflect Council's DDA responsibilities and the strategies have been grouped accordingly.

The performance measures are listed at the end of each section. They are designed to measure success in achieving the goals.

Goal One: Organisational Development

Develop an organisation that has the skills to respond to the intent of the DDA

Issue: Coordination and Consistency

1. Increase the capacity of the Access Committee to act as an advisory body to Council.

Implementation: Manager, Community and Library Services
Timeframe: July 1999
2. In consultation with the Access Committee, develop a Council Disability Access Policy that reflects the goals of the DDA. Include this Policy in Council's Management Plan.

Implementation: Manager, Community and Library Services
Timeframe: at the 1999 annual Business Unit planning process
3. Incorporate the Action Strategies and associated resource requirements of this DDA Action Plan into Business Unit Management Plans and budget allocations. Use a symbol throughout Business Unit Management Plans, such as 'DDA', to identify Action Plan Strategies.

Implementation: all Business Unit Managers
Timeframe: at the 1999 annual Business Unit planning process

Issue: Evaluation Processes

1. Include success in achieving Action Plan goals into Management performance evaluations.

Implementation: Manager, Corporate Development
Timeframe: by next Annual Performance Management review
2. Incorporate into staff competency assessments an analysis of DDA training needs, including an understanding of the intent of the DDA, understanding of disability discrimination and the ability to provide services to a wide range of people with different disabilities.

Implementation: Manager, Corporate Development
Timeframe: by next Annual Competency Assessments
3. Incorporate 'access' and 'disability' categories into current information and data collection processes, such as customer complaint and request data and service usage figures, in order to establish benchmarks.

Implementation: Manager, Corporate Development; All Business Unit Managers
Timeframe: at the 1999 annual Business Unit planning process
4. Incorporate disability access issues into the evaluation activities of Business Units, such as customer satisfaction surveys and other established measurement tools.

Implementation: All Business Unit Managers
Timeframe: at the 1999 annual Business Unit planning process

Issue: Training and Awareness

1. Provide briefings to Councillors, Management and staff on Council's DDA obligations, the Disability Access Policy, the role of the Access Committee, the Youth and Disability Officer and the DDA Action Plan.

Implementation: Manager, Corporate Development

Timeframe: upon presentation of the Plan for approval

2. Organise training sessions for Councillors, Managers and staff on the intent of the DDA, disability discrimination, the role of the Youth and Disability Officer and what access means to people with different types of disabilities. Professional trainers with expertise in the DDA and specific disability access issues should conduct training.

Implementation: Manager, Corporate Development

Timeframe: within 6 months of the Plans adoption

3. Organise training sessions for all Council public contact staff on the intent of the DDA, disability discrimination, the role of the Youth and Disability Officer and what access means for people with different types of disabilities. Incorporate 'hands on' components, such as Deafness awareness and access walks. Professional trainers with expertise in the DDA and specific disability access issues should conduct training and consult with the Access Committee in the development of training on physical access issues.

Implementation: Manager, Corporate Development

Timeframe: within six months of the Plan's adoption

4. Obtain DDA guidelines, relevant draft DDA Standards and other resources on the DDA and disability, such as those from the Human Rights and Equal Opportunity Commission (HREOC) and the Australian Local Government Association, for Business Unit Managers to use as a resource when planning and reviewing policies, procedures and Business Unit activities.

Implementation: Manager, Corporate Development

Timeframe: within six months of the Plan's adoption

Issue: Working with Others

1. Publicise and promote the Disability Access Policy and the DDA Action Plan to the general community, including people with disabilities, and to business, service, recreational and tourist organisations and associations. This should involve consideration of various communication options, such as:

- Council newsletter and in notices sent with rates;
- Local community radio and local print media;
- Other organisation's newsletters and communication methods;
- Disability organisation newsletters and communication methods; and
- In conjunction with Community and Library Services, a public information session, such as a launch or public forum.

Implementation: Manager, Executive Support

Timeframe: to coincide with the adoption of the Plan

2. Provide briefings on the Disability Access Policy and the DDA Action Plan to all Council Committees and identify those Committees that may be able to have input into Action Plan strategies.

Implementation: Manager, Corporate Development

Timeframe: within three months of the Plan's adoption

3. Develop strategies for working cooperatively with specific organisations on Action Plan strategies, such as:

- Establishing working parties of all stakeholders responsible for access in specific areas;
- Providing information on Council's DDA obligations to stakeholders, inviting them to participate in meeting their obligations in the specified area; and
- Promoting the accessible locations and facilities developed through cooperative arrangements.

Implementation: All Business Unit Managers

Timeframe: at the 1999 annual Business Unit planning process

4. Continue to build and maintain networks with local disability organisations, disability service providers and peak disability organisations to assist Council with future consultations, obtaining relevant resource material and more targeted distribution of Council information. This includes networks with Aboriginal and ethnic disability organisations.

Implementation: Manager, Community and Library Services

Timeframe: On-going

5. Raise issues outside Council's area of responsibility in relevant forums or refer them to the appropriate organisation. For issues raised during the consultations for this Plan and on questionnaires, options could include:

- Refer 'lack of accessible taxis' to Pittwater User Group and local taxi contractors;
- Raise 'more respite facilities' at the Home and Community Care Subregional Forum for possible inclusion in service provider funding submissions and consider during social planning activities;
- Consider 'light rail service' with other local transport issues and/or refer to State Department of Transport; and
- Refer 'access improvements' to Avalon Cinema and Palm Beach Golf Club House.

Implementation: For above issues, identify relevant Business Unit Managers

All Business Unit Managers take responsibility as issues relevant to their area arise

Timeframe: Above issues to be raised within three months of the Plan's adoption/On-going as issues arise

Performance Measures for Goal One:

% Staff Competency Assessments indicate Training Needs met

% Management performance evaluations indicate ability to implement Plan and respond to additional issues.

% increase in contact with people with disabilities.

% positive community feedback

Goal Two and Three: Physical Access to Buildings, Infrastructure and the Environment

Provide equitable access to new buildings, infrastructure, facilities and other areas to which the public has access

Provide maximum access to existing Council buildings, infrastructure, facilities and other public areas.

Issue: Access to New Developments

1. Organise intensive training on access requirements under the DDA for Council Officers involved in development approval processes. Training to be conducted by a person/organisation with expertise in access and the DDA, incorporating 'hands on' components, and developed with reference to the HREOC's *Advisory Notes on Access to Premises* and the Australian Building Code Board's (ABCB) *Building Access Outcomes Paper*.

Implementation: Manager, Corporate Development

Timeframe: PRIORITY

2. In consultation with the Access Committee, develop a Development Control Plan that is consistent with the DDA and goes beyond minimum access standards. Use HREOC's *Advisory Notes on Access to Premises* and ABCB's *Building Access Outcomes Paper* as reference points.

Implementation: Manager, Planning & Assessment/

Manager, Community & Library Services

Timeframe: March 1999

3. Identify and implement methods to promote the Development Control Plan to architects, planners, designers, builders and private certifiers such as conducting information sessions and developing information kits.

Implementation: Manager, Planning & Assessment/Manager, Community & Library Services

Timeframe: within three months of the Plan's adoption

4. Require all significant public developments to have an independent access audit. Define criteria for establishing what public developments will be categorised as 'significant' in consultation with the Access Committee.

Implementation: Manager, Planning & Assessment

Timeframe: on-going until first review of Plan - reassess

Issue: Existing Council Buildings, Infrastructure, Facilities and Spaces

1. Incorporate Access Audit recommendations that still need to be implemented into Business Unit Plans and budget allocations.

Implementation: Managers, Environmental Planning & Community/ Urban & Environmental Assets

Timeframe: within two months of the Plan's adoption

2. In consultation with the Access Committee, prioritise locations for conducting progressive access audits of all Council buildings, facilities, streetscapes and other public areas such as parks, playgrounds and recreational and nature reserves. For setting priorities, consider issues identified in consultations, such as need of people with disabilities to access area, safety issues and potential for complaints.

Implementation: Managers, Environmental Planning & Community/ Urban and Environmental Assets

Timeframe: within two months of the Plan's adoption

3. Conduct initial audit using a person/organisation with expertise in access and DDA requirements. Audits should consider completed 'Streetscape' Policy and the completed Council investigation into wharf access and transfer between wharves and water vehicles.

Implementation: Managers, Urban & Environmental Assets

Timeframe: Priority

4. Identify Council Officers from the Environmental Planning and Community Division and Urban and Environmental Assets Division to be trained during initial audit.

Implementation: Managers, Environmental Planning & Community/ Urban & Environmental Assets

Timeframe: by time of first audit

5. Obtain audit tools that are based on DDA access requirements, such as those used by Hobart City Council, and use these and HREOC's *Advisory Notes on Access to Premises* for planning future audits. All audit tools will need to incorporate latest developments in access requirements.

Implementation: Managers, Environmental Planning & Community/ Urban & Environmental Assets

Timeframe: by end of first audit

6. Council Officers plan and conduct remaining audits in consultation with the Access Committee.

Implementation: Managers, Environmental Planning & Community/ Urban & Environmental Assets

Timeframe: progressive

7. Prioritise recommendations from these audits following consultation with the Access Committee and incorporate into Business Plans and budget allocations.

Implementation: Managers, Environmental Planning & Community/ Urban & Environmental Assets

Timeframe: 3 months after completion of the audit.

8. Incorporate safety issues for people with disabilities into OH&S audit processes, following consultation with the Access Committee.

Implementation: Manager, Corporate Development

Timeframe: after adoption of the DDA Action Plan

Issue: Access and Location of Council Premises

1. Relocate Council to accessible premises at the end of the current lease.

Implementation: Manager, Property & Commercial

Timeframe: by end of lease

2. Until relocation, conduct an access audit of current premises that includes identifying access barriers in getting to and from the building. This audit should be included in the initial identified audit (see Strategies 2 & 3 under the Issue, *Existing Council buildings, Infrastructure, Facilities and Spaces*). Attention should be given to communication devices for the customer service area, such as an audio loop mat with the 'Hearing' symbol displayed. Attention should also be given to alternative service delivery options.

Implementation: Manager, Property & Commercial

Timeframe: Priority

3. Incorporate access audit recommendations into Business Unit Plans for action.

Implementation: Manager, Property & Commercial/Manager, Corporate Development

Timeframe: Priority

Performance Measures for Goals Two and Three:

New Developments - % Council developments provide equitable access
% Other developments provide equitable access
% decrease in complaints to Council
Access Committee confident in DCP and approval process

Existing - % increase in access
% increase in service satisfaction where access recommendations implemented
% decrease in complaints to Council
Access Committee confident with audit method

Goal Four: Access to Council Services and Activities

Provide equitable access to Council services and activities

Issue: Participation

1. Until accessible venues are developed, conduct all community consultations, public meetings and other public events in venues that provide maximum access.

Implementation: All Business Unit Managers
Timeframe: following adoption of Plan

2. Include information on accessibility, such as 'wheelchair accessible venue', 'accessible parking provided', in all public notices advertising these activities.

Implementation: Manager, Executive Support
Timeframe: following adoption of Plan

3. Until accessible venues are developed, identify and implement alternative methods for addressing shortfalls in access, such as purchasing or hiring an audio loop, portable signage, allocating a number of parking spaces for use by people with disabilities only.

Implementation: Manager, ?
Timeframe: following adoption of Plan

4. Include the contact details of a Council Officer responsible for arranging specific access requirements on all public notices. This includes requirements, such as a sign language interpreter, hearing loop, dietary requirements, information in a non-print format.

Implementation: All Business Unit Managers
Timeframe: following adoption of Plan

5. Incorporate specific access requirements into public consultation checklists.

Implementation: Manager, Executive Support
Timeframe: following adoption of Plan

6. Organise staff training to meet the requirements associated with these activities, such as setting up and operating the hearing loop, booking sign language interpreters and protocols associated with their use.

Implementation: Manager, Corporate Development
Timeframe: following adoption of the Plan

7. Identify and implement other means of advertising public events, such as local community radio.

Implementation: Manager, Executive Support
Timeframe: following adoption of Action Plan

8. Develop Council protocols for conducting targeted consultations with people with disabilities, in line with established consultation protocols, such as those from the NSW Ageing and Disability Department and the Department of Community Services. Consider other available references.

Implementation: Manager, Executive Support
Timeframe: ?

Issue: Information and Communication

1. Install a Tele-Typewriter (TTY) to be used in conjunction with the CRMS system and train customer service staff in its use.

Implementation: Manager, Corporate Development
Timeframe: urgent

2. Include TTY number on all Council information that provides contact details, including brochures, bills, public notices and business cards.

Implementation: Manager, Executive Support
Timeframe: by the time TTY is operational

3. Incorporate information about accessible services and facilities into existing public information about Council services and facilities.

Implementation: Manager, Executive Support
Timeframe: by first review of Action Plan

4. Consult with peak disability organisations to develop an information policy or protocol that will:
 - Categorise Council information;
 - Stipulate the format that each category of information must be produced in and the number of copies in each format; and
 - Stipulate the most suitable distribution and publication options for each information category.

Protocol to include information on formats suitable for people with intellectual disabilities.

Implementation: Manager, Executive Support/Manager, Community & Library Services
Timeframe: by first review of Action Plan

5. Review accessibility of Council Internet site using HREOC's *DDA Advisory Notes on World Wide Web Access*.

Implementation: Manager, Executive Support
Timeframe: priority

6. Place all Council public information on the Internet.

Implementation: All Business Unit Managers
Timeframe: priority

7. Once protocols are developed (see Strategy 4 in this section), include statements on printed information to the effect that, for example, "this booklet is also available in large print and audio from the customer service area and on Council's Internet Home Page at ...". This information should be followed by Council contact details.

Implementation: All Business Unit Managers
Timeframe: once protocols adopted

8. In consultation with the Access Committee, develop an access resource for residents and tourists with disabilities. Include information such as the role of the Access Committee, the Youth and Disability Officer, the DDA Action Plan and Disability Policy, information on accessible recreational and environmental activities, locations, facilities, services, accessible transport, an Access map and customer complaints service. Consider developing the resource with tourist organisations.

Implementation: Manager, Executive Support/Manager, Community & Library Services

Timeframe: after first review of Action Plan

9. Produce and publicise the resource into a full range of formats and distribute to libraries, Community Centres, recreational and environmental facilities, local and peak disability organisations. The resource should be available from Council and tourist associations free of charge.

Implementation: Manager, Executive Support/Manager, Community & Library Services

Timeframe: after production

Issue: Planning, design and review of all Council services and activities

1. To ensure equitable access, establish protocols for ensuring that the design and delivery of all Council services and activities involves consultation with the Youth and Disability Officer and/or disability organisations, and makes use of available DDA guidelines and resources.

Implementation: Manager,

Timeframe: priority

2. Incorporate relevant issues identified in social planning consultations into DDA Action Plan review process.

Implementation: Manager, Community and Library

Timeframe: at the initial Action Plan review

3. Participate in the NSW Government's Disability Policy Framework in order to combine DDA requirements with Social Planning requirements.

Implementation: Manager, Community and Library

Timeframe: at the adoption of the Action Plan

Issue: Specific service issues

1. In consultation with the Access Committee, review Council's Transport Strategy to ensure it identifies and addresses accessible transport services including accessible public transport services.

Implementation: Manager, Urban Infrastructure

Timeframe: prior to the adoption of the Plan

2. Continue to identify alternative service options for people with disabilities who are unable to use the current wheelie bin and recycling bin design. Council to cover the costs associated with alternative service options.

Implementation: Manager, Environmental Compliance

Timeframe: Priority

3. Incorporate the issue of the integration of children with disabilities into children's services, particularly children with intellectual disabilities, into current social planning activities.

Implementation: Manager, Community and Library

Timeframe: by the initial review of Action Plan

4. Investigate methods of addressing sand build-up in the beach areas identified during consultations.

Implementation: Manager, Recreation and Reserves

Timeframe: within two months of the Plan's adoption

Performance Measures for Goal Four:

% increase in service satisfaction

% increase in service useage by people with disabilities

% decrease in service access complaints

% increase in participation in public events by people with disabilities

Goal Five: Employment

Provide equitable Council employment opportunities and a non-discriminatory workplace for people with disabilities

1. Using the draft DDA standards on employment as a reference point (see Strategy 4 in the Issue, Training and Awareness), review employment policies and procedures. This should include ensuring that policies and procedures:
 - Include references to the DDA and disability discrimination;
 - require that job selection criteria only stipulate the 'inherent requirements';
 - require that job advertising includes in its EEO statement that Council makes 'reasonable adjustments';
 - require the use of non-discriminatory interview questions; and
 - require accessibility of the location for job interviews.

Implementation: Manager, Corporate Development

Timeframe: within 3 months of the Plan's adoption

2. Using the draft DDA standards in employment as a reference point, develop a policy on reasonable adjustment. This policy to include recommendations on adjustments that could be made until upgrades of existing Council premises are conducted or relocation to accessible premises takes place.

Implementation: Manager, Corporate Development

Timeframe: priority

3. Develop user-friendly and accessible grievance and harassment procedures.

Implementation: Manager, Corporate Development

Timeframe: priority

4. Review existing EEO policy to incorporate strategies for increasing the numbers of staff with disabilities in a range of positions.

Implementation: Manager, Corporate Development

Timeframe: priority

5. Implement EEO strategies to actively increase representation of staff with disabilities.

Implementation: Manager, Corporate Development

Timeframe: priority

6. In the development of policies and procedures, consider using the NSW Anti-Discrimination Board's Employers' Advisory Service and its free consultancy service that assesses and provides comments on policies.

Implementation: Manager, Corporate Development

Timeframe: at Policy development stages

7. Identify ways of providing information to all staff on employment policies and procedures, such as including information at staff inductions, incorporating into regular trainings. This information should be available in a range of alternative formats.

Implementation: Manager, Corporate Development

Timeframe: by the first review of the Action Plan

Performance Measures for Goal Five:

% increase in numbers of staff with disabilities

% increase in number of requests for reasonable adjustment

Feedback indicates staff satisfaction with grievance procedures

Part Four: Action Plan Review and Evaluation

Monitoring, review and evaluation of the Action Plan will be incorporated into existing reporting and review requirements outlined in the Management Plan.

The Business Unit Management team will act as the Steering Committee to ensure that the Plan is implemented, reviewed and evaluated. The Anti-Discrimination and Equal Employment Opportunity Committee will assess Action Plan outcomes and drive the review and evaluation process outlined below.

Managers will report on their progress towards implementing strategies in their quarterly management reports. Briefings on these reports will be given to the Anti-Discrimination and Equal Opportunity Committee. Briefings on physical access issues will be given to the Access Committee.

The Plan will be reviewed annually. This review will coincide with the annual review of the three-year Management Plan.

The initial review will:

- Enable the Plan to be 'adjusted' to incorporate additional issues, such as information arising from the Social Planning process, from customer feedback, from the Access Committee and from quarterly reports;
- Enable benchmarks to be incorporated into the performance measures; and
- Provide a report for inclusion in the Council's Annual Report.

A comprehensive evaluation will be undertaken at the same time as the three-year review of the Management Plan. It will involve:

- An assessment, using information identified in performance measures, of success in achieving goals; and
- A community consultation strategy to continue the process of identification of access barriers to all Council services and facilities, including physical, attitudinal and communication barriers.

Information from these two processes will provide the basis for the development of the next DDA Action Plan stage.

Council Policy – No 150	Adopted:	OM:03.11.2003
	Amended:	

REGULATORY PROCESS – PERMANENT SECTION – SYDNEY LAKESIDE NARRABEEN

POLICY STATEMENT

This policy is established to ensure a proper process for the appropriate management of development within the permanent / long stay section of Sydney Lakeside Narrabeen.

Approval Process

All applications for the installation of new moveable dwellings on existing permanent sites or alterations / additions to existing dwellings and associated structures within the permanent / long stay section of Sydney Lakeside Narrabeen, must be in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The approval process shall be as follows:

1. Application Form and application fee for additions/new dwelling to be submitted to Council's Business and Administration Unit;
2. Council's Business and Administration Unit to satisfy itself that all necessary plans, surveys and certifications, etc have been received to enable proper assessment of application under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.;
3. Application to be referred to Council for assessment of technical compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.;
4. Approval/Refusal Notice of Determination to be issued to applicant by Council's Business and Administration Unit;
5. Following completion of works, inspection to be carried out by Councils Environmental Compliance Unit to ensure works are carried out in accordance with approval granted.

Assessment of Applications

All applications for the installation of new moveable dwellings on existing permanent sites or modifications to existing dwellings and associated structures, must be submitted to Council on the attached Application Form together with relevant supporting documentation required by Council as set out on the attached Application Form.

1. **APPLICATION FORM**



**MODIFICATIONS TO EXISTING DWELLINGS & ASSOCIATED STRUCTURES
OR
INSTALLATION OF NEW MOVEABLE DWELLINGS**

**SYDNEY LAKESIDE NARRABEEN
(EXISTING PERMANENT/LONG STAY SITES)**

Applicant's Name:

Applicant's Address:

Applicant's Contact Details:

Phone:

Mobile:

Fax:

Application fee paid: \$ (amount)

Date received:

Address of Property of Proposed Works

Description of Proposed Works:

.....
.....
.....

	Information required by Council to accompany this application form	Date Received
1	SITE PLAN from a registered surveyor showing all dimensions of the site, distances to existing and proposed structures on the site and adjacent sites and total site coverage (including structures, ancillary structures and parking areas).	
2	PLANS clearly detailing: (i) the extent of the proposed works, including elevations and sections detailing ceiling heights, lighting, ventilation, floor area and privacy screening (where applicable), drawn to a minimum scale of 1:100. (ii) schedule of building materials to be used.	
3	SPECIFICATION from suitably qualified Structural Engineer of all proposed structural members ie. any piers, footings or tie-down systems associated with any proposed works or proposed new moveable dwelling.	

2.

Notes:

1. An optional meeting with a Council Officer is available free of charge to assist applicants prior to lodging their application.
2. All applications for the installation of new moveable dwellings on existing permanent sites or alterations / additions to existing dwellings and associated structures within the permanent / long stay section of Sydney Lakeside Narrabeen, must be in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
3. Standard conditions of approval will include the following:
 - All manufacturing is to be carried out off site;
 - All building debris is to be removed prior to occupation;
 - Hours of work on site are limited to 7am to 5pm Monday to Friday and 7am to 1 pm Saturday;
 - All contractors must comply with relevant Workcover and OH&S legislation;
 - A copy of a certificate of currency of public liability insurance for all contractors working on the site must be provided to the Park Manager prior to any contractor commencing work on the site;
4. Following completion of works but prior to occupation, the following information must be provided to the Park Manager:
 - A notice including the particulars contained on each compliance plate relating to the relocatable home or associated structures;
 - Certification from the Builder that completed works are in accordance with the approved plans and other related documentation
 - Engineer's Certificate certifying the structural adequacy of the relocatable home or associated structure.

Office Use Only:

All necessary information has been received by Pittwater Council to enable proper assessment of the application in accordance with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Application No. SL---/200__.

Signed

Name of Council Officer

Date

CONSENT NO:/200__
LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS,
CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005
NOTICE TO APPLICANT OF DETERMINATION
OF APPLICATION

Applicant's Name and Address:

.....

Being the applicant in respect of Application No. SL .../200__

Pursuant to Division 4 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, notice is hereby given of the determination by Pittwater Council, as the consent authority of Application No. SL .../200__ for:

(Description of Works)

At:

(Address of Property)

Decision:

The application has been determined by the granting of consent in accordance with plans numbered dated, prepared by, or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the works consented to are carried out in such a manner as to the achieve the objectives of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Endorsement of date of consent:

Mark Ferguson
GENERAL MANAGER

Per:

(SAMPLE ONLY)

DETERMINATION

CONDITIONS OF CONSENT

A. CONDITIONS OF CONSENT

- A1. All manufacturing (where applicable) is to be carried out off site;
- A2. All building debris is to be removed prior to occupation;
- A3. Hours of work on site are limited to 7am to 5pm Monday to Friday and 7am to 1 pm Saturday;
- A4. All contractors must comply with relevant Workcover and OH&S legislation;
- A5. A copy of a certificate of currency of public liability insurance for all contractors working on the site must be provided to the Park Manager prior to any contractor commencing work on the site;
- A6. The Schedule of Building Materials to be used is to be approved by Council;
- A7. Details of internal and external waterproofing, plumbing and drainage, electrical wiring and fire and smoke alarms are to be submitted to Council's satisfaction;
- A8. Details of Fire Protection measures are to be submitted to Council's satisfaction.

B. MATTERS TO BE SATISFIED PRIOR TO OCCUPATION

- B1. A notice including the particulars contained on each compliance plate relating to the relocatable home or associated structures is to be supplied to the Park Manager;
- B2. Certification from the Builder that completed works are in accordance with the approved plans and other related documentation (surveys, engineering certification, etc) is to be supplied to the Park Manager.

Council Policy – No 155	Adopted:	OM13.9.04
	Amended:	

ETHICAL BUSINESS RELATIONSHIPS

That Pittwater Council adopt as a Policy, that it will only deal with companies who behave in an ethically, socially and ecologically responsible way in the conduct of their business.

Council Policy – No 177	Adopted:	OM: 16.11.09
	Amended:	

ROAD RULE EDUCATION POLICY

Objectives

To advise of new or amended road related legislation affecting the Australian Road Rules, New South Wales (NSW) Road Rules, NSW Roads Traffic Acts and the NSW Roads Act to the Pittwater community.

Policy Statement

Within 30 days of notification of new or amended legislation, Council shall (where applicable):

- Prepare and distribute information sheets, advertisements or brochures
- Place advisory advertisements with local media
- Place updated information on Council's website.

Where changes to legislation have a direct impact on schools, organisations or community groups, Council will notify those groups directly.

Where possible, Council will utilise the resources of the Roads and Traffic Authority to assist in the education of legislation changes to the Pittwater community.

C10.11 Review of Council's Code of Meeting Practice

Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: **Business Management**

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

PURPOSE OF REPORT

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

1.0 BACKGROUND

- 1.1 Council last reviewed its Code of Meeting Practice at its meeting held on 3 November 2008.
- 1.2 The Code is prepared and adopted in accordance with the requirements of Section 360 of the Local Government Act 1993, the Local Government (General) Regulations 2005 and by resolution of the Council.
- 1.3 In amending its Code of Meeting Practice Council must ensure that policy decisions are not in conflict with the requirements of the Local Government Act or Regulation.
- 1.4 The requirements of the Code of Meeting Practice are also supported by the Department of Local Government's "Meetings Practice Note No 16" which is a guide to understanding the legislative requirements set out in the Act and regulations.
- 1.5 As a result of the Council's Policy Review a number of policies were identified that required incorporating into Council's Code of Meeting Practice, thus making those policies redundant.
- 1.6 Council's Code of Meeting Practice incorporates three distinct provisions, Part 1 - Supplementary Provisions (ie procedures adopted by resolution of the Council), Part 2 - Provisions as set out in the Regulations and Part 3 – Provisions set out in the Act.
- 1.7 The amendments proposed are only those proposed for Part 1 of the Code.
- 1.8 The amended Code needs to be placed on public exhibition for a period of 28 days with submissions received up to 42 days from the date the code is placed on public exhibition.
- 1.9 A further report will be brought back to Council at the end of the 42 day period.

2.0 ISSUES

- 2.1 The inclusion into the code of those policy issues identified during the policy review process.
- 2.2 Amendment of the code to provide for actual administrative processes and practices or direction from the Department of Local Government
- 2.3 Placement of the Code on public exhibition and further report to Council at the end of the consultation process
- 2.4 Attached to this report is the current policy with the proposed amendments in red and explanatory comments in blue. (refer **ATTACHMENT 1**)

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 No effect on this assessment

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 No effect on this assessment

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 No effect on this assessment

3.4 Leading an Effective & Collaborative Council (Governance)

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

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 No effect on this assessment

4.0 EXECUTIVE SUMMARY

- 4.1 As a result of Council's Policy review several policies were identified to be more appropriate for inclusion in the Code of Meeting Practice rather than as stand alone policies.
- 4.2 The Code has not been reviewed since 3 November 2008.
- 4.3 The Code incorporates three distinct provisions, Part 1 -Supplementary Provisions (ie procedures adopted by resolution of the Council), Part 2 -Provisions as set out in the Regulations and Part 3 – Provisions set out in the Act.
- 4.4 Any amendment to the Code requires public exhibition and further report to Council for final adoption.

RECOMMENDATION

That the Draft Code of Meeting Practice (as amended in the attached document) be placed on public exhibition for 28 days and a further report be brought back to Council at the end of the 42 day period allowed for submissions.

Report prepared by

Warwick Lawrence

MANAGER, ADMINISTRATION & GOVERNANCE

Code of Meeting Practice

Dataworks Document Set Number: 3003770
Dataworks Subject: Council Meetings – Code of Practice
Document Controller: Manager, Administration & Governance
Updated as at: 3 November 2008

CODE OF MEETING PRACTICE

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Should Council agree to the amendments proposed in the report the above Index will be renumbered and amended to reflect the necessary deletions and additions.

EXPLANATORY NOTE

CLAUSES INCORPORATED IN CODE OF MEETING PRACTICE

Source

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

Amendments Incorporated

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

PART ONE – SUPPLEMENTARY PROVISIONS

1. Procedure to close a meeting to the public

- (i) *Council shall resolve into a "Committee of the Whole", and those of its Committees of which all the members are Councillors shall resolve into "Closed Session", to consider confidential items.*
- (ii) *Council and each such Committee shall resolve that pursuant to section 10A(2) of the Local Government Act 1993 the press and public be excluded from the proceedings of the Committee of the Whole, or the Closed Session proceedings of such Committee, on the grounds that the business to be considered is of a confidential nature, being business of the kind referred to in Section 10A(2), including:*
 - (a) *personnel matters concerning particular individuals (other than Councillors);*
 - (b) *the personal hardship of any resident or ratepayer;*
 - (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.*
 - (d) *commercial information of a confidential nature that would, if disclosed:-*
 - *prejudice the commercial position of the person who supplied it; or*
 - *confer a commercial advantage on a competitor of the Council; or*
 - *reveal a trade secret;*
 - (e) *information that would, if disclosed, prejudice the maintenance of law;*
 - (f) *matters affecting the security of the Council, Councillors, Council staff or Council property;*
 - (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- (h) *Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

(OM 20/12/93)

This section is to be deleted as it is already included on page 21/22 of the code as it is contained within Part 10A of the legislation (LGA).

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

- (i) *After a motion to close part of a meeting to the public has been moved and seconded, the chairperson would ask the general manager if there are any written representations from the public on the proposed closure;*
- (ii) *The general manager (or nominee) would read out any written representations (if any)*
- (iii) *The Chairperson would ask if any persons wish to make verbal representations;*
- (iv) *The opportunity to speak would be given (on an item by item basis) to each person who wishes to comment, chosen in random order;*
- (v) *Each person addressing the Council in this regard be allowed to speak for a maximum period of 2 minutes per person;*
- (vi) *The Council would then close the meeting under section 10A(3) of the Local Government Act to consider in open council whether part of the meeting should be closed to the public to consider the subject item (OM 23/3/98)*

Delete – underlined text and add “in open Council”. For transparency and for the public’s benefit Council should consider whether the meeting should be closed, in open Council.

3. Council and Principal Committee Meetings - Cycle

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

after lodgement in order to consider the rescission motion.(OM 11/03/02 & 13/05/02)

Delete the underlined text and note amendment. The referral of the rescission motion to the next available Council meeting (or earlier by resolution of the Council) seems more appropriate than calling an Extraordinary meeting just to deal with the rescission motion.

4. Notice of Motion

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

Any Notice lodged by electronic means without a signature is not to be included on a Council or Committee meeting agenda unless the relevant member of Council has been previously contacted by a Council Officer to verify the authenticity of the Notice."
(OM 3/8/98)

Replace "5th day" with "Monday". The current arrangement allows for the submission of a NOM up to 5pm on the Wednesday prior to the meeting. As agendas are now prepared on the Monday and finalised by 10am on the Tuesday prior to the meeting the revised timeframe is more appropriate for the agenda distribution deadline of Wednesday afternoon.

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

That provision be made in all future Principal Committee Meeting Agendas for Notices of Motion/ Rescission to be dealt with, provided that such Notices strictly relate to the business of the relevant Committees and do not include the voting of funds or create financial ramifications that exceed the Committees' legitimate powers as provided in the Local Government Act, 1993. The Council Meeting Agenda will continue to deal with Notices of Motion/ Rescission. (OM 5/5/97)

Delete the red underlined text, It conflicts with the paragraph above it.

6. Notice of Council and Principal Committee Meetings

The time and manner of giving notice of Meetings of Council or of Council's Principal Committees of which all the members are Councillors, shall be by delivery to the normal place of residence of each Councillor of a notice of such meeting, not less than three (3) days prior to the meeting (OM 20/12/93).

Delete this section. This requirement is covered by Section 367 of the Act

7. Reports of Officers of Council and Special Committees

Reports of Officers to the Council and of Special Committees which are to be submitted for Council's consideration, or for consideration by a "Principal Committee" of which all the members are Councillors, shall be lodged with the General Manager not later than 5.00pm on the fifth day prior to the meeting at which they are to be considered (OM 20/12/93).

Delete this section. This is an administrative procedure that does not need to be dealt with in the Code of Meeting Practice.

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

1. *A member of the public may be granted leave to address a meeting of Council or a Committee of which all the members are Councillors, where such a request is received by the General Manager no later than 3.00pm on the Monday of the meeting. This provision is subject to:*
 - (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the **item recommendation**, and two speakers in opposition. (OM 13/02/06)*
 - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions. (OM 13/02/06)*
 - (c) *An objector to a development application is to speak first with the applicant always being given the right to reply.*

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

Exceptions to these requirements may apply where:

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
 - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager (OM 20/12/93)*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing. (OM 13/02/06).*
3. *The Chairperson is to rule on matters concerning resident speeches. No procedural motions in this regard are to be moved. (OM 13/02/06).*

Replace "item" with "recommendation" . The proposed amendment clarifies objectors and supporters of the recommendation.

9. Tabling/ Handing Up of Documents

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

10. Attendance during Council and Principal Committee Meetings

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

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

11. Mode of Addressing Council

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

12. General Order of Business - Council Meetings

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

- (1) Public Forum/Resident Question Time**(Second Council Meeting of the Month)*
- (2) Apologies*
- (3) Declaration of Conflict / Pecuniary Interests*
- (4) Confirmation of Minutes*
- (5) Mayoral Minutes*
- (6) Notices of Motion/ Rescission*
- (7) Business by Exception*
- (8) Public Addresses*
- (9) General Business*
- (10) Questions*
- (11) Confidential Matters*

The general order of business at Principal Committee meetings shall be as above, but with the exclusion of:

- Resident Question Time*
- Questions*

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

Delete matters in red above and replace with the following order of business which has been used by Council for some time. In addition item 10 "Questions" should be amended to read "Councillor Questions with Notice" (refer to recommendation and comment in Section 24).

In addition "Business by Exception" should follow "Public Addresses" to ensure that such reports are not inadvertently determined first.

The addition of (9) - Principal Committee Business, reflects current practice.

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

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

13. Notice of Rescission Motion

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

OR

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

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

Replace “5th day” with “Monday”. The current arrangement allows for the submission of a Notice of Rescission Motion up to 5pm on the Wednesday prior to the meeting. As agendas are now prepared on the Monday and finalised by 10am on the Tuesday prior to the meeting the revised timeframe is more appropriate for the agenda distribution deadline of Wednesday afternoon.

14. Closing Time - Meetings

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

15. Motions for Adjournment of Council

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

16. Recording of Decisions – Development Applications

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

Council is required to call a Division to record voting on Development matters (Section 375A (3) LGA .)

17. Communication of Decisions of Council & Principal Committees

Details of resolutions of Council, or of Council's Principal Committees of which all the members are Councillors, shall be given to persons by the responsible Officers of Council after 2.00pm on the day following such meetings. (OM 20/12/93)

This section should be deleted as it is an administrative issue whereby decisions of the Council are only provided to enquirers when the formal minutes of the Council have been finalised by the Manager Administration and Governance. The current KPI adopted for the Minute Secretaries is for minutes to be finalised by 5pm on the Wednesday following the Council meeting however if minutes are finalised earlier we will release the information and place the minutes on our website beforehand.

18. Unopposed Notices of Motion

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

19. Unopposed General Business (Business by Exception)

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

The amendment clarifies the issue.

20. Correspondence

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

21. Written Motions - Amendments - Supplementary Motion

That Council adopt as policy in respect of meeting agenda items, that from the next meeting (Ordinary or Committee) a mover of a motion (supplementary motion) or an amendment be requested, wherever possible, to put those matters in writing to the meeting. (OM 4/7/94) (13/02/06)

It is recommended that this section be deleted as it is not possible to provide the actual wording of an amendment until a Councillor is aware of what the motion is.

22. Deferment of Business

At a meeting of Council, a councillor may move a Motion or an amendment that consideration of an item or business before Council be deferred for a specified reason.

The Motion or amendment is to be dealt with by the meeting as a substantive Motion (OM 20/12/93).

This section should be deleted as current meeting procedure currently allows consideration of any motion and amendment on an item, including a deferment.

23. Supplementary Motion

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

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

24. Questions - Procedure

- (1) At all Council meetings, each Councillor may ask up to three questions without notice under the segment of the agenda designated for that purpose.*
- (2) Questions without notice at a Council meeting, are to be submitted to the General Manager in writing and signed by the member.*
- (3) Councillors are encouraged to ask questions of the responsible staff members between meetings, on matters which are of concern to them (OM 20/12/93).*

The previous practice of Councillors asking questions without notice on matters not on the agenda was incorrect. The DLG issued Circular No. 10-10 stating that “allowing questions without notice is inconsistent with the provisions of the regulations which requires notice to be given of matters to be raised at Council meetings”.

As such Section 24 should be amended to read as follows:-

24 Councillor Questions with Notice

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

25. Extensions of Time for Councillors Speeches

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

26. Motion - "That the Question be Now Put"

In compliance with paragraph (4) of Clause 50 of this Code, A motion "that the question be now put" may not be moved while a Councillor is speaking in favour of a motion or an amendment, or while a Councillor is speaking against the motion or amendment (OM 20/12/93).

This section can be deleted as it is addressed in Section 250 of the Regulations.

27. Recommendations of Committee of the Whole

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

28. Communications by Committee

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

29. Mode of Proceeding in Cases not Provided For

Where at a Council meeting matters arise which are in all cases not provided for in this Code of Meeting Practice, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceeding of the Council (OM 20/12/93).

This section should be deleted as the LGA, the regulations and this Code address all pertinent matters relating to meeting procedure. Any matter that arises that is not covered in this code can be included by amending the code.

30. Misuse of Confidential Information

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

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

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

32. General Manager Comments during Debate

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

33. Public Forums

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

34. Responses to Questions – Taken on Notice

- 1. When at a Council Meeting a question asked of the Mayor or of the General Manager is not answered in full and/or taken on notice, the ultimate answer is required to be given in full and included in the next available Council Meeting agenda after the response has been researched and concluded together with the question. A notation to this effect is to be raised in the minutes of the meeting at which the question is asked.*
- 2. That this item appear in the Agenda for information purposes only and not for further debate. (OM. 22.10.07)*

This section can be deleted as it is now contained within section 24 of this code.

35. Councillor Questions on Motions at Principal Committee Meetings

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

The amendment clarifies the issue.

36. Attacks on Councillors and Staff members at meetings

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

This was previously a Council policy (No 4).

37 Residents Questions – Council Meetings

- (1) That residents Question Time be conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.
- (2) That a maximum of 10 minutes be allocated to residents Question Time
- (3) That Residents be restricted to two (2) questions per meeting
- (4) That all questions be in writing or made electronically and lodged with the General Manager no later than 12 noon on the Thursday prior to the Council meeting at which it is to be considered.
- (5) Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.
- (6) A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.
- (7) Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.
- (8) The General Manager reserves the right to refer a question back to the resident for clarification or for amendment if the question conflicts with point 3 or 5 above.
- (9) Failure to amend questions to conform with point 3 and 5 above will be rejected.
- (10) There will be no debate or questions with, or by, Councillors during/following a resident question and response.
- (11) Questions will not be permitted in relation to the following matters :-

Matters involving current dealings with Council (eg development applications, contractual matters, tenders or legal matters etc)
- (12) The person submitting the question will read out only the question as submitted.
- (13) The General Manager will provide to Councillors prior to the start of the meeting a copy of each question including the preamble.

Council policy No 5 previously dealt with part of this matter. The requirements of that policy are now incorporated into this section of the code along with the resident question time guidelines that are currently presented at the front of the Council agenda.

On occasions residents question time has been abused and the submission of questions immediately prior to the start of Council meetings did not allow staff adequate time to research some of the complex questions asked. In addition some of the questions received were either not clear, totally ambiguous or frankly just didn't make sense. Residents also were aware that they could read out their preamble to their question and as such they used the preamble to the question as the means to getting their point across rather than focussing on the question.

The new process will resolve all these issues however the Community Engagement and Information Reference Group (previously named Governance Reference Group) considered this particular issue when it was presented to them at their meeting on 23/2/2011 and they suggested that resident questions time be amended to allow for 2 questions per resident, being a primary question and then a supplementary question to clarify the primary question if so required.

38 Submission of Large Documents to Councillors

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

Policy No 108 provided for the submission of draft reports and documents to Councillors for the time period specified above. However the policy identified large documents to be those in excess of 5 typed A4 pages. The 10 pages recommended above is considered to be more appropriate and as reports are only referred to SMT for agenda review on the Monday prior to the Council meeting, the requirement to provide draft reports has been deleted.

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

Note: Numbering of Clauses replicates numbering of legislation.

Part 10 – Meetings

DIVISION 1 – PRELIMINARY

231 Definitions

In this Part:

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

"chairperson":

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

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

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

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

232 Notice of meetings

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

233 What happens when a quorum is not present

- (1) A meeting of a council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in his or her absence--by the majority of the councillors present, or

- (c) failing that, by the general manager.
- (3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

234 Minister to convene meetings in certain cases

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

235 Presence at council meetings

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

DIVISION 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

236 Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- (2) The election must be conducted:
 - (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) if neither of them is present at the meeting or there is no general manager or designated employee--by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

237 Chairperson to have precedence

When the chairperson rises during a meeting of a council:

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

238 Chairperson's duty with respect to motions

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

239 Order of business

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

240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson--any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.

241 Giving notice of business

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

Such a motion can be moved without notice.

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

242 Agenda for extraordinary meetings

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

- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

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

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

243 Official minutes

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

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

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

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

245 Notice of motion--absence of mover

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

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

246 Motions to be seconded

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

247 How subsequent amendments may be moved

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

248 Motions of dissent

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

249 Questions may be put to councillors and council employees

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

250 Limitation as to number of speeches

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

- (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

251 Voting at council meetings

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

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

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

253 Resolutions passed at closed meetings to be made public

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

254 Matters to be included in minutes of council meeting

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

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

DIVISION 4 – KEEPING ORDER AT MEETINGS

255 Questions of order

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

256 Acts of disorder

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).

- (3) A councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

257 How disorder at a meeting may be dealt with

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

258 Power to remove persons from meeting after expulsion

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

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion--immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

DIVISION 5 – COUNCIL COMMITTEES

259 Committee of the whole

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

260 Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary.

- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

- (3) The quorum for a meeting of a committee is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number--a majority of the members of the committee.

261 Functions of committees

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

262 Notice of committee meetings to be given

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

263 Non-members entitled to attend committee meetings

- (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

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

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

265 Procedure in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.

- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

266 Committees to keep minutes

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

267 Chairperson and deputy chairperson of committees

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

268 Absence from committee meetings

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

269 Reports of committees

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

270 Disorder in committee meetings

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

271 Certain persons may be expelled from council committee meetings

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

DIVISION 6 – MISCELLANEOUS

272 Inspection of the minutes of a council or committee

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

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

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.

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

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

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

Part 1 – Open meetings

9 Public notice of meetings

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

10 Who is entitled to attend meetings?

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

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

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

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

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret--unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

10D Grounds for closing part of meeting to be specified

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

an open meeting would be, on balance, contrary to the public interest.

10E (Repealed)

11 Public access to correspondence and reports

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

DIVISION 1 – CODE OF MEETING PRACTICE

360 Conduct of meetings of councils and committees

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

DIVISION 2 – OTHER PROVISIONS CONCERNING COUNCIL MEETINGS

365 How often does the council meet?

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

366 Calling of extraordinary meeting on request by councillors

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

367 Notice of meetings

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

368 What is the quorum for a meeting?

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

369 Who presides at meetings of the council?

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

370 What are the voting entitlements of councillors?

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

371 What constitutes a decision of the council?

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

372 Rescinding or altering resolutions

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

of the council.

- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

373 Committee of council

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

374 Certain circumstances do not invalidate council decisions

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

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

375 Minutes

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

376 Attendance of general manager at meetings

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

451 Disclosure and presence in meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.

- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

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

452 (Repealed)

453 Disclosures to be recorded

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

454 General disclosure

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

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

455 (Repealed)

456 Disclosure by adviser

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

457 Circumstances in which secs 451 and 456 are not breached

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

458 Powers of Minister in relation to meetings

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

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

C10.12	Determinations of the Local Government Remuneration Tribunal 2011/2012
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: Effectively manage Council's corporate governance responsibilities

PURPOSE OF REPORT

To consider Councillor and Mayoral fees for the 2011/2012 financial year.

1.0 BACKGROUND

- 1.1 The Local Government Remuneration Tribunal has made determinations under Sections 239 and 241 of the Local Government Act, of annual fees payable for the twelve-month period commencing from 1 July 2011 to Mayors and Councillors of local Councils. In summary, the Tribunal has determined to increase the maximum fees payable to Councillors and Mayors by 4.2%. Last year Council increased the adopted Councillor and Mayoral fees for 2009/2010 by the 3.0% recommended by the Tribunal (not the maximum recommended).
- 1.2 Under the provisions of Section 248 of the Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal's Determinations. Accordingly, a Council may, having regard to the category established by the Tribunal:
- fix a fee that is equal to, or greater than, the minimum but not greater than the maximum for the appropriate category; or
 - where no fee is fixed, pay the appropriate minimum fee determined by the Tribunal
 - a Council must pay the same fee for each Councillor
 - advice has previously been received from the Department of Local Government that once Council has determined its fee for the next annual period and that period has commenced, the decision has been implemented. The Council is not then able to alter the fee once it has come into effect.
- 1.3 As part of their 2011 Annual Review the Remuneration Tribunal received a number of submissions supporting an increase in the fees payable to councillors relating too: responsibilities associated with integrated planning and reporting, workload, complexity of issues, training and development, expenses and categorisations. After taking the views of the Assessors into account the Tribunal considered that an increase of 4.2% in the fees for Councillors and Mayors appropriate.
- 1.4 The following table sets out the range of fees that can be paid to the Councillors and the Mayor for the 2011/2012 financial year for Metropolitan Councils, together with details of the existing fees paid to the Mayor and Councillors of Pittwater Council:

CATEGORY- METROPOLITAN	
New Councillor Annual Fee Range (2011-2012)	*New Mayoral Fee Range (2011-2012)
\$7,550 - \$16,640 pa	\$16,080 - \$36,320 pa
Current Pittwater Councillor Fees	*Current Pittwater Mayoral Fee
\$15,573 pa	\$34,000 pa

**This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s.249(2)).*

As Councillors would be aware, Council did not adopt the maximum fees recommended for 2009/2010. Therefore the annual % increase recommended by the Local Government Remuneration Tribunal last year saw Council fall below the maximum payments allowed.

This 4.2% increase (recommended by the Local Government Remuneration Tribunal) on the current annual fees received by Pittwater Councillors and Mayor would see Councillor and Mayoral fees increase to \$16,227 and \$35,428 respectively.

2.0 ISSUES

- 2.1 To determine if Council wishes to increase its Councillor and Mayoral fees by the max 4.2% recommended by the Remuneration Tribunal.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The report will have no impact on this strategy.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The report will have no impact on this strategy.

3.3 Enhancing our Working & Learning (Economic)

The report will have no impact on this strategy.

3.4 Leading an Effective & Collaborative Council (Governance)

This report is in response to the requirements of Sec 239 and 241 of the Local Government Act.

3.5 Integrating our Built Environment

The report will have no impact on this strategy.

4.0 EXECUTIVE SUMMARY

- 4.1 The Local Government Remuneration Tribunal has made determinations under Sections 239 and 241 of the Local Government Act, of annual fees payable for the twelve-month period commencing from 1 July 2011 to Mayors and Councillors of local Councils.
- 4.2 The Tribunal has determined to increase the maximum fees payable to Councillors and Mayors by 4.2%.
- 4.3 This report recommends that the **current** Councillor and Mayoral fees be increased by the 4.2% recommended by the LG Remuneration Tribunal.

RECOMMENDATION

- 1. That the annual fee payable to Councillors for the period 1 July 2011 to 30 June 2012 be **\$16,227**, representing a 4.2% increase (as recommended by the Local Government Remuneration Tribunal) to the current fees.
- 2. That the annual fee payable to the Mayor for the period 1 July 2011 to 30 June 2012 be **\$35,428**, representing a 4.2% increase (as recommended by the Local Government Remuneration Tribunal) to the current fees.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C10.13	Constitutional Reform - Recognition of Local Government in the Australian Constitution
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Business Management

ACTION: To effectively manage Council's Corporate Governance responsibilities

PURPOSE OF REPORT

To respond to an urgent request by the Australian Local Government Association (ALGA) for resolutions of support from councils endorsing ALGA's position on Constitutional Reform.

1.0 BACKGROUND

- 1.1 At the Constitutional Convention held in Melbourne in December 2008, more than 500 mayors and councillors from across Australia reached consensus on the preferred way forward on constitutional reform.
 - 1.2 The Convention concluded that a referendum to include local government in the Australian Constitution was the best way to ensure the future stability of local communities across Australia.
 - 1.3 Key strategies involve seeking the support of members of the Government and Opposition on a bipartisan basis, and increasingly involve councils in local advocacy for reform and to assist in engaging the broader public on the issue.
 - 1.4 In February of this year ALGA wrote to the Mayors of all Councils requesting that they pass resolutions formally endorsing the ALGA position on Constitutional Reform.
 - 1.5 ALGA now advise that constitutional recognition will be one of the issues featured in the upcoming ALGA 2011 National General Assembly of Local Government to be held 19-22 June in Canberra. As widespread local government support is necessary to progressing the case for constitutional recognition, Council's formal endorsement of support is urgently sought by the ALGA.
-

2.0 ISSUES

- 2.1 It is currently unclear as to whether the Federal Government has the power to fund local government directly through programs such as the Roads to Recovery Program and the Community Infrastructure Program. Constitutional reform will remove this uncertainty and protect these vital local government funding sources.
- 2.2 It is also unclear what level of involvement that Council will have in relation to this issue however it is acknowledged that there may be a need in the future to reform Council's previously appointed Constitutional Reform Advisory Committee to assist at a local level.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Considerable public consultation will be required to advance this cause both locally and nationally.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 This report has no effect on this assessment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Constitutional recognition will provide increased opportunity for direct funding of LG at Federal level.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Working in cooperation with Local Government, State and Federal bodies to achieve constitutional reform for the betterment of our local constituency.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 This report has no effect on this assessment

4.0 EXECUTIVE SUMMARY

- 4.1 The ALGA position on necessary constitutional change is that (1) the Australian Constitution be changed to allow direct funding of local government bodies by the Federal Government, (2) that local government be included in any new Preamble to the Constitution (if one is proposed), and (3) that all political parties support a referendum by 2013 to change the Australian Constitution to achieve this recognition.
- 4.2 Constitutional recognition will be one of the issues featured in the upcoming ALGA 2011 National General Assembly of Local Government to be held 19-22 June in Canberra.
- 4.3 Widespread local government support is necessary to progressing the case for constitutional recognition, and urgent formal endorsement is sought by ALGA.

RECOMMENDATION

- 1. That Pittwater Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly.
- 2. That Pittwater Council supports the inclusion of local government in any new Preamble to the Constitution if one is proposed.

3. That Pittwater Council call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
4. That a copy of Pittwater Council's formal endorsement be sent to the Australian Local Government Association and the Local Government Shires Association of NSW.

Report prepared by

Pamela Tasker
Acting Principal Officer – Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C10.14	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 9 April 2011
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Meeting: Governance Committee

Date: 20 June 2011

STRATEGY: Beach & Coastal Management

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

PURPOSE OF REPORT

To advise Council of the Minutes of the Sydney Coastal Councils Group (SCCG) Ordinary Meeting of 9 April 2011 hosted by the Waverley Council.

1.0 BACKGROUND

- 1.1 The SCCG is a forum to promote co-ordination between the 15 member councils on environmental issues relating to the sustainable use and management of the Sydney urban coastal environment.

2.0 ISSUES

2.1 Item 7 – Beachwatch Program

Ms Cristien Hickey from the Office of Environment and Heritage (OEH) is the manager of the Beachwatch Program and gave an overview of the scope and history of the program to delegates.

Beachwatch now utilises the National Health and Medical Research Council Guidelines for Managing Risks in Recreational Waters and has changed the reporting procedure for recreational water quality.

OEH has highlighted the importance of ongoing communication of recreational water quality issues to the community and the need to work closely with councils to address water pollution risk issues and to help cover monitoring gaps, eg ocean rock pools.

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment required

4.0 EXECUTIVE SUMMARY

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

RECOMMENDATION

That the Minutes of the SCCG Ordinary Meeting of 9 April 2011 (appended as **Attachment 1**) be noted.

Report prepared by

Paul Hardie

A/MANAGER – CATCHMENT MANAGEMENT & CLIMATE CHANGE

**LIST OF ACTIONS FROM THE ORDINARY MEETING
9 APRIL 2011**

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

Item	Action	By whom	Due By
5.0	Business Arising Australian Government Update 1) Prof Thom keep the Group informed of activities of the Australian Coastal Alliance and the Australia Coastal Society and general activities of the Commonwealth. Coastal Users Conflicts 1) The SCCG survey member councils to determine to what extent spearfishing is a coastal conflict issue and identify other coastal conflicts issues. 2) Work with Underwater Skindiver's and Fishermans Association (USFA) to determine actions to advance the regulation and best practice and safety education for spearfishing. 3) Undertake a "SCCG Forum - Management and Regulation Below the High Water Mark" 4) Outcomes of the above to be presented to the next meeting with the aim of undertaking the forum just after the next SCCG (Full Group) meeting.	Prof Thom RCEO (Chair) SCCG / Waverley SCCG / Waverley Secretariat	Next meeting May May -> July -Aug 18 June
6.2	Correspondence • Representation at Full Group meetings 1) The Secretariat follow up all responses regarding the 'representations at Full Group meetings' letter	RCEO	April
7	Presentation – Beachwatch 1. The SCCG meet with Beachwatch to scope actions to address additional issues raised including: community communication issues, continuing need to work with councils to address water pollution risk issues and to address the sanitary inspection criteria to develop remediation action plans, and the monitoring of ocean rock pools.	RCEO	ASAP
9.11	Beachwatch and Harbourwatch programs 1. The SCCG to formally write back to the Director of Sustainability Programs with cc to the NSW Minister for the Environment noting the desire to retain the BAC to meet at least twice a year to address issues including but not limited to: • Ongoing review and improvements to communication of the Beachwatch program activities and outcomes to Sydney residents and visitors through existing and additional communication processes and technologies. • Addressing ongoing technical issues with improvements to monitoring techniques, equipment and processes. • Ongoing advise, training, coordination and communications with Local Governments. • Specifically addressing 'sanitary risk' profiles and processes and developing associated remediation action plans with all relevant land and infrastructure managers. • Provision ongoing review and support of the Beachwatch program	Chairperson (RCEO)	April
8.1	SCCG CoS Hosting Contract 1. The draft hosting contract when received be considered by the SCCG Executive Committee for approval on behalf of the Group.	RCEO	< July (?)
9.1	NSW Reforms to Coastal Management 1. The SCCG meet with Warringah and Pittwater Councils to develop a joint letter to the Minister to address issues including: preparation of Emergency sub plans, and referrals to the Coastal Panel and other immediate implementation issues as identified. 2. SCCG facilitate an implementation progress forum 12 month after proclamation (Oct-Nov, 2011).	RCEO / SCPO SCPO / CPO	April Oct – Nov

Item	Action	By whom	Due By
9.2	Coastal Information and Policies for the 2011 NSW State Government Election 1. Write to new NSW Premier, all relevant state Ministers and each of the 18 local members contained within the SCCG region congratulating them on their recent success and highlighting the Group's desire to work productively with them over the next electoral term to achieve SCCG aims and objectives. Also providing them with a copy of: <ul style="list-style-type: none"> The <i>Outcomes Report: SCCG Policy Positions on the Key Coastal Management Issues for the 2011 NSW State Election</i>. The SCCG Strategic Plan 2010 – 2014 and other relevant SCCG information 2. To invite the new NSW Environment Minister to address the SCCG AGM on 10 September to outline the new Government environmental directions and considerations for coastal zone management.	Chairperson (Secretariat) Chairperson (RCEO)	4 May May
9.3	SCCG Annual Survey (2010) Outcomes and Actions Reports 1) Any additional key recommendations and potential actions be discussed for potential implementation (including outcomes from the brief workshop); 2) The final SCCG 2011 Action (s) Plans be adapted to incorporate the Annual Survey recommendations and additional actions from both the Technical Committee and Full Group Meetings. 3) The SCCG Secretariat be congratulated on work done last year and the very positive responses to the annual members survey. 4) The issues SCCG expansion be considered by the Executive Committee and brought back to the next Full Group meeting for consideration.	ALL SCCG ALL Executive (RCEO)	9 April Ongoing 9 April Next meeting
9.5	SCCG Funding Guide 2011 1) The final guide be formally sent to member councils for their utilisation and placed on the SCCG web site for more general access; 2) Delegates assist to highlight the availability and continuous improvement of the SCCG Funding Guide; and 3) The SCCG produce the 2012 Funding Guide by January 2012.	CPO ALL CPO	15 April Ongoing January '12
9.6	Mapping and Responding to Coastal Inundation (CSIRO) 1) CSIRO be invited to address the next meeting on project progress. 2) The latest EDO legislation and policy audit report be presented at the next meeting.	RCEO SCPO	April 3 June (18/6/11)
9.7	Developing a Sydney Adaptation Strategy – DECCW, DoP, SCCG, 1) The SCCG provide in-principle support to be involved as a key project partner and member of the project steering committee. (plus letter to OEH) 2) Consideration of the draft project MOU between DECCW, the Department of Planning, WSROC and the SCCG be delegated the SCCG Executive Committee for review and potential ratification on behalf of the SCCG. 3) The SCCG directly inform its Member Councils on the process and outcomes of the consideration of the project MOU and preliminary details of the project, 4) A detailed project report be submitted to the next meeting for consideration. 5) The SCCG request adequately supported with appropriately resources including provision of project staff to ensure effective participation and consultation of member councils and other local governments. This to be a direct a Local Government liaison officer to potentially be hosted by the SCCG.	SCCG Executive Committee RCEO Secretariat Chairperson (RCEO)	April Pending Pending (above) 3 June (18 / 6) April (in letter to OEH)
9.8	Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure Project 1) the SCPO to provide an update at the next meeting.	SCPO	3 June (18/6/11)
9.9	SCCG Submissions 1) SCCG submission on Draft NSW Biodiversity Strategy 2010 – 2015 be received and adopted. 2) SCCG prepare submissions on: <ul style="list-style-type: none"> NSW Coal and Gas Strategy– Scoping Paper Sydney Harbour National Park Plan of Management 	ALL Chairperson (SCPO)	15 April 30 April

Item	Action	By whom	Due By
11.1	Meeting dates for 2011 <ul style="list-style-type: none"> • Saturday 18 June 2011 at 12 noon (City of Sydney) • Saturday 10 September 2011 at 12 noon (AGM) (Manly / Randwick Council –pending) • Saturday 3 December 2011 at 12 noon (City of Sydney) 	ALL	18 June 10 Sept 3 Dec
11.2	Next Meeting 1) The next meeting be held at City of Sydney Council on 18 June (pending confirmation)	ALL	18 June
11.3	Agenda items for the next SCCG meeting 1) CSIRO presentation (Dr Matthew Ingram): SCCG project "Mapping and responding to Inundation" 2) Update on 'Coastal User Conflicts' ; 3) Developing a Sydney Adaptation Strategy; 4) Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure Project.	CSIRO Secretariat Secretariat SCPO	18 June

SYDNEY COASTAL COUNCILS GROUP Inc.
MINUTES OF THE ORDINARY MEETING
HELD ON SATURDAY 9 APRIL, 2011

IN ATTENDANCE

Cr. Brian Troy	Botany Bay Council
Cr. Cathy Griffin	Manly Council
Cr. Barbara Aird	Manly Council
Cr. Warren Yates	Mosman Council
Cr. Veronique Marchandean	North Sydney Council
Mr. Paul Hardie	Pittwater Council
Cr. Margaret Woodsmith	Randwick Council
Cr. Peter Towell	Sutherland Council
Cr. Dr. Conny Harris	Warringah Council
Cr. Sally Betts	Waverley Council
Cr. Wendy Norton	Willoughby Council
Cr. Lynne Saville	Willoughby Council
Cr. Nicola Grieve	Woollahra Council
Mr. Geoff Withycombe	SCCG
Mr. Craig Morrison	SCCG
Ms Jodie Savage	SCCG
Dr. Judy Lambert AM	Honorary Member
Mr. George Copeland	Honorary Member
Mr. Phil Colman	Honorary Member
Ms Cris Hickey	Beachwatch (OEH) (presentation only)

1. OPENING

The meeting opened at 12.35 pm. Cr. Griffin (Vice - Chairperson) provided a welcome to country and opened the meeting and welcomed delegates to Waverley Council. Cr. Griffin informed delegates that Cr. McMurdo was unavailable for today's meeting. Cr. Griffin thanked the Mayor of Waverley, Cr. Sally Betts and Waverley Council for hosting the meeting.

2. APOLOGIES

Cr. Wendy McMurdo	Hornsby Council
Cr. Andrew Robjohns	North Sydney Council
Cr. David James	Pittwater Council
Cr. Bob Grace	Pittwater Council
Cr. Dr. Christina Kirsch	Warringah Council
Ms. Nicola Faith	Willoughby Council
E.Prof. Bruce Thom AM	Honorary Member
Mr George Cotis	Honorary Member
Cr. Keith Rhodes	President LGSA

Resolved that the apologies be received and noted.

Councils not represented at the meeting City of Sydney, Hornsby, Leichhardt, Rockdale,
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3. DECLARATION OF PECUNIARY INTERESTS

Resolved that there was no declaration of pecuniary interests.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of the SCCG held on 4 December 2010 at the City of Sydney Council.

Resolved that the Minutes of the Ordinary Meeting of the SCCG held on 4 December 2010 at the City of Sydney Council be confirmed.

4.2 Minutes of the SCCG Executive Committee held on 4 December 2010 at the City of Sydney Council.

Resolved that the Minutes of the Ordinary Meeting of the SCCG held on 4 December 2010 at the City of Sydney Council be confirmed.

4.3 Minutes of the Technical Committee Meeting of the SCCG held on 9 December 2010 at the Gatehouse Visitor Centre at North Head.

Resolved that the Minutes of the Technical Committee Meeting of the SCCG held on 9 December 2010 at the Gatehouse Visitor Centre at North Head be received and noted.

4.4 Minutes of the Technical Committee Meeting of the SCCG held on 17 February at Rockdale Council.

Resolved that the Minutes of the Technical Committee Meeting of the SCCG held on 17 February 2010 at Rockdale Council be received and noted.

5. BUSINESS ARISING

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

- 8.1 Amendments the SCCG Constitution

The RCEO informed delegates that the revised adopted SCCG Constitution had been 'accepted for registration as part of the Association' by the Dept of Fair Trading with no alterations.

- 9.6 Coastal User Conflicts

The RCEO informed delegates that the Group had written to Waverley Council following resolution at the last meeting. The RCEO and Waverley's Divisional Manager, Environmental Services, Emily Scott had since met to discuss ways forward. As a result of these liaisons, the SCCG in partnership with Waverley Council will:

a) Survey member councils to determine:

- o What extent spearfishing is a coastal conflict issue
- o Identify any additional coastal user conflicts that occur or potentially occur within member councils (below the high watermark)
- o Identify issues and responses in relation to effective management of activities below the high water mark including gaps, jurisdictional conflicts and other opportunities for improvement eg signage, education, defining responsibilities, enforcement, compliance and reporting.

b) Work with Underwater Skindiver's and Fishermans Association (USFA) to:

- Facilitate actions to advance the regulation of spearfishing including but not limited to:
 - Licences to purchase spearfishing equipment
 - Inclusion of specific notations within the NSW Recreational Fishing Licenses
 - Working with licence agents, retail outlets and equipment manufactures to promote and distribute related education including Code of Conduct(s) and Spearfishing Guides
 - Identification of additional education activities to ensure safe and appropriate use of spearfishing equipment.

c) **Conduct a SCCG forum: "Management and Regulation Below the High Water Mark"**

At the last meeting the SCCG further resolved that "The SCCG in partnership with Waverley Council and Department of Industry and Investment facilitate a SCCG member council forum to better clarify actions and regulations below the 'high water mark'".

The RCEO informed delegates that the SCCG Technical Committee will be considering this resolution at their meeting on 14 April to define content and structure of the forum. It was noted that in addition to all the access and recreational issues to be addressed the issues of land ownership and tenure should also be added for consideration at the forum.

Outcomes of the above to be presented to the next meeting with the aim of undertaking the forum shortly after the meeting.

Resolved that:

- 1) the report be received and noted.
- 2) The SCCG survey member councils to determine to what extent spearfishing is a coastal conflict issue and identify other coastal conflicts issues.
- 3) Work with Underwater Skindiver's and Fishermans Association (USFA) to determine actions to advance the regulation and best practice and safety education for spearfishing.
- 4) Undertake a "SCCG Forum - Management and Regulation Below the High Water Mark" (July),
- 5) Outcomes of the above to be presented to the next meeting with the aim of undertaking the forum just after the next SCCG (Full Group) meeting.

6. CORRESPONDENCE

6.1 Sent and Received Correspondence

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

6.2 SCCG correspondence from the last meeting (including responses where available)

All correspondence addressed. The RCEO noted that not all responses from member councils have been received in regards to Representation at Full Group meetings correspondence.

Resolved that:

- 1) the SCCG correspondence from last meeting be received and considered.
- 2) The Secretariat follow up all responses regarding the 'representations at Full Group meeting letter

7. PRESENTATION – 'Beachwatch Program - Ms Cristien Hickey (OEH)

Slides Attached

Proceedings in Brief

Ms Cristien Hickey – Manager of the Beachwatch Program provided delegates with an overview of the Beachwatch program including its history and details of the current program.

The presentation included:

- About Beachwatch Programs
- Beachwatch - Ocean
- Beachwatch Partnership program
- Monitoring
- Daily bulletins
- Reporting Monthly Report
- Microbial Assessment
- Beach Suitability Grade Index
- Sites in the Beachwatch program
- Beachwatch - Harbor
- New Guidelines
- Indicator
- Reporting: Star ratings
- Reporting: State of the Beaches
- Sanitary Inspection
- Beach Suitability Grade Index

Cris was thanked for her informative presentation. The RCEO highlighted that the SCCG was a key driver in the establishment of the Beachwatch program 21 years ago and has been involved in the program ever since. The Beachwatch program provides a critical service for the population of Sydney and importantly has driven millions of dollars of investment into the remediation of Sydney's sewerage as a result of the program identifying hot spot pollution locations.

Questions and comments including topics such as: community communication issues and web site hits, continuing need to work with councils to address water pollution risk issues and to address the sanitary inspection criteria to develop remediation action plans, and monitoring of ocean rock pools. Ms Hickey left the meeting.

Resolved that:

1. the presentation be heard and considered at the meeting.
2. Ms Cristien Hickey be thanked for her presentation.
3. The SCCG meet with Beachwatch to scope actions to address additional issues raised including: community communication issues, continuing need to work with councils to address water pollution risk issues and to address the sanitary inspection criteria to develop remediation action plans, and the monitoring of ocean rock pools.

The Chairperson referred delegates to Item 9.11 for consideration at this time.

9.11 Beachwatch & Harbourwatch Programs

Proceedings in Brief

The Chairperson noted that the Divisional Director Sustainability Programs of DECCW, Bernard Carlon had written the Group on 25 March regarding the Beachwatch Advisory Committee noting:

- BAC has been in hiatus since 2006
- Release of new (ANZECC) water quality guidelines are detailed, prescriptive, covering all aspects of monitoring and report leaving little room for interpretation
- Within this framework (above) the role of BAC is limited
- Commitment to ensuing these relationships (with BAC organisations) remain vital and strong
- Thank the organisation (SCCG) and in particular Cllr Patricia Harvey for the many years of dedicated service provided.

The RCEO informed delegates of the BAC Terms of Reference (as of 1997)

- 1) *Management of the Beachwatch and Harbourwatch programs including advice on:*
 - reporting information on a daily, monthly and seasonal basis
 - sample collection and analysis as a sound basis for information on beach and water conditions
 - improved indicators and monitoring techniques
 - protocols and assuring quality and effectiveness of the program
- 2) *Communication of Beachwatch and Harbourwatch information to the community in the most effective manner*
- 3) *Flagging with the EPA issues of concern associated with pollution of coastal, near coastal and estuarine waters the committee considers relevant.*

Delegates acknowledged that although ToR No.1 may have less relevance now due to the nationally endorsed guidelines ToR No.s 2 and 3 remain relevant and important.

Delegates also reviewed the report attached to the business papers highlighting the very poor water quality outcomes over the period especially in November when there was excessive rainfall.

Resolved that:

1. The report be received and noted.
2. The SCCG to formally write back to the Director of Sustainability Programs with cc to the NSW Minister for the Environment noting the desire to retain the BAC to meet at least twice a year to address issues including but not limited to:
 - Ongoing review and improvements to communication of the Beachwatch program activities and outcomes to Sydney residents and visitors through existing and additional communication processes and technologies.
 - Addressing ongoing technical issues with improvements to monitoring techniques, equipment and processes.
 - Ongoing advice, training, coordination and communications with Local Governments.
 - Specifically addressing 'sanitary risk' profiles and processes and developing associated remediation action plans with all relevant land and infrastructure managers.
 - Provision ongoing review and support of the Beachwatch program generally.

8. ADMINISTRATIVE MATTERS

8.1 Renewal of the SCCG City of Sydney Hosting Contract

Proceedings in Brief

The RCEO informed delegates that a revised draft hosting contract was not yet available via the City of Sydney. However the Group has been informed that the City of Sydney CEO had agreed to continue the current hosting arrangement for an additional 12 months. A revised draft contract will be referred to the City's legal Services Section so that it can be reviewed prior to signing of a new contract for the next term hopefully in June 2011.

Resolved that:

- 1) The report be received and noted.
- 2) The draft hosting contract when received be considered by the SCCG Executive Committee for approval on behalf of the Group.

9. REPORTS

**Reports 9.1 – 9.7
FOR CONSIDERATION**

9.1 NSW Reforms to Coastal Management in NSW

Proceedings in Brief

Delegates were referred to the report attached in the business papers. The RCEO provided a review of latest activities including:

- **SCCG Consultation package**
Since the last meeting the SCCG had collated all its correspondence, submissions and reports on the reforms into a single document that has been sent to all Member Councils and is available on the SCCG website.
- **Coastal Amendment and other legislation Bill 2010**
The Bill was passed by the NSW Parliament on 20 October 2010 and proclaimed on 1 January

- **Establishment of the NSW Coastal Panel**

The NSW Coastal Panel has been announced. Delegates are:

- **Chair:** the Hon. Bob Debus
- **Representing Local Government:** Professor Andy Short, Ms Jane Lofthouse (Tweed Council) and Professor Bruce Thom AM
- **Representing NSW Government Agencies:** Mr Derek Rutherford (DECCW), Ms Yolande Stone (Dept Planning) and Mr Craig Abbs (LPMA).

The SCCG's nomination Mr Doug Lord was unsuccessful.

- **Coastal Protection Regulation 2011-** This regulation has now also been proclaimed.
- **Emergency Coastal Action Sub Plans** (for hot spot locations)
Councils with nominated "Hotspots" are to prepare Emergency Coastal Action Sub- Plans by 30 June via Ministerial direction. For the SCCG area this includes: Bilgola and Mona Vale (Pittwater Council) and Narrabeen/Collaroy (Warringah Council).
- **Authorised Officer Training**
DECCW has developed training for staff of coastal authorities wishing to be appointed as Authorised Officers. For more information contact Erica Lau on erica.lau@environment.nsw.gov.au or 9995 6050.
- **Department of Planning circulars**
NSW Department of Planning has developed prepared two Planning circulars relating to the application of section 149 certificates to notify residents of the reforms and the identification of properties within the immediate, 2050 or 2100 hazard zones and the application of the Infrastructure SEPP for development applications for sea walls. These circulars can be found at: www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/PlanningSystemCirculars/tabid/81/language/en-US/Default.aspx

ITEMS DISCUSSED

Emergency Action Subplans

The Pittwater delegate advised that Councils with "hot spot" beaches had now been issued with Ministerial Directions under the Coastal Protection Act requiring them to prepare coastal erosion emergency action subplans by 30 June 2011. This caused Pittwater Council some concern as the subplan templates had not yet been provided by DECCW (now OEH) making it difficult to comply with the timeframe for the Direction. Furthermore Pittwater Council believed that the cost of preparing the subplans would greatly exceed the \$5000 provided by DECCW for each hot spot location and management issues arising as a result of coastal land tenure were yet to be satisfactorily resolved by the Department.

Referrals to the NSW Coastal Panel

The Pittwater delegate noted that DECCW had advised that only DAs for coastal protection works in isolation would be assessed by the NSW Coastal Panel. As the majority of DAs received by coastal councils involved development or redevelopment of entire residential or commercial properties, that also included coastal protection works, it would be unlikely that the Coastal Panel received many referrals. Department of Planning staff had advised that they would seek further advice from their legal section to clarify the referral requirements and to determine whether it would be possible to separate components of a DA for referral to the Coastal Panel.

Recent SCCG correspondence

The RCEO noted that the SCCG Chairperson last week wrote the Chair of the Coastal Panel, the Hon. Bob Debus requesting:

- a) Provision of Coastal Panel Minutes (as per Part 2, Section 17 of the Act).
- b) Clarification in relation to process by which local councils can seek advice from the NSW Coastal Panel as per Part 2A, Section 13(1)(a) of the Act.

Resolved that:

1. The report be received and noted.
2. The SCCG meet with Warringah and Pittwater Councils to develop a joint letter to the Minister to address issues including: preparation of Emergency sub plans, and referrals to the Coastal Panel and other immediate implementation issues as identified.
3. SCCG facilitate an implementation progress forum 12 months after proclamation (Oct-Nov, 2011)

9.2 Outcomes report of the 'Coastal Information and Policies for the 2011 NSW State Election'.

Proceedings in Brief

In the lead up to the 2011 NSW State Government election the SCCG has formally requested political parties represented in NSW House of Representatives and the NSW Legislative Council outline their policy positions in regards to various issues identified by the Group.

The issues identified by the SCCG for consultation are:

- An independent review into coastal management in NSW
- An independent coastal advisory body for NSW
- A consistent and coordinated approach to climate change adaptation in the NSW coastal zone
- Funding for Local Government and community coastal programs and initiatives
- Decision making based on local plans and regulation as well as public participation
- Maintenance of public ownership and public access to and along the coastal zone
- The delivery of total water cycle management for urban coastal environments
- Maintenance and enhancement of coastal biodiversity through the NSW planning framework
- A NSW Marine Management Strategy

As a result the Secretariat has prepared 2 additional reports: a) SCCG, April 2011, "Outcomes Report: SCCG Policy Positions on the Key Coastal Management Issues for the 2011 NSW State Election and b) SCCG, April 2011, "NSW Ministerial Portfolios and Public Sector Structure".

The final outcomes report has been sent to member councils and other interested stakeholders and placed on the SCCG web page. The SCPO was congratulated on preparing the abovementioned information.

Delegates further resolved to invite the new NSW Environment Minister to address the SCCG AGM on 10 September to outline the new Government environmental directions and consideration for coastal zone management.

Resolved that:

1. The report be received and considered.
2. Write to the new NSW Premier, all relevant state Ministers and each of the 18 local members contained within the SCCG region, congratulating them on their recent success and highlighting the Group's desire to work productively with them over the next electoral term to achieve SCCG aims and objectives. Also providing them with a copy of:
 - o The Outcomes Report: SCCG Policy Positions on the Key Coastal Management Issues for the 2011 NSW State Election.
 - o The SCCG Strategic Plan 2010 – 2014 and other relevant SCCG information
3. To invite the new NSW Environment Minister to address the SCCG AGM on 10 September to outline the new Government environmental directions and considerations for coastal zone management.

9.3 SCCG Annual Survey (2010) Outcomes and Actions Report (and delegate workshop)

Proceedings in Brief

The CPO provided the meeting with a summary of results from the 2010 SCCG Annual Survey. Overall, delegates continue to be very happy with the level of service provided to them by the SCCG. Delegates believe the Group continues to provide a strong platform for information, advocacy and delivery of regional projects and research. Overall these activities are playing an important role in building the capacity of Member Councils to manage their coastal and estuarine environments.

Issues associated with delegate capacity to attend meetings and the ongoing representation of all Member Councils through Technical and Full Group meetings were raised. Areas of focus and possible projects were considered within the following areas:

- Sharing of information and views between the Technical Committee and Full Group delegates.
- Ensuring all Member Councils are represented at SCCG Meetings.
- Building the understanding of Full Group delegates on the broad range of technical issues associated with coastal management.
- Projects (a completed list of proposed projects are actions are identified in survey question 4.)

Consultation with the Technical Committee had taken place at the previous meetings and the additional have been identified including:

Area	Recommended Actions
Communications	<ul style="list-style-type: none"> • Request contacts details from Mayor Secretaries and General Manager Executive Assistants to send monthly eNews to individual Mayors and General Managers. • Send Technical Committee summaries to General Managers. • Send monthly eNews to industry, local media and other stakeholders. • Keep correspondence to Mayors and General Managers specific. • Consult more consistently on funding applications and grants with Member Councils.
SCCG Membership	<ul style="list-style-type: none"> • Identify additional possible member councils and write to them formally notifying them of the group and the opportunity to become a member.
Additional Projects	<ul style="list-style-type: none"> • Development whole of estuary management plans for Sydney. • Undertake community communications and education for sea level rise. • Ground truthing of DECCW / SMCMA vegetation mapping. • Built infrastructure assessment of heat island impacts on mortality.
Additional Actions	<ul style="list-style-type: none"> • Speak to DECCW re: vegetation mapping undertaken for Sydney with the SMCMA and variations with Member Councils own mapping. • Seek legal advice on emerging issues for Councils. • Help Councils go for awards, nominate individual Councils. • Contact Marine Algal Management at DECCW in relation to issues of information dissemination and compliance during marine algal blooms.

The issue of SCCG expansion was again noted. The RCEO informed delegates that this had been referred to the Executive Committee for advancement. The RCEO again stressed that this was a complex issue that required careful consideration of how invitation may occur, the implications to the already stretched resources of the Secretariat to facilitate additional members, implications to existing members and also the fact that consideration of other ROC needs to be properly considered.

The Executive committee will now be meeting in between Full group meeting and this issue will be considered and brought back to the next meeting.

Brief Delegate Workshop

Coming from the 2010 survey, Councillor delegates noted a desire for greater information about the activities and views of the Technical Committee delegates combined with the provision of information to gain a better understanding of the broad range of technical issues associated with coastal management. At the meeting delegates will undertake a brief workshop to address these specific requests:

- a) Consider additional opportunities to build the capacity and responsiveness of Full Group delegates.
- b) Greater involvement of the Full Group in project and policy development and implementation.

The actions identified from the Full Group workshop were:

a) Consider additional opportunities to build the capacity and responsiveness of Full Group delegates.

Delegates were asked to identify specific issues for capacity building and possible methods for delivering capacity building activities to Full Group delegates. Results have been summarised below.

Topic	Method of Capacity Building
Managing Marine Structures (Inc. Habitat Friendly Swimming enclosures)	Research project and the provision of information (types, methods, construction, approvals, monitoring)
Assessing the impacts of Sea Level Rise on property and infrastructure	Provision of information, policy and guidance
Cross tenure boundary regulation	Stakeholder Workshops
Understanding and addressing user conflicts	Stakeholder Workshops (upcoming SCCG forum)
Marine Biodiversity Monitoring the biodiversity impacts of over time	Research project and of information the provision (benchmarking and base lines)
Climate Change Adaptation Identifying alternative solutions, focus on infrastructure and services and associated economics)	Making it relevant and taking out the politics Fact sheets, Frequently Asked Questions Upcoming SCCG forum
Council Levies (Infrastructure, Stormwater and Environment)	Sharing Information between Member Councils and the development of Case Studies focusing on community engagement and marketing.
Sea Walls	Provision of design guidelines and criteria for assessing and maintaining sea walls and assessing need and alternatives solutions.
Coal and Coal Gas Seam Extraction	Prepare submissions on behalf of the Group

b) Greater involvement of the Full Group in project and policy development and implementation

Delegates are asked to identify the issues or areas of activity they would like greater involvement in project and policy development and implementation and opportunities for their involvement. The results have been summarised below.

Area of focus	Action
Interaction between Full Group Delegates and Secretariat between meetings	Greater ongoing interaction with Secretariat Staff Develop issue specific portfolios for Full Group Delegates Develop an action sheet and seek Full Group delegates assistance with completing actions
Full Group Delegate Attendance at Meetings and Field Trips	Full Group delegates observing technical committee meetings (pending) and field trips All Councillors of the Council Hosting Full Group Meetings be invited to attend.
Provision of Business Papers	Electronic Provision of Business Papers Prepare Executive Summary of Business Papers Send agenda and Key Activities Report electronically when sending out Business papers

Liaison Between Member Council Delegates (Full Group and Technical Committee)	Suggest Member Council Staff brief Full Group delegates on key issues before meetings
Promotion of the SCCG	Publicise the SCCG better to Member Council residents
	Develop a SCCG Communications Strategy
	Develop Calender of events on SCCG web page
	The SCCG facilitate a "Big Bang Event" to workshop the impacts and management solutions of Mega Disaster scenarios
NSW Coastal Conference	SCCG write a letter to all Member Councils informing them of the NSW Coastal Conference and encouraging Councils to send delegates.

Resolved that:

- 1) The survey report be received and noted;
- 2) Any additional key recommendations and potential actions be discussed for potential implementation (including outcomes from the brief workshop);
- 3) The final SCCG 2011 Action (s) Plans be adapted to incorporate the Annual Survey recommendations and additional actions from both the Technical Committee and Full Group Meetings.
- 4) The SCCG Secretariat be congratulated on work done last year and the very positive responses to the annual members survey.
- 5) The issues SCCG expansion be considered by the Executive Committee and brought back to the next Full Group meeting for consideration.

9.4 SCCG Capacity Building Program and Engagements Report

Proceedings in Brief

The CPO provided the meeting with an update of the SCCG Capacity Building Program activities and other engagements.

- **Launch of the new SCCG website and resource database**
The CPO informed the Group that the new SCCG website was formally launched February 2011 with a letter sent to Mayors and General Managers of Member Councils. The feedback has been very positive to date. The next stages of development will be the intranet and the eLibrary resource database, to be completed and launched by July 2011.
- **Summerama – Summer Activities Program (January)**
The Summerama program was a huge success with 92 activities being run by 12 of the 15 Member Councils and approximately 2,500 community members attending the different activities. The program attracted significant press coverage (see Item 9.14). The CPO she will be running a thank you / feedback workshop provisionally scheduled for June 2011.
- **Coastal Connections**
The CPO updated the Group on the progress of the Coastal Connections Project. The capacity building social media workshop and the three environmental education bush regeneration days have been delivered successfully. The social media campaign achieved good statistics with a predicted 30,000 people seeing posts related to Summerama. More information and results will be included in the Community Engagement Strategy that will be finalised in April.
- **Underwater Sydney**
The SCCG has now signed an MOU with Underwater Earth to deliver the Underwater Sydney Program. Richard Vevers is currently conducting the research interviews with Member Councils and the official launch of the Underwater Sydney website will now be 8 June 2011 to coincide with World Oceans Day. A policy workshop will be run by the SCCG in May 2011 with Member Council representatives.
- **Capacity Building Activities 2011**
The CPO informed the group the Economics, Management and the Coastal Zone Forum was held on 24 February 2011 and attracted a diverse group of Council representatives and other stakeholders. The report from the day will be available on the SCCG website in April. The next

event will be the Building for Sustainability Forum provisionally booked for Monday 16 May 2011.

- **Capacity Building / Education Steering Committee (CBESC)**
The CPO updated the Group that the CBESC had their first meeting on 1 March 2011 and two main activities that came from the meeting were 1) to scope developing a marketing framework tool and 2) create a research brief to look into monitoring and evaluation of education and training programs.

Resolved that

- 1) The report be received and considered;
- 2) Delegates to make recommendations on any additional capacity building activities / forum topics for 2011.
- 3) A schedule of SCCG capacity building events be placed on the SCCG web site as soon as possible.

9.5 Provision of the SCCG Annual Funding Guide 2011 (Guide tabled at the meeting)

Proceedings in Brief

The SCCG Secretariat has again produced the SCCG annual Funding Guide and tabled the final document for 2011 at the meeting. The Guide presents details over 100 funding opportunities available under a variety of grant programs for Councils, communities, businesses and individuals to help develop solutions to local and national problems, fund ideas and initiatives or provide assistance for various projects and programs. The final guide is also now on the new SCCG web site.

Resolved that:

- 1) The report be received and noted;
- 2) The final guide be formally sent to member councils for their utilisation and placed on the SCCG web site for more general access;
- 3) Delegates assist to highlight the availability and continuous improvement of the SCCG Funding Guide; and
- 4) The SCCG produce the 2012 Funding Guide by January 2012.

9.6 SCCG 'Mapping and Responding to Coastal Inundation' project - update report

Proceedings in Brief

Delegates were referred to the update report including in the business papers. The RCEO noted that this project was approximately 12 months overdue and was to now finish 30 June 2011. A brief update summary for each of the three stages was provided:

Stage 1: Effect of Climate Change on Sea level Rise and Extreme Sea Levels

- The Technical Expert Panel has now met twice and sufficient data has now been sourced including SCCG provision of LiDar information via Geosciences Australia and relevant offshore bathymetry information (NSW Ports, NAVY etc)
- The SCCG wide inundation modeling is being completed via Dr Kathy McInnes and her team (CSIRO) should be available for member councils consideration shortly.

Stage 2: Development of Model Planning provisions to integrate sea level rise and extreme sea level events into relevant planning strategies of the SCCG

- The SCCG and the CSIRO convened an "Inundation Planning Workshop" on 4 March to review and consider issues for project Stage 2. A workshop report is currently being prepared for steering committee consideration,
- The SCCG is continuing to work with the NSW EDO to complete an audit of sea level rise, coastal erosion and inundation legislation and policy (background information for Stage 2) including a peer review meetings to review initial findings.

Stage 3: Develop and distribute community risk disclosure information and corresponding community and stakeholder education program

- The SCCG has now formally engaged CSIRO to undertake stage 3 of the project via a separate \$30,000 contract.

The aim of the communication sub-project is to:

- Identify principles and effective tools and processes to support local government communicate about risk and coastal inundation
- Develop a resource kit to support communication by SCCG about risk and coastal inundation
- Combine with Stage 2 where possible to ensure integration between planning and communication research to achieve a better output.

Resolved that:

- 1) The report be received and considered.
- 2) CSIRO be invited to address the next meeting on project progress.
- 3) The latest EDO legislation and policy audit report be presented at the next meeting.

9.7 Developing a Sydney Adaptation Strategy – DECCW, DoP, SCCG, WSROC

Proceedings in Brief

The RCEO informed delegates that development of an adaptation strategy for Sydney has been identified as an action in the Metropolitan Plan for Sydney 2036, released in December 2010. DECCW and Department of Planning have now convened 2 meetings to scope the development of an adaptation strategy for Sydney with potential project partners, the SCCG and also WSROC.

Delegates were referred to the report noting that it provides an overview of the proposed project together with details of key project stages and project funding, management and governance issues.

Project partners are developing a draft MOU to assist with facilitating the necessary partnership approach for this project.

Delegates supported the recommendation however noted that potential substantial resource commitments that will be required by the SCCG Secretariat to ensure effective participation and consultation of member councils and other local governments. Delegates resolved the below:

Resolved that:

- 1) The report be received and considered.
- 2) The SCCG provide in-principle support to be involved as a key project partner and member of the project steering committee.
- 3) Consideration of the draft project MOU between DECCW, the Department of Planning, WSROC and the SCCG be delegated to the SCCG Executive Committee for review and potential ratification on behalf of the SCCG.
- 4) The SCCG directly inform its Member Councils on the process and outcomes of the consideration of the project MOU and preliminary details of the project.
- 5) A detailed project report be submitted to the next meeting for consideration.
- 6) The SCCG request adequate support with appropriately resources including provision of project staff to ensure effective participation and consultation of member councils and other local governments. This to be a direct a Local Government liaison officer to potentially be hosted by the SCCG.

9.8 Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure Project

Proceedings in Brief

The SCPO noted that in 2010 Sydney Water, DECCW and the SCCG partnered to submit an unsuccessful application to the NCCARF Grants Program for Settlements and Infrastructure to undertake a project titled *Climate Change Adaptation of Water Infrastructure*. Despite this being unsuccessful the project partners are progressing the delivery of the project.

The SCPO directed delegates to the report in the business papers providing a summary of the project including the 4 key stages.

- Stage 1** Project design and literature review
- Stage 2** Identifying interconnectedness of water infrastructure & shared adaptation opportunities
- Stage 3** Guidelines and management systems
- Stage 4** Community consultation strategies and expectations

The project aims to undertake the necessary research to develop information, guidance and capacity building activities to ensure that organisations responsible for managing water infrastructure are able to implement appropriate asset management systems in a changing climate.

The SCPO noted that a project MOU was being finalized to facilitate the partnership and define project components and associated responsibilities.

Resolved that:

1. the report be received and considered
2. the SCPO to provide an update at the next meeting.

9.9 SCCG Submission / Advocacy

- *Draft NSW Biodiversity Strategy 2010-2015*

Delegates were informed that the Secretariat is also preparing submissions in relation to:

- o NSW Coal and Gas Strategy– Scoping Paper (due 15 April)
- o Sydney Harbour National Park Plan of Management (due 30 April)

Resolved that the SCCG submission on Draft NSW Biodiversity Strategy 2010 – 2015 be received and adopted.

Reports 11.6 – 11.12 FOR INFORMATION ONLY (pending inquiry)

9.10 Technical Committee Report (December and February meetings)

Resolved that the report be received and considered.

9.12 (a) Sydney Metropolitan Catchment Management Authority's Update (b) Hawkesbury Nepean Catchment Management Authority's Update

Resolved that the reports be received and noted.

9.13 NSW Department of Industry and Investment's Aquatic Biosecurity Report

Resolved that the report be received and noted.

9.14 SCCG in the Press

Resolved that the report be received and noted.

9.15 Recent SCCG Grant Program Update

Proceedings in Brief

Delegates were referred to the report containing details of current SCCG grant programs underway; unsuccessful grant applications and submitted applications. The SCPO informed delegates that since the last meeting to Group has developed and submitted 9 applications to undertaken projects with project partners to the value of in-excess of \$2.2 million.

Resolved that the report be received and noted.

9.16 Key Activities Report for December 2010 – March 2011

Proceedings in Brief

The Chairperson directed delegates to the attached report noting the value of consideration of this report. It provides substantial details of SCCG activities including all meetings, consultations, actions plan coming from the SCCG Strategic Plan and a summary of key SCCG projects.

Resolved that the SCCG Key Activities Report for December 2010 – March 2011 be received and noted.

10. TREASURER'S REPORT

10.1 Financial Statements for period 30 June – 31 December 2010

Resolved that the financial statements for the period 30/6/10 – 31/12/11 be received and adopted.

11. GENERAL BUSINESS

11.1 2011 Meeting dates / Next Meeting

- | | |
|---|-------------------------------|
| o Saturday 18 June 2011 at 12 noon | (City of Sydney) |
| o Saturday 10 September 2011 at 12 noon (AGM) | (Randwick or Manly (pending)) |
| o Saturday 10 December 2011 at 12 noon | (City of Sydney) |

11.2 Items for Press Release

Resolved that items for press release be considered.

11.3 Agenda items for the next SCCG meeting

Resolved that delegates suggest additional agenda items including presentations for the next SCCG meeting proposed for Saturday 18 June:

- o CSIRO presentation (Dr Matthew Ingram): SCCG project "Mapping and responding to Inundation"
- o Update on 'Coastal User Conflicts' ; Developing a Sydney Adaptation Strategy; Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure Project.

11.4 Next Meeting

Resolved that the next meeting of the Group be held on Saturday 18 June 2011 at the City of Sydney (pending confirmation).


The meeting closed at 4.45pm.

Confirmation of Minutes:

/ /

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Beachwatch Programs



Bondi Beach, January 2008

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About Beachwatch Programs

- Began in 1989
- Team of six people based in Sydney
- Monitor and report year-round
- Three programs covering 265 swimming sites:
 - Beachwatch – ocean beaches – 72 sites
 - Beachwatch – harbour beaches – 54 sites
 - Beachwatch Partnership Program – 139 sites

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Sites in the Beachwatch Program:

- Must be endorsed by Council for swimming
- Safe access to the water
- Often have facilities
- Must be well-maintained
- Usually defined swimming area (nets or flags)

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Beachwatch - ocean

Sydney

- 37 Sydney sites monitored
- Very few changes since 1989
 - Narrabeen Lagoon from 2004
 - Little Bay Beach from 2008

Regional

- 17 Hunter beaches
- 18 Illawarra beaches




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Beachwatch – harbour

Pittwater

- 10 swimming locations
- Salt Pan Cove removed 2009
- Winji Jimmi Bay removed 2009
- Taylors Point Baths added 2010




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Beachwatch – harbour

Sydney Harbour

- 25 swimming locations
- 3 sites removed in 2010: Little Sinus Cove, Sangrado Baths and Henley Baths
- Darling Harbour monitored but not reported under new guidelines




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Beachwatch – harbour

Botany Bay and lower Georges River

- 15 swimming sites
- No recent changes




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Beachwatch – harbour

Port Hacking

- 5 swimming sites
- No recent changes



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Beachwatch Partnership Program

- 2010-2011: 14 coastal councils

Byron	Newcastle
Ballina	Wyong
Richmond Valley	Gosford
Clarence Valley	Wollongong
Kempsey	Shoalhaven
Port Macquarie-Hastings	Eurobodalla
Port Stephens	Bega Valley

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New Guidelines

- National Health and Medical Research Council's 2008 *Guidelines for Managing Risks in Recreational Waters*
 - Adopted in NSW in May 2009
 - Also used in programs in all other Australian states and territories
 - Chapter 5: Microbial Water Quality

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Monitoring

- NHMRC 2008 Guideline requirements:
 - 100 samples over 5 years (20 samples per year)
- Beachwatch - ocean:
 - Samples collected every sixth day year round
 - Approximately 60 samples per year
- Beachwatch - harbour:
 - Samples collected every sixth day Oct – Apr
 - Samples collected monthly May – Sep
 - Approximately 40 samples per year

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Indicator

- Enterococci
 - single preferred indicator: NHMRC 2008
 - Epidemiological studies show clear dose-response relationship with disease
 - Beachwatch analysis began in 1990
- Faecal coliform analysis ceased in May 2009

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Reporting: Daily bulletins

- Beachwatch ocean and harbour (Sydney only)
- Likelihood of pollution based on rainfall data
- Issued 7:30am daily Oct – Apr
- Issued 9:30 am weekdays May – Sep with Weekend Forecasts issued Friday 5pm
- Website, telephone information line, email
- Rainfall thresholds updated to reflect new guidelines (enterococci: 40 cfu/100mL)

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New ocean beaches bulletin

4:45pm 28 April 2011

POLLUTION IS LIKELY AT SOME BEACHES (Tide)

The chance of beach pollution from a storm is higher when the tide is in. This bulletin provides information on the likelihood of pollution at some beaches.

Beachwatch website

Beachwatch website: www.beachwatch.nsw.gov.au

Beachwatch phone: 1300 361 361

Beachwatch email: beachwatch@nsw.gov.au

Environment, Climate Change & Water
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New harbour beaches bulletins

Pittwater
Sydney Harbour
Botany Bay, Georges River and Port Hacking

Beachwatch website: www.beachwatch.nsw.gov.au

Beachwatch phone: 1300 361 361

Beachwatch email: beachwatch@nsw.gov.au

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Reporting: Star ratings

- Reported on the Beachwatch website
- Issued as soon as data available from lab
- Updated to reflect new guideline thresholds:

★★★★	GOOD	Enterococci <= 40 cfu/100mL
★★★	FAIR	Enterococci >40 - 200 cfu/100mL
★★	POOR	Enterococci >201 - 500 cfu/100mL
★	VERY POOR	Enterococci >501 cfu/100mL

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Reporting: Monthly report

- Summary of results from previous month
- Available on the Beachwatch website
- Lists sites with samples > 40 cfu/100mL
- Rainfall conditions
- Sewage overflows
- Sewage Treatment Plant bypasses

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Reporting: State of the Beaches

- Issued at the start of the swimming season
- Significant changes under new guidelines
- Beach Suitability Grades
 - Very Good, Good, Fair, Poor and Very Poor
- Microbial Assessment
- Sanitary Inspection



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Microbial Assessment

- Based on the 95th percentile of most recent 100 enterococci data points
- 4 Categories:

Category	95 th percentile enterococci (cfu/100mL)
A	≤ 40
B	41-200
C	201-500
D	> 501

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Sanitary Inspection

- Identifies potential sources of faecal contamination: bather shedding, stormwater drains, sewage overflows, STP discharges, boats, animals, sewer chokes, toilet facilities...
- Focus on human sources
- Estimate the 'likelihood' of contamination from each source
- Category: Very Low, Low, Moderate, High, Very High

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Beach Suitability Grade matrix

		Microbial water quality assessment category (95 th percentile – enterococci/100mL)			
		A ≤ 40	B 41-200	C 201-500	D > 500
Sanitary inspection category	Very Low	Very good	Very good	Follow up	Follow up
	Low	Very good	Good	Follow up	Follow up
	Moderate	Good	Good	Poor	Poor
	High	Good	Fair	Poor	Very poor
	Very high	Follow up	Fair	Poor	Very poor

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Beach Suitability Grade definitions

- Very Good** – generally excellent microbial water quality and very low potential sources of faecal pollution. Water is considered suitable for swimming for almost all of the time.
- Good** – generally good microbial water quality and water is considered suitable for swimming most of the time. Swimming should be avoided during and for up to one day following heavy rain at ocean beaches and up to three days at estuarine sites.
- Fair** – microbial water quality generally suitable for swimming, but because of the presence of significant sources of faecal contamination extra care should be taken to avoid swimming during and for up to three days following rainfall or if there are signs of pollution such as discoloured water or odour or debris in the water.
- Poor** – location is susceptible to faecal pollution and microbial water quality is not always suitable for swimming. During dry weather conditions, ensure that the swimming location is free of sources of pollution, such as discoloured water, odour or debris in the water, and avoid swimming at all times during and for up to three days following rainfall.
- Very poor** – location is very susceptible to faecal pollution and microbial water quality may often be unsuitable for swimming. It is recommended to avoid swimming at this site.

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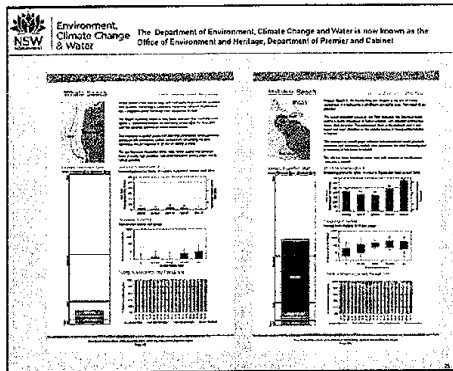
2009-2010 Results

- Sydney ocean beaches (37 sites):
 - 8 graded as Very Good (Whale, Avalon, Bilgola, Bungan, Mona Vale, Greenhills, Elouera and Shelly Sutherland)
 - 27 graded as Good
 - Birdwood Park at Narrabeen Lagoon: Poor
 - Malabar Beach: Very Poor

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2009-2010 Results

- Sydney estuarine beaches (54 sites):
 - 6 graded as Very Good (Barrenjoey Beach, The Basin, Great Mackerel Beach, Nielsen Park, Manly Cove and Jibbon Beach)
 - 29 graded as Good
 - 9 sites graded as Fair
 - 7 sites graded as Poor
 - 1 site graded as Very Poor (Foreshores Beach)



Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1	NO209/10 - 19 Allawah Avenue, Elanora Heights - Demolition and construction of a new dwelling
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Meeting:	Planning an Integrated Built Environment Committee	Date:	20 June 2011
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STRATEGY: Land Use and Development

ACTION: Provide and effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application NO209/10 - 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643) Demolition and construction of a new dwelling.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 12 May 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application NO209/10 - 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643) Demolition and construction of a new dwelling.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is outside the delegation of the Development Unit to approve a variation to policy relating to site coverage of greater than 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Applicant and his consultant Planner addressed the Development Unit on the Application. No Objectors were present.
- 3.2 The Development Unit resolved to support the Assessing Officer's recommendation for approval.

4.0 ISSUES

- Nil

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 This report does not require a Sustainability Assessment.

6.0 EXECUTIVE SUMMARY

- 6.1 The Application was considered by the Development Unit at its meeting held on 12 May 2011 and after hearing from the Applicant and noting that no Objector was present, endorsed the Assessing Officer's recommendation for approval.

RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application NO209/10 - 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643) Demolition and construction of a new dwelling - be granted consent subject to the conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

SUBJECT: NO209/10 - 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643) Demolish the existing dwelling house and erect a new two storey dwelling house.

Determination Level: Development Unit

Date: 12/05/2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Louis Shang
APPLICATION SUBMITTED ON:	20/04/2010
APPLICATION SUBMITTED BY:	WINCREST HOMES PO BOX 3606 PARRAMATTA 2150
OWNER(S):	SPENCER, ROBERT CHARLES (Own) SPENCER, MARGARET LYNETTE (Own)

1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) Residential under the provisions of Pittwater Local Environmental Plan 1993. The proposed development being demolition and erection of a new dwelling is permissible with consent. The following relevant local and state policies apply to this site:

- Pittwater Local Environmental Plan (LEP) 1993; Within area 3 - Dual Occupancy Map;
- Pittwater 21 Development Control Plan;
- State Environmental Planning Policy (BASIX) 2004

2.0 NOTIFICATIONS

8 property owners notified
Nil submission/s received

3.0 ISSUES

- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- D5.3 Building colours and materials
- D5.6 Side and rear building line
- D5.9 Site coverage - Environmentally Sensitive Land

4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
C5.17 Pollution control			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		No apparent issues	Y	Y	Y
B3.5 Acid Sulphate Soils		Acid Sulphate Region 5 only	Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C1.1 Landscaping		Refer to Section B4.5 for comment	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage			-	-	-

Control	Standard	Proposal	T	O	N
Conservation – General					
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		A minimum of three hours solar access to the windows of the principal living area and principal open space is achieved. The proposal is satisfactory in this regard.	Y	Y	Y
C1.5 Visual Privacy	The private open space, recreation areas and living rooms of proposed and existing adjoining dwellings shall be protected from direct overlooking within 9m.	The proposed upstairs living room has windows which would potentially overlook the adjoining rear yard at No. 21 Allawah Avenue. The existing dwelling has a one metre planter bed along the shared side boundary with trees planted in it. On maturity, these trees should provide adequate screening from this upper living room. The proposal is therefore considered to be satisfactory in regards to visual privacy.	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space	Min 80sqm private open space.	Over 200sqm open space provided including pool area.	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices shall be located and maintained in accordance with the Swimming Pools Act, 1992 and regulations.	Existing swimming pool on site to remain. Conditions of consent is recommended for the existing pool fence to comply with the relevant legislative requirements.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	Min 450mm in width.	Proposed 450mm in width on all elevations.	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D5.1 Character as			Y	Y	Y

Control	Standard	Proposal	T	O	N
viewed from a public place					
D5.2 Scenic protection – General			Y	Y	Y
D5.3 Building colours and materials	All external colours and materials are to be dark, earthy, of a low reflectivity and compliant with Councils colour palette for the locality	Walls - Brick Merino & Bohemian Roof - Tiles Gunmetal, Colorbond Woodland Grey Trim - Colorbond Paperbark. See discussion D5.3	Y	Y	Y
D5.4 Height	Max 8.5m	Proposed max 8.2m	Y	Y	Y
D5.5 Front building line	Min 6.5m setback	Proposed 6.67m setback	Y	Y	Y
D5.6 Side and rear building line	2.5m to at least one side, 1m for other side; and 6.5m to rear boundary.	Proposed setbacks of 2.6m to north, 940mm to south, and 23.7m to rear. See discussion D5.6.	N	Y	Y
D5.7 Building envelope	The development shall be sited within a building envelope projected 45 degrees from a height of 3.5 metres from the side boundaries.	Proposed development complies except for minor eave overhang which is a permitted variation.	Y	Y	Y
D5.9 Site coverage - Environmentally Sensitive Land	Maximum site coverage 40%, minimum landscaped area 60%	Proposed site coverage 51.57%, landscaped area 48.43%. See discussion D5.9.	N	Y	Y
D5.11 Fences - General					
D5.13 Construction, Retaining walls, terracing and undercroft areas			-	-	-
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

*Issues marked with an **x** are discussed later in the report.
Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The site is known as Lot 19 Deposited Plan (DP) 13643, No. 19 Allawah Avenue, Elanora Heights. The site is regular in shape and has a total area of approximately 834.7m². The site is on the western side of Allawah Avenue orientated towards the east with a street frontage of 14.79m. It is currently occupied by a single storey dwelling, an ancillary carport, outbuilding and swimming pool in the rear yard. The front yard of the site consists of grass lawn and a large Norfolk Island Pine. The allotment is bound by residential single dwellings to side and rear boundaries. The site has not been identified as being affected by any natural hazard.

6.0 PROPOSAL IN DETAIL

Development consent is sought for demolition of the existing dwelling, carport and driveway, retain the existing swimming pool and outbuilding, and construct a new two storey dwelling to provide five (5) bedrooms, a rumpus/family room, a living room, a lounge and study room, associated double garage and driveway.

7.0 BACKGROUND

Development application N0209/10 was submitted on 20/04/2010 and notified for a period of 14 days in accordance with Council's notification policy. During this period, no submission was received. Additional information was requested on 18/08/2010. Response was received on 30/09/2010. On 02/12/2010, an Issue Letter has been sent to request further amendment to the proposal to address the issues raised during the assessment. A few requests for time extension to address the requirements of the issue letter have been submitted and accepted. The final amended plans were received on 23/03/2011. The original and amended proposal were referred to Council's Development Engineer and Natural Resources Assessment Officer for comment. A site inspection was under taken on 04/11/2010.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP No. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

Both the original and amended proposal have been referred to Council's Natural Resources Assessment Officer who has provided the following comments:

Property contains a modified landscape typical of a domestic garden with minimal native vegetation. The proposed works involve demolition of the existing dwelling and construction of a new dwelling, with the existing detached carport and swimming pool in the rear being retained. A large Norfolk Island Pine currently exists in the front yard which will be retained. Site coverage appears to be over 50% and the proposed works do not leave a lot of space for new landscaping, as such the landscape plan (A Total Concept Landscape Architects Drawing No. L/01 24th February 2010) provides very little in the way of new vegetation apart from five Lilly Pilly shrubs and ten clumps of Dianella to screen along the front of the property. Additional landscaping is preferable but difficult to achieve with the current site coverage.

An amended landscape plan has been submitted as per the request of Council which seeks to address site coverage issues. This plan (Kathryn Hills Landscape Architect 10th March 2011) provides four (4) new Blueberry Ash trees in the front yard area. Unfortunately these are located under the canopy of the existing large Norfolk Island Pine. As Norfolk Island Pines have phytotoxic needles which inhibit the growth of other plants in the vicinity, these proposed trees are unlikely to thrive in this location. The size of this large tree prevents the planting of other canopy trees in the front yard area due to a lack of space, however an additional canopy tree can be planted in the rear yard area in order to increase the quantity of canopy trees onsite to the required level. It is also noted that the proposed Dichondra reopens down each side of the dwelling is only a flat turf species and does not provide any screening value whatsoever. Taller shrubs are required to achieve the required level of screening. These requirements should be addressed on an amended landscape plan to be provided prior to the issue of the Construction Certificate.

- **D5.3 Building colours and materials**

The proposed roof colour being Gunmetal Grey Tiles and Colourbond Woodland Grey is satisfactory. However, the proposed external wall being a beige colour is considered to be too light for the locality and does not comply with the required dark and earthy tone under Pittwater 21 DCP. Condition of consent is recommended that the proposed external colour schedule be revised to comply with the control and a satisfactory colour and material

schedule is to be submitted to the Principal Certifying Authority before the issue of Construction Certificate.

- **D5.6 Side and rear building line**

The proposed setback to the southern side boundary at 0.94m fails to comply with the required 1m side building line. However, such non-compliance is minor and the non-compliant element is only a garage wall of 6.5m in length at the ground level without any windows which may cost the amenity of the adjoining properties. The rest of the building is set back 2.02m from the southern side boundary. The proposal is considered consistent with the objectives of the control and is deemed to be acceptable despite the minor numerical non-compliance.

- **D5.9 Site coverage - Environmentally Sensitive Land**

The proposed development involves the demolition of the existing dwelling, construct a new two storey dwelling and retain the existing swimming pool and outbuilding.

Pittwater 21 DCP requires a maximum 40% site coverage for the subject site. The existing site coverage is 601.28sqm or 72%. The original proposal would result in site coverage of 605.17sqm or 73%. Amended design has then been requested to address this non-compliance. The amended proposal has then proposed the removal of the existing driveway and carport as well as some hard surface areas in the rear yard, additional landscaping has been proposed in these areas. The amended proposal would then result in 442.7sqm or 51.7% of site coverage which is still contrary to the 40% required by Pittwater 21 DCP.

With permitted variation of 6% of the site area to be used as impervious outdoor entertainment areas, the proposal will result in a site coverage of 45.7%.

Notwithstanding this numerical non-compliance, the proposal has been assessed against the desired outcomes of the control and is deemed to be satisfactory:

- Achieve the desired future character of the locality
Pittwater 21 DCP states the desired future character of the Elanora Height locality being:

“.....a primarily low density residential area with dwelling houses a maximum of two storey in any one place in a landscaped setting, integrated with the landform and landscape.....future development will maintain a height limit below the tree canopy, and minimize bulk and scale. Existing and new vegetation, including canopy trees, will be integrated with the development.....the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.....”

The proposed development being a new two storey dwelling with existing ancillary structures being retained is still consistent with the existing character of the locality. The proposed dwelling with ancillary structure is below tree canopy level and the bulk and scale of the proposal is reasonable.

Landscaping is proposed where possible to improve the appearance of the site especially within the front yard. Council's Natural Resources Assessment Officer has recommended conditions of consent that require additional canopy trees to be planted on the site as well as screen planting along the side boundaries to enhance wildlife habitat and enable the built structure to be blended in a landscaped setting. The proposal is consistent with the desired future character of the locality subject to appropriate conditions being applied.

- The bulk and scale of the built form is minimized
The proposed new dwelling has reasonable bulk and scale. It complies with the maximum height control and the bulk of the proposed dwelling is contained within the required building envelope only with minor encroachments caused by the eaves which is permitted under Pittwater 21 DCP. The external walls of the proposed dwelling including the front fascia are well articulated and incorporate design features. The new dwelling itself has similar footprint with the existing dwelling. The non-compliance in site coverage is primarily a result of the existing one storey outbuilding and swimming pool being retained and they are not considered to have a significant contribution to excessive bulk and scale. With the existing carport and some paved areas being converted into landscaping, the overall built forms on the site is reduced.
- A reasonable level of amenity and solar access is provided and maintained
As addressed under other parts of the report, the amenity and solar access of the adjoining properties will not be adversely affected as a result of the proposal.
- Vegetation is retained and enhanced to visually reduce the built form
The proposal does not involve the removal of any native vegetation. There is an existing canopy tree in the front yard which will be retained. Additional landscaping has been proposed as well as required by recommended conditions of consent. The proposal will achieve this outcome subject to appropriate conditions.
- Conservation of natural vegetation and biodiversity
As discussed in the previously section that the proposal maintains the existing vegetation and proposed additional native planting to enhance the habitat value of the site. Additional canopy trees will be required as condition of consent to be planted on site to provide habitat to local wildlife.
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channel
The proposed development will result in an overall reduction of hard surface areas compare to the existing situation. The reduction in hard surface area and associated increase in pervious area will reduce stormwater runoff. Conditions of consent has also been recommended by Council's Development Engineer that on-site stormwater management system is to be provided in accordance with the requirement of Pittwater 21 DCP, and stormwater quality improvement device is to be installed. With the imposition of conditions, the proposal will achieve this desired outcome.
- To preserve and enhance the rural and bushland character of the area
The proposed development will result in a single dwelling in a improved landscaped setting. Additional vegetation has been proposed which consists of native species. Canopy trees are also to be planted on site as required by recommended conditions of consent. The proposal improves the character of the site with additional landscaping which is considered consistent with the desired outcome.
- Soft surface is maximized to provide for infiltration of water to the water table, minimize run-off and assist with stormwater management.
As discussed previously, the proposed development will result an increase in soft surfaces to provide filtration of water to the water table. Together with stormwater quality improvement device which required by recommended condition of consent, the site's stormwater management will be improved.

In conclusion, although the proposed development involves redevelopment of the site and strict compliance with the control will normally be required. However, consideration has been given that the proposal is a significant improvement from the existing excessive non-compliance, and it has demonstrated reasonable effort to achieve the desired outcomes of the control as outlined in the discussion above. The total site coverage is reduced from existing 72% to proposed 51.5%. As discussed in the assessment above, the proposal is considered consistent with the outcomes of the control and therefore be supported on merits.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposed development is permissible within the 2(a) Residential zone under the provision of Pittwater Local Environmental Plan 1993. The major issue raised during the assessment is the proposed non-compliance with the required maximum site coverage. However, the non-compliant aspects of the development are considered consistent with the desired outcomes of the relevant controls and do not result in significant impact upon the amenity of the surrounding properties. Hence, variation to the controls is supported. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application N00209/10 for demolition and construction of a new dwelling at 19 Allawah Avenue, Elanora Heights, subject to the conditions of consent.

Report prepared by

Louis Shang
PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0209/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
WINCREST HOMES
PO BOX 3606
PARRAMATTA 2150

Being the applicant in respect of Development Application No **N0209/10**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0209/10** for:

Demolish the existing dwelling house and erect a new two storey dwelling house.

At: 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

Development Drawings No. 15299 sheet 01/21 issue I, 15299 sheet 02/21 issue I, 15299 sheet 03/21 issue I, 15299 sheet 04/21 issue I, 15299 sheet 05/21 issue I, 15299 sheet 06/21 issue I, dated 29/09/08, prepared by Wincrest Homes;

Landscape Plan unnumbered, dated 10/03/2011, prepared by Kathryn Hills;

BASIX Certificate No. 292289S.

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent **Insert Date**

Mark Ferguson
GENERAL MANAGER
Per:

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and license number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-clause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
3. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
4. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
8. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
9. Any vegetation planted outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council's website www.pittwater.nsw.gov.au

10. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
11. At least two (2) canopy trees are to be provided in the rear yard area, which at maturity will achieve a canopy height greater than 8.5 metres, to visually reduce the height, bulk and scale effect of the dwelling. Species selection is to incorporate locally native species. These canopy trees are to be retained over the life of the development and replaced if they should die or be destroyed or removed.
12. Screen planting is to be provided, which after three years will, in conjunction with the canopy planting, screen 50% of the built form when viewed from the street. Species selection is to incorporate locally native species. This screen planting is to be retained over the life of the development and replaced if any part of it should die or be destroyed or removed.
13. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926~1986 Fences and gates for private swimming pools.
16. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
 - a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline, and
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print,
 - c. a statement to the effect that formal instruction in resuscitation is essential,
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
17. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

18. All external glazing is to have a maximum reflectivity index of 25%.
19. New electrical connections are to be carried out using underground cabling.
20. Roofs to all structures are to be of dark grey, brown and/or green tones only.
21. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
22. The maximum noise level associated with the pool filter/air conditioning plant shall not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.7 of Pittwater 21 DCP.
2. Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.
3. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
4. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
5. An amended landscape plan is to be provided prior to the issue of the Construction Certificate which provides an additional canopy tree planted in the rear yard area in order to increase the total quantity of canopy trees onsite to the required level. Taller shrubs are required to be planted along the side boundaries to achieve the required level of screening.
6. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
7. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.

8. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.
Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 1. Protection of site workers and the general public.
 2. Erection of hoardings where appropriate.
 3. Asbestos handling and disposal where applicable.
 4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

9. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials and shall be non-glare. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.
10. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
4. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
5. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
6. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
7. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
8. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
9. No skip bins or materials are to be stored on Council's Road Reserve.

10. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park / reserve boundary to the site.
11. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
12. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
13. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
14. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
15. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words **DANGER ASBESTOS REMOVAL IN PROGRESS** measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.
2. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
3. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
4. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
5. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
6. All existing and/or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
7. Street numbers are to be affixed to the building prior to occupation.
8. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

G. Advice:

1. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.

2. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
3. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
4. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.

A

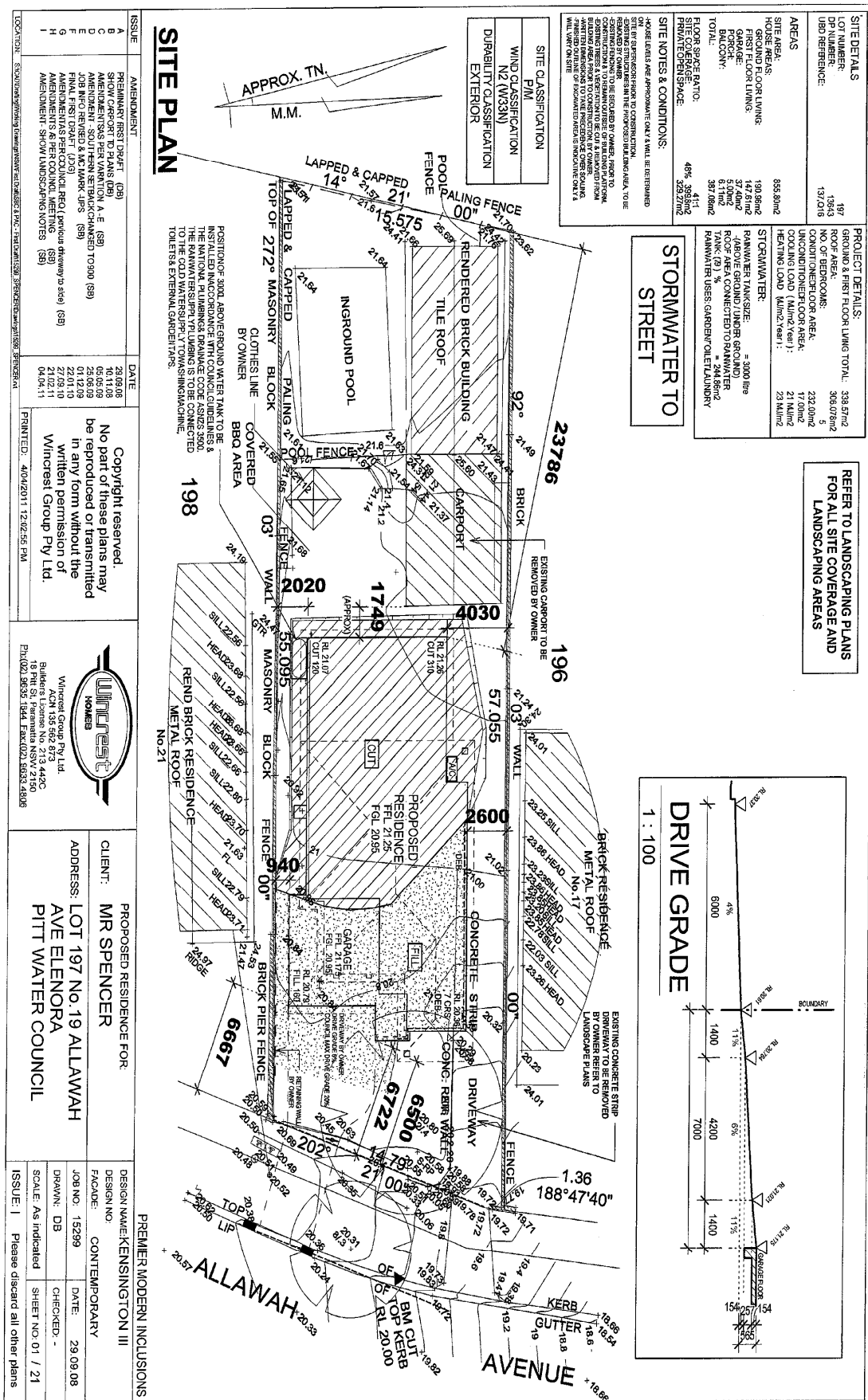
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T

LOCALITY MAP

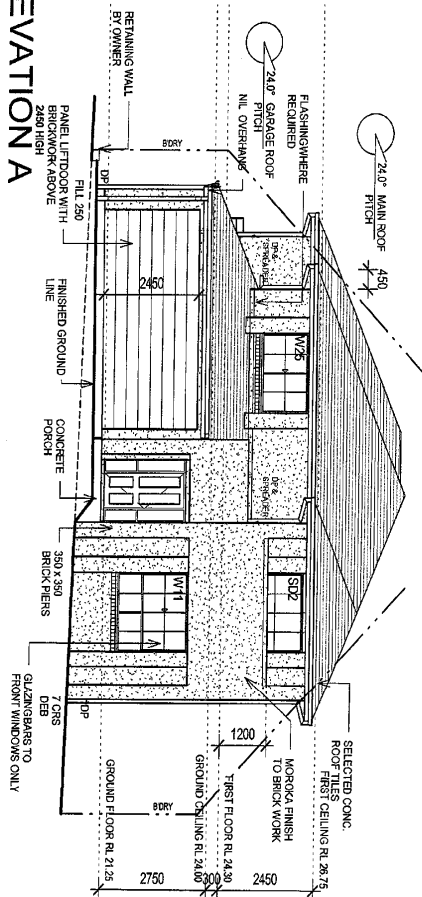


NOTIFICATION PLANS



ELEVATION A

1 : 100



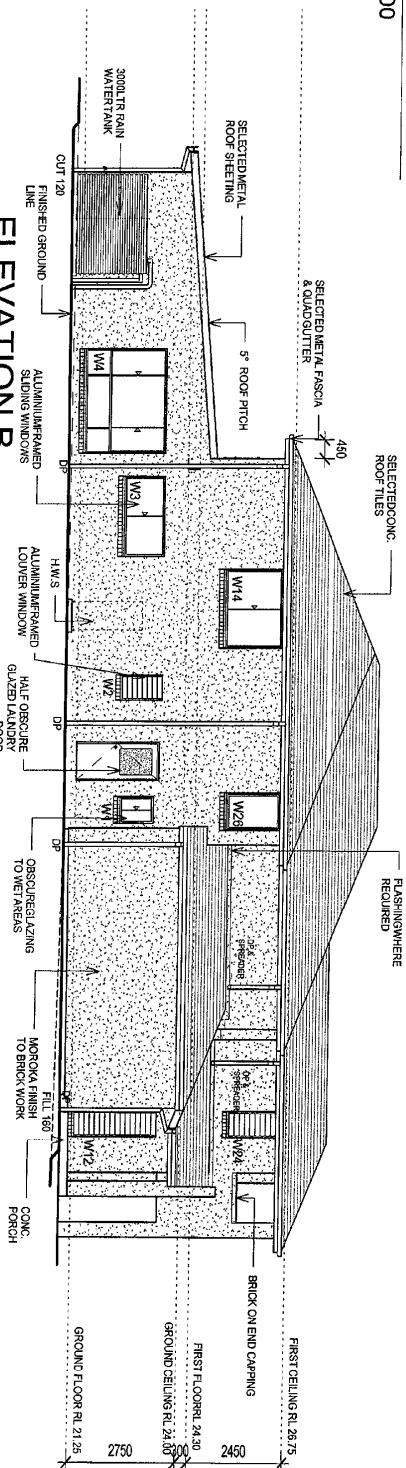
NOTE:

- GROUND FLOOR WINDOW HEAD HEIGHT: 2168.
- WINDOW 1 (POWDER ROOM) ONLY - HEAD HEIGHT: 2143.
- ALL FIRST FLOOR WINDOWS TO BE POSITIONED DIRECTLY UNDER 450 EAVE LINE.
- GARAGE DOOR HEAD HEIGHT: 2150.

ELEVATIONS

1 : 100

ELEVATION B



ISSUE	AMENDMENT	DATE	PREMIER MODERN INCLUSIONS
A	PRELIMINARY FIRST DRAFT (DB)	28.09.08	DESIGN NAME: KENSINGTON III
B	SHOW CORRECT TO PLANS (DB)	06.06.09	DESIGN NO: CONTEMPORARY
C	AMENDMENTS PER VARIATION A-E (SB)	25.06.09	FACADE: CONTEMPORARY
D	AMENDMENT - SOUTHERN STRUCK/CHAINED TO 900 (SB)	01.12.09	JOB NO: 15298
E	AMENDMENT - SOUTHERN STRUCK/CHAINED TO 900 (SB)	22.07.10	DATE: 29.09.08
F	AMENDMENT - SOUTHERN STRUCK/CHAINED TO 900 (SB)	27.07.10	DRAWN: DB
G	AMENDMENTS PER COUNCIL REQ (previous drawings to side) (SB)	21.02.11	CHECKED: -
H	AMENDMENTS PER COUNCIL MEETING (SB)	04.04.11	SCALE: 1 : 100
I	AMENDMENT - SHOW LANDSCAPING NOTES (SB)		SHEET NO: 04 / 21

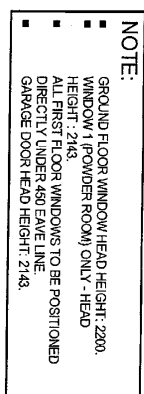
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CLIENT: MR SPENCER
ADDRESS: LOT 197 No. 19 ALLAWAH AVE ELENORA
PITT WATER COUNCIL

DESIGN NAME: KENSINGTON III
DESIGN NO: CONTEMPORARY
JOB NO: 15298
DATE: 29.09.08
DRAWN: DB
CHECKED: -
SCALE: 1 : 100
SHEET NO: 04 / 21

ISSUE: I Please discard all other plans



1 : 100



ELEVATIONS

Page 376

C11.2	N0278/10 -1789 Pittwater Road, Mona Vale -alterations and additions to the existing heritage buildings on site and use of the premises as professional consulting rooms
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Meeting: Planning an Integrated Built Environment Committee

Date: 20 June 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application No278/10 for alterations and additions to the existing heritage buildings on site and use of the premises as professional consulting rooms at 1789 Pittwater Road, Mona Vale.

1.0 BACKGROUND

The Development Unit, at its meeting held on Thursday, 9 June 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application No 278/10 for alterations and additions to the existing heritage buildings on site and use of the premises as professional consulting rooms at 1789 Pittwater Road, Mona Vale.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 The application proposes a site coverage that exceeds the 10% variation in which the DU has delegated authority to approve.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The owner and the applicant addressed the Development Unit and indicated their support for the recommendation and conditions proposed. There were no objectors present.
- 3.2 The Development Unit supported the Assessing Officer's recommendation for approval subject to some minor amendments to the conditions of consent.
- 3.3 The Development Unit also noted a Declaration of Interest by Council's Principle Officer - Matthew Edmonds who left the meeting and took no part in the determination of this application.

4.0 ISSUES

- Site coverage

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on the 9 June 2011 and after hearing from the owner and the applicant and noting that there were no objectors present at the meeting, endorsed the Assessing Officer's recommendation of approval with some amendments to the conditions of consent.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0278/10 - 1789 Pittwater Rd, Mona Vale for alterations and additions to the existing heritage buildings on site and use of the premises for commercial purposes be approved subject to the conditions contained in the Draft Determination and the following amended conditions of consent:

Amended Condition B6

The approved materials and colour schemes are only to be used on the extension and not the heritage item.

Amended Condition C7

The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials shall be non-glare and shall be in accordance with the heritage nature of the building. A satisfactory specification which achieves this shall be submitted to the Council and approved by Council's Heritage Architect before the Construction Certificate application, or with the Construction Certificate where Council is the Certifier in the form of a *Schedule of Finishes*.

Report prepared by

Warwick Lawrence
**MANAGER ADMINISTRATION AND GOVERNANCE
and DEVELOPMENT UNIT CHAIRMAN**

SUBJECT: N0278/10 -1789 Pittwater Road, Mona Vale -alterations and additions to the existing heritage buildings on site and use of the premises as professional consulting rooms

Determination Level: Development Unit

Date: 17 February 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Gina Hay
APPLICATION SUBMITTED ON:	18/05/2010
APPLICATION SUBMITTED BY:	ZOLTAN KOVACS 42 STARLING STREET LILYFIELD 2040
OWNER(S):	PROPRIETORS OF SP 56951 (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

The site is zoned Residential 2(a) under the provisions of the Pittwater 21 DCP. Alterations and additions to a dwelling house are permissible with consent in this zoning, as are the use of dwelling houses for professional consulting rooms. Schedule 9 - Heritage Inventory lists the site as having a heritage item "Glenroy", and the site is in the vicinity of another heritage item, namely St Johns Anglican Church. Dual occupancy is permitted on the site, with consent.

2.0 NOTIFICATIONS

20 property owners notified
No submissions received

3.0 ISSUES

- Pittwater LEP Clause 5 – definition of development as professional consulting rooms
- B1.1 Heritage Conservation - Items and areas listed in Pittwater Local Environmental Plan 1993
- B6.5 Off Street Vehicle Parking Requirements – Dwelling Houses, Secondary Dwellings and Dual Occupancy
- C1.23 Eaves
- D9.6 Front building line
- D9.10 Site coverage - General

4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Development Engineer					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.7 Stormwater Management - On-Site Stormwater Detention			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy	2 spaces required for a dwelling	2 spaces provided	Y	Y	Y
B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-

Control	Standard	Proposal	T	O	N
Heritage					
B1.1 Heritage Conservation - Items and areas listed in Pittwater Local Environmental Plan 1993	Site is listed as a Heritage Item of local significance in PLEP 1993.	See comments from Council's Heritage Consultant in body of report.	Y	Y	Y
Natural Resources					
B1.4 Aboriginal Heritage Significance		No apparent issues.	Y	Y	Y
B3.5 Acid Sulphate Soils		Acid Sulphate Region 5 only and no excavation proposed.	Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		Property contains a modified landscape. The proposed works involve alterations and additions to the existing building which is used as a care centre. The proposed works are all within the existing building footprint and will not impact on trees or other vegetation onsite.	Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C1.1 Landscaping			Y	Y	Y
Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development – Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.3 View Sharing			-	-	-
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			-	-	-
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety			-	-	-
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	450mm minimum eaves	No eaves provided.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			-	-	-
D9.1 Character as viewed from a public place		Parking to remain as current	Y	Y	Y
D9.2 Scenic protection – General			Y	Y	Y
D9.3 Building colours and materials		Condition included that the colours only be used on the extension not the heritage item without prior approval of Council's Heritage Architect, so as to ensure that colours used on heritage building are historically appropriate.	Y	Y	Y
D9.4 Height - General	8.5 metres max height	7.5 metres max	Y	Y	Y
D9.6 Front building line	6.5 metres front building line (to Pittwater Rd) 3.25 metres secondary street building line (to Park St)	Existing dwelling non-compliant. Proposed extension 7.5 metres to front boundary and extension between 1.6 - 6.5 metres to secondary street.	N	Y	Y
D9.7 Side and rear building line	Side setbacks 1 metre on one side, 2.5 on the other	1.2 -2 metres to west. No rear or eastern setback as the site is triangular with roads on two sides.	N	Y	Y
D9.9 Building envelope	45 degrees from a height of 3.5 metres for residential	Complies	Y	Y	Y
D9.10 Site coverage - General	50% hard cover, 50% landscaped area	Existing site cover 298m ² (52%). Proposed site cover 374.437m ² (65.5%)	N	Y	Y
D9.12 Fences - General			Y	Y	Y
D9.14 Construction, Retaining walls, terracing and undercroft areas			-	-	-
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental			-	-	-

Control	Standard	Proposal	T	O	N
Planning Policies (SEPPs)					

*Issues marked with an **x** are discussed later in the report.

*Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The site is known as 1789 Pittwater Rd and has a legal description of SP 56951. There is an existing building on the site, which is listed under Council's Heritage Register as House "Glenroy". The site is located on a triangular piece of land at the intersection of Park Street and Pittwater Road and has dual frontage. The buildings on site comprise an original weatherboard cottage, whose significance lies in the fact that it is one of the earliest surviving houses in the locality. Additions to this house were built in the 1970-80s and the building has for some years been used for as professional consulting rooms. To the south of the site, across Park Street is the Woolworths supermarket building, while to the west of the site are more dwellings used as professional consulting rooms. To the north of the site, across Pittwater Rd are St Johns Anglican Church, another heritage item and apartment buildings of recent construction. The site has a stated area of 571.1m².

6.0 PROPOSAL IN DETAIL

Alterations and additions to the existing buildings on site comprising: the demolition of the existing western (new) wing on the site and its replacement with a new two storey hipped roof extension, new disabled ramp along the Park Street frontage, alterations to the toilet attached to the rear of the heritage building to facilitate a disabled toilet, small alterations to the parking space on the south western corner.

7.0 BACKGROUND

A pre-lodgment meeting was held between Council officers and the owner of the site, on 16 June 2009 to discuss development potential on the site. The applicant was advised that the proposal to add a 2nd storey to the heritage building as proposed was not supported, however restorative works to the interior would be acceptable, as would potential extensions to the newer wing. He was advised that site coverage and parking would be issued that would need to be addressed, particularly if variations to the controls were sought.

The application was lodged in May 2010. The plans were forwarded to Council's Heritage Consultant, who had concerns regarding the proposed extensions and their impact on the Heritage Building. Additional Information was sought, with a meeting occurring between Council staff and the Applicant. Subsequent to that application amended plans were lodged with Council which reflected the discussions held.

Additional information was also requested regarding the requirements for a landscape plan and access report, both of which were submitted in December 2010. In addition, the applicant has clarified the use of the premises.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **Pittwater LEP 1993 - Clause 5 – definition of development as professional consulting rooms**

The site is within the Residential 2(a) zoning, in which commercial uses are prohibited, however, "professional consulting rooms" are permissible with consent.

The definition of “professional consulting rooms” given in Clause 5 of PLEP 1993 is as follows:

“means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling-house and used by not more than three legally qualified medical practitioners (who are not specialist medical practitioners recognised by the Specialist Recognition Advisory Committee for New South Wales established under the Health Insurance Act 1973 of the Commonwealth), or by not more than three dentists within the meaning of the Dentists Act 1989, or by not more than three health care professionals, who practice therein the profession of medicine, dentistry or health care respectively and who employ not more than three employees in connection with that practice;”

The premises have been in use as professional consulting rooms for a large number of years, and it is proposed to continue this use. The applicant’s Town Planner has stated that the owner of the premises is in discussions with a neighbouring medical facility about moving to the premises.

He further states the following:

“The site includes two separate buildings providing a possible total of 8 or 9 consultation rooms, dependent on configuration. It is envisaged that individual rooms will be allocated to different consultants and/ or professional support staff and will therefore not all be in use at any one time, as most Health Care professionals work on a part time basis. At any one time no more than 3 Health Care professionals will be using the premises, along with up to 3 support staff, who may also be employed on a part time basis. This will be regulated by management of the premises and can be controlled by condition to ensure compliance with the definition of professional consulting rooms in the Pittwater LEP 1993.”

It is considered that were this to be permitted, the proposal would not be in accordance with the definition stated above. The intent of the definition appears to be restraining the use of the premises to no more than three (3) health care professionals employed and/or employing in total, not three at any one time with more than this actually employed in the practice. This is so as to ensure that residential amenity of a residential zoning is maintained.

The applicant has also stated that the building could be converted back to single residential dwelling were this required. The submitted plans indicate that this is achievable.

It is considered that compliance with the definition can be ensured through the inclusion of a condition that no more than three medical health professionals be employed by any operator or lessee of the premises at any one time.

- **B1.1 Heritage Conservation - Items and areas listed in Pittwater Local Environmental Plan 1993**

Council's Heritage Consultant requested Additional Information due to concerns regarding the plans submitted to Council and their potential impact on the Heritage Item. A meeting was held between Council staff and the applicant's architect and heritage consultant to discuss the issues and how to progress on the matter, with amended plans being lodged as a result.

Council's Heritage Consultant has viewed these plans, and makes the following comments:

Further to my meeting with Karen yesterday, our previous discussions and my review of the latest drawings received from Zoltan Kovacs, I believe the application has been altered sufficiently for Council to now consider its acceptance of the proposal. With address of the issues discussed on site recently, being the height of the new building, and the desirability of removing the brick structures proposed on the Park Street elevation (which were projecting well above roof level) the proposal is now in my opinion, more compatible with the heritage significance of the site. Please contact me if you require further clarification. At this stage I would think the only further information required would be a schedule of the colours to be employed.

As such it is considered that the proposal is now satisfactory from a heritage viewpoint. A condition requiring the submission of a Colour Schedule prior to release of the Construction Certificate has been imposed on the consent, along with a condition ensuring that no corporate colours are used on the building at any time.

- **B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy**

The proposal is in compliance with the requirements for carparking for single dwellings houses, as it has two spaces which meet the dimensional requirements of the control. No additional carparking is proposed for the use of the premises as professional consulting rooms, however this is not considered to be of major concern. The Pittwater 21 DCP does not specify a number of spaces required, and neither does the RTA's Guide to Traffic Generation Development. In this absence, the requirements for commercial premises, being 2.5 spaces per 100m² of Gross Lettable Area, have been used as a guide.

The proposal has a GLA in excess of 260m² and as such would require 7 spaces, which it is clearly not capable of providing. The site is close to a number of public carparks, and adequate carparking for patients and can be provided in these. With regard to staff, there is on street carparking available in the immediate locality and the number of the staff on the premises at any one time would not be large.

Moreover, it is considered that the adaptive reuse of this heritage item and its curtilage is the first priority if the building is to be preserved in any meaningful sense. As such, the parking provision is considered to be generally satisfactory.

- **C1.23 Eaves**

No eaves have been provided on the building. Under the control eaves are required to be a minimum of 450mm for residential dwellings.

The applicant has stated that the rationale for the lack of eaves on the new extension is that the control clearly relates to housing. The extension to the building has been designed to mimic a traditional secondary structure, such as a barn, shed, rear extension or the like none of which traditionally had eaves.

This is considered valid and appropriate. The main issue that has arisen with this DA is how to ensure that the legibility and curtilage of Glenroy is protected, while also ensuring that suitable development can occur so that the building has an appropriate function in the future.

The new extension has been carefully designed so as to present as clearly secondary to Glenroy, with the extension reading more as a form of outbuilding that is complimentary to, although quite different from, the original dwelling. This allows for Glenroy to take the prominence required given its status as a Heritage Item.

Shading to windows in the extension are via external shade devices over the windows, which is considered more appropriate, especially since the building has been designed to be used as professional consulting rooms.

It is considered that the lack of eaves protects the coastal heritage and character of Pittwater, by mimicking the outbuildings that this dwelling may well have had in its early years. As such, a variation to the control is strongly supported in this instance.

- **D9.6 Front building line**

The proposal is non-compliant with regard to the secondary street frontage to Park Street, as at its closest point the building is 1.6 metres from the site boundary. There is no objection to this. The breach of the secondary building line will not be visually intrusive, especially since across Park Street is the mass of the Woolworths store and carparking, which draws the eye. Moreover, the site is at the interface between the residential and commercial zonings and thus to some extent this site provides a transition between the residential to the west and the commercial to the east and south.

Also, of paramount importance is the need to retain the appearance and legibility of Glenroy when viewed from Pittwater Rd, which leads to a greater front building line setback than would normally be required. The applicant has already been requested to increase the front building line setback to Pittwater Rd to maximise the separation between the extension and the heritage item, and as such the secondary building line will need to be breached for appropriate development to occur on the site. Moreover, the building to the west of the site is also used for professional consulting rooms and is thus unlikely to suffer any adverse impacts as a result of the breach, either from overlooking, solar access or bulk and scale. As such, it is considered that a variation be supported given the circumstances of the site.

- **D9.10 Site coverage - General**

The proposal has minor existing non-compliance which the current proposal will considerably exacerbate. At present the site coverage is 298m² (52%), with the proposed site cover being 374.437 m² (65.5%). No variations are permitted as the proposal is not for a single residential dwelling.

A variation to the site cover control is supported, as the site is located at the interface of the residential zone with the commercial zone of the Mona Vale district centre. The site has previously been used as professional consulting rooms, as are adjacent sites to the west and it is unlikely that this will change in the future given the limitations of the site.

More importantly, the unique nature of the site should permit variation. Glenroy is a small four room cottage on a small site adjacent to the commercial zone of Mona Vale and has the distinction of being one of the oldest buildings in Pittwater. Given the nature of the dwelling and its location on the site it would be difficult to extend Glenroy to facilitate continued use as a dwelling. As such the proposed extension, which seeks to continue the use of the site as professional consulting rooms is considered appropriate.

A significant portion of the site coverage is made up of the existing open carparking as well as ramps and paths designed to ensure the development complies with AS1428. As such the site still presents an open appearance to the street frontages.

The area where the site coverage could potentially present the most issues is on the southern side opposite Woolworths. As stated previously, the bulk and scale of the Woolworths building effectively diverts attention from the subject site.

The proposed landscaping for the site will also ensure that any perceived bulk and scale arising from the excessive site coverage is minimised. The landscaping on the north western corner of the site will be enhanced by the planting of a variety of Australian native species which, when mature, will screen the new addition while allowing the original cottage Glenroy to retain its prominence in the streetscape. Additional landscaping to the north east and south west of the site will also help divert attention from the bulk of the building.

As such given the unique circumstances surrounding this site a variation to the Site Coverage control is supported.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993 and Pittwater 21 DCP and other relevant Council policies.

Subject to appropriate conditions of consent, the proposal is permissible within the 2(a) zone as defined by Pittwater Local Environmental Plan 1993. It is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report.

While there are some non-compliances with development controls, these are all supported as they help ensure that this heritage building is adaptively re-used in an appropriate manner and that the qualities that make it worthy of preservation are enhanced and highlighted.

As such a recommendation of consent is made.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to development application N0278/10 for alterations and additions to the heritage building "Glenroy" at 1789 Pittwater Rd, Mona Vale subject to conditions of consent.

Report prepared by

Gina Hay
EXECUTIVE PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0278/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
ZOLTAN KOVACS
42 STARLING STREET
LILYFIELD 2040

D

Being the applicant in respect of Development Application No N0278/10.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0278/10 for:

Alterations and additions to the existing buildings on site.

R

At: 1789 PITTWATER ROAD, MONA VALE (SP 56951).

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with Drawings numbered: **DA.02B, DA.03B, DA.04B, DA.05B, DA.06B, DA.08B all dated 08/2010 and drawn by Zoltan Kovacs, landscape plan drawn by Plant by Plant** as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

T

Mark Ferguson
GENERAL MANAGER
Per:

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor, and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be done by an owner-builder:
 - i) The name of the owner-builder, and
 - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
2. Screen planting is to be provided, which after three years will, in conjunction with the canopy planting, screen 50% of the built form when viewed from the street. Species selection is to incorporate locally native species. This screen planting is to be retained over the life of the development and replaced if any part of it should die or be destroyed or removed.
3. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
4. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
5. At no time will corporate colours be used on the exterior of the building, without the prior consent of Council.
6. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
7. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
8. No more than three medical health professionals be employed by any operator or lessee of the premises at any one time

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
2. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
3. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
4. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.
5. Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
 - 1) Protection of site workers and the general public,
 - 2) Erection of hoardings where appropriate,
 - 3) Asbestos handling and disposal where applicable, and
 - 4) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

6. Certification from an Accredited Access Adviser that design details and specifications comply with the Accessibility Control and Australian Standard 1428.1 must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
7. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials shall be non-glare and shall be in accordance with the heritage nature of the building. A satisfactory specification which achieves this shall be submitted to the Council before the Construction Certificate application, or with the Construction Certificate where Council is the Certifier in the form of a *Schedule of Finishes*.
8. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
4. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
5. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
6. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
7. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
8. No skip bins or materials are to be stored on Council's Road Reserve.
9. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours,
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council,
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site,
 - That no skip bins or materials are to be stored on Council's Road Reserve, and
 - That the contact number for Pittwater Council for permits is 9970 1111.
10. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
11. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

12. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
2. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
3. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

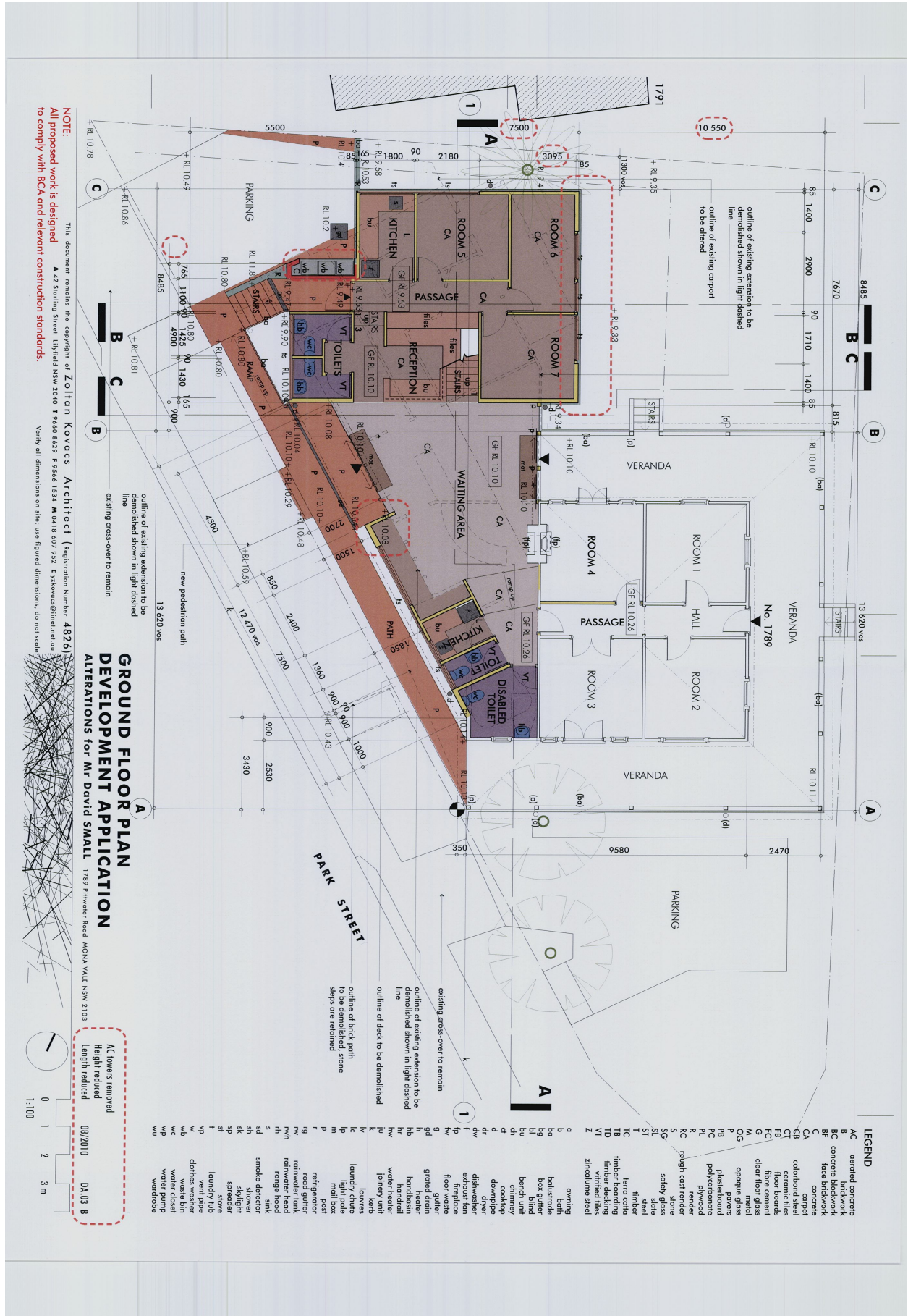
G. Advice:

1. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not commenced within 5 years after the date from which this consent operates.
2. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
3. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
4. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.

You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.



NOTIFICATION PLANS

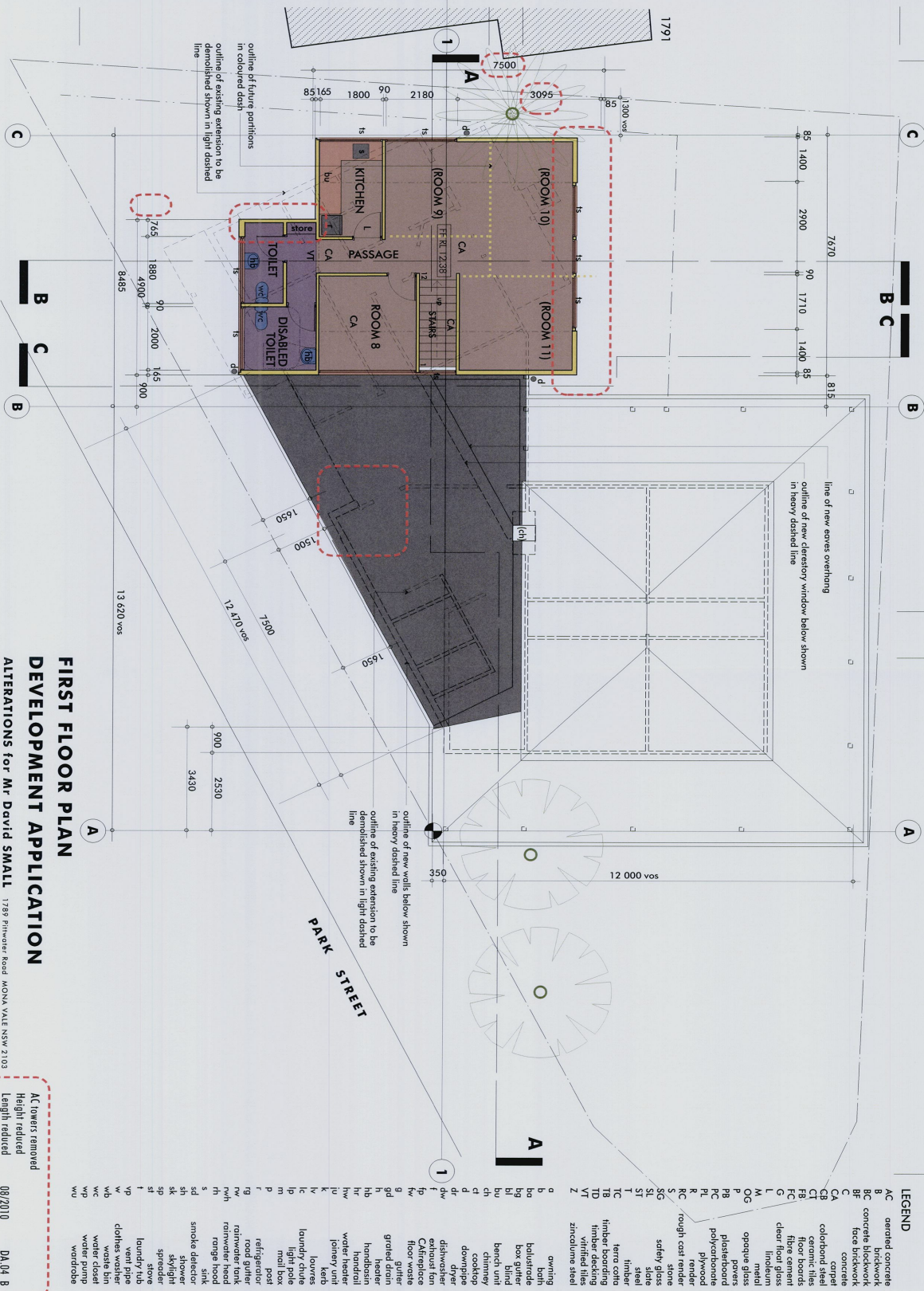


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All proposed work is designed to comply with BCA and relevant construction standards.

Zoltan Kovacs Architect (Registration Number 4826)
A 42 Sterling Street, Lyfield NSW 2040 T 9660 8429 F 9660 1534 M 0418 607 932 E z.kovacs@live.net.au
Verify all dimensions on site, use figured dimensions, do not scale

FIRST FLOOR PLAN
DEVELOPMENT APPLICATION
ALTERATIONS for Mr David SMALL
1789 Pinwater Road MONA VALE NSW 2103

A: lowest removed
Height reduced
Length reduced
08/2010 DA/04 B
1:100 0 1 2 3m

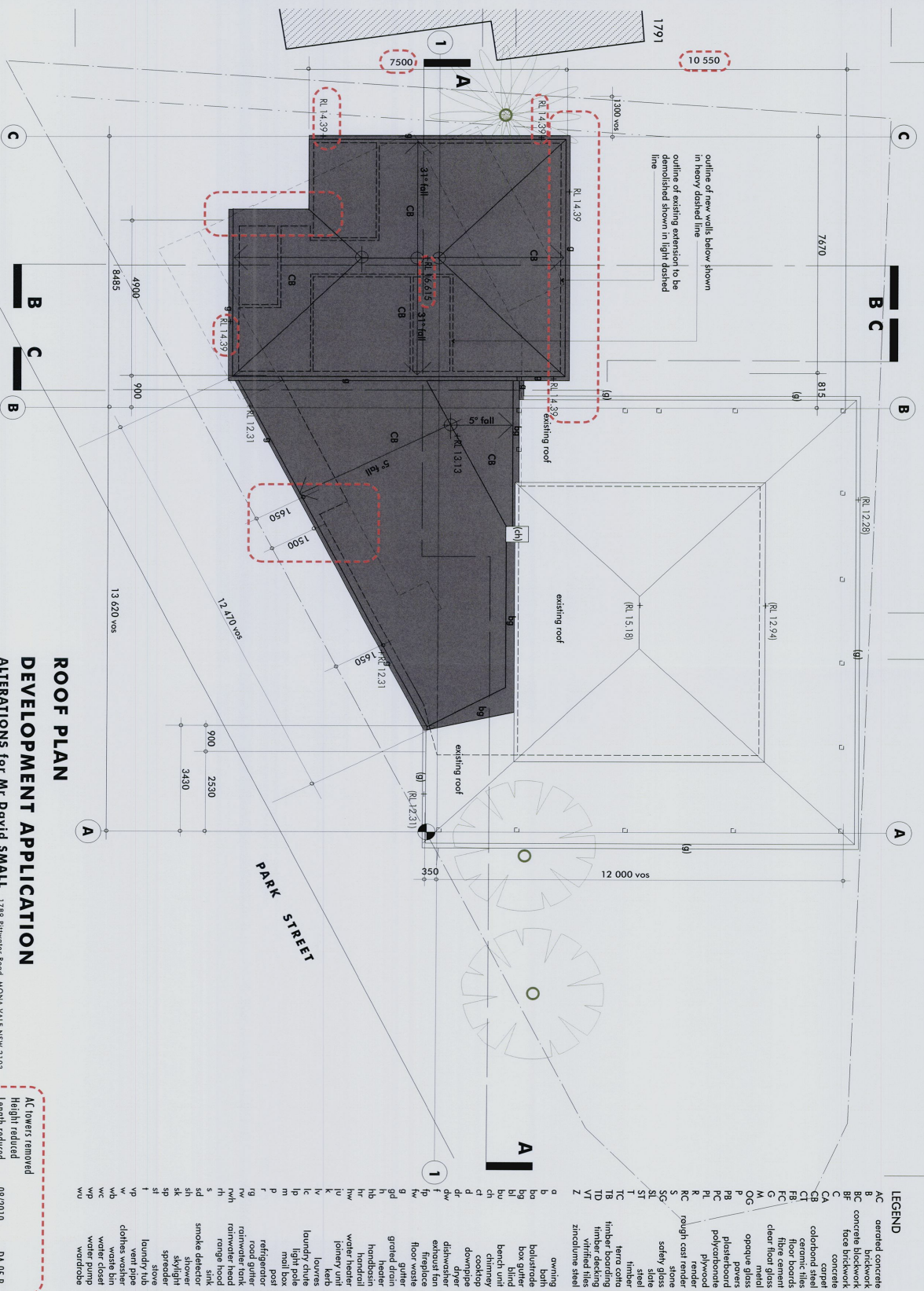


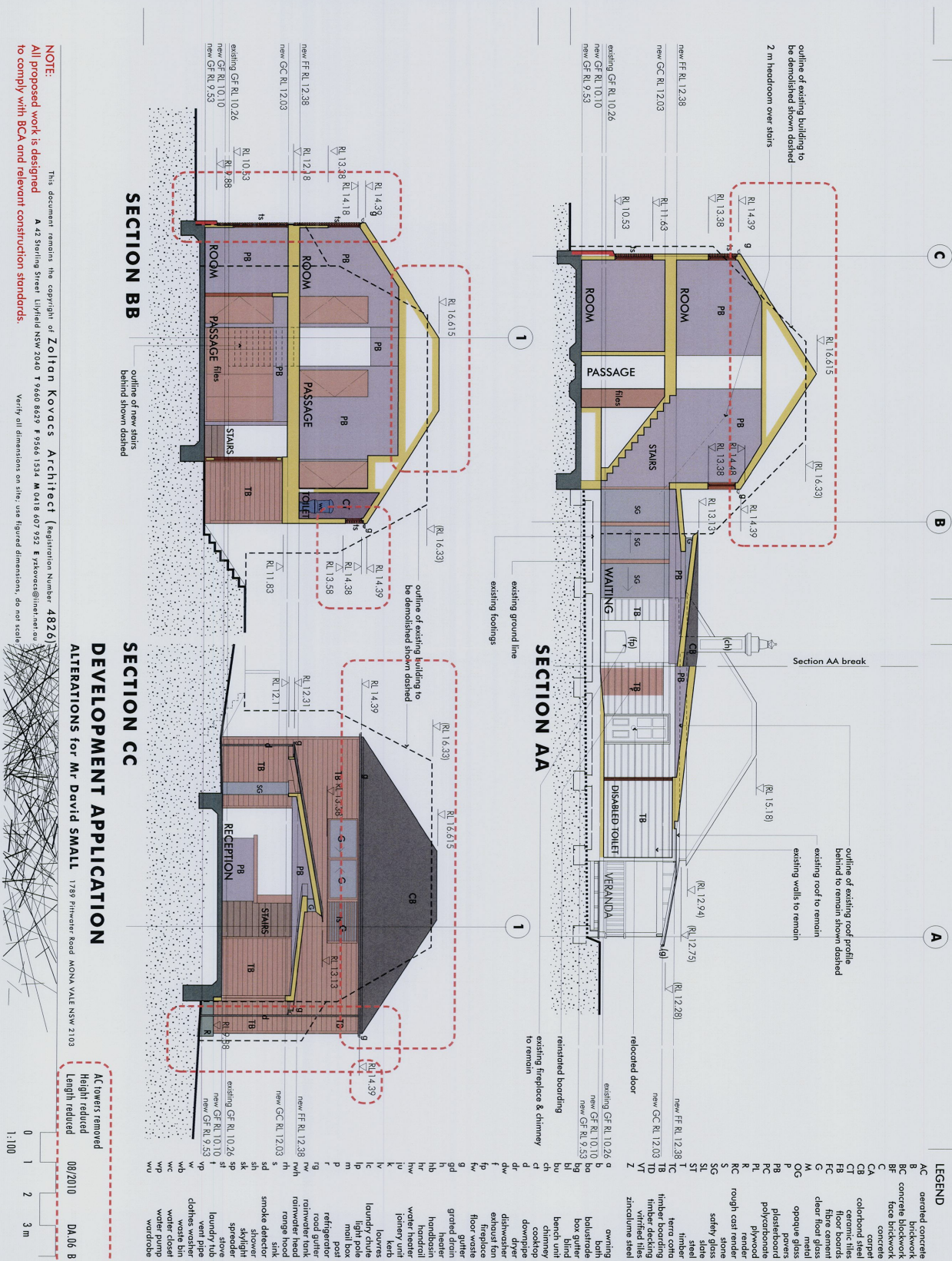
NOTE:
All proposed work is designed to comply with BCA and relevant construction standards.

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A 42 Sterling Street, Lilyfield NSW 2040 T 9640 8629 F 9566 1534 M 0418 607 932 E zkovacs@zka.net.au
Verify all dimensions on site, use figured dimensions, do not scale

ROOF PLAN
DEVELOPMENT APPLICATION
ALTERATIONS for Mr David SMALL
1789 Pittwater Road MORN VILLE NSW 2103

AC towers removed
Height reduced
Length reduced
08/2010
DA 05 B
1:100
0 1 2 3 m





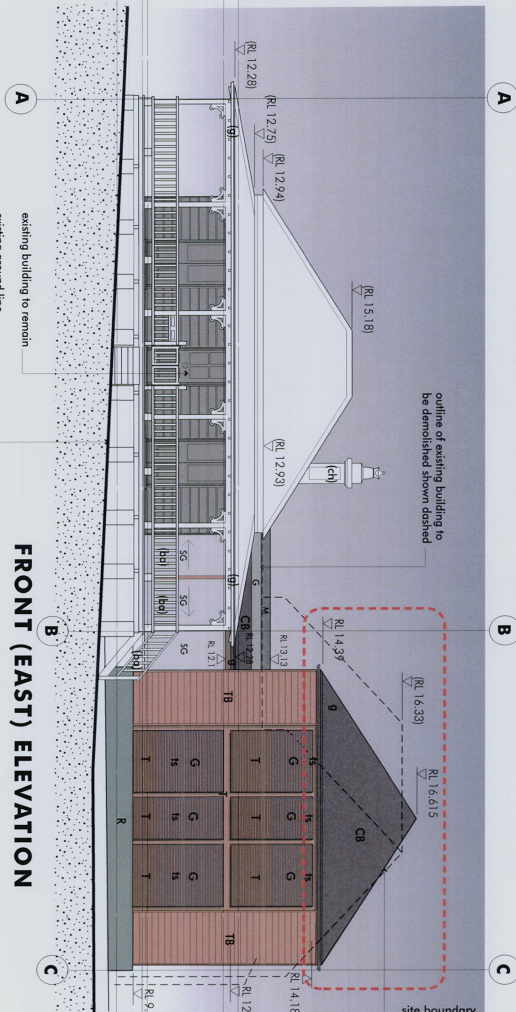
NOTE:
This document remains the copyright of Zoltion Kovacs Architect (Registration Number 4826)
A 42 Sterling Street Lilyfield NSW 2040 T 9660 8639 F 9366 1334 M 0418 607 932 E zkovacs@zltm.net.au
All proposed work is designed to comply with BCA and relevant construction standards.

Verify all dimensions on site: use figured dimensions, do not scale

FRONT (EAST) ELEVATION
ALTERATIONS for Mr David SMALL
1789 Pittwater Road MOINA VALE NSW 2103

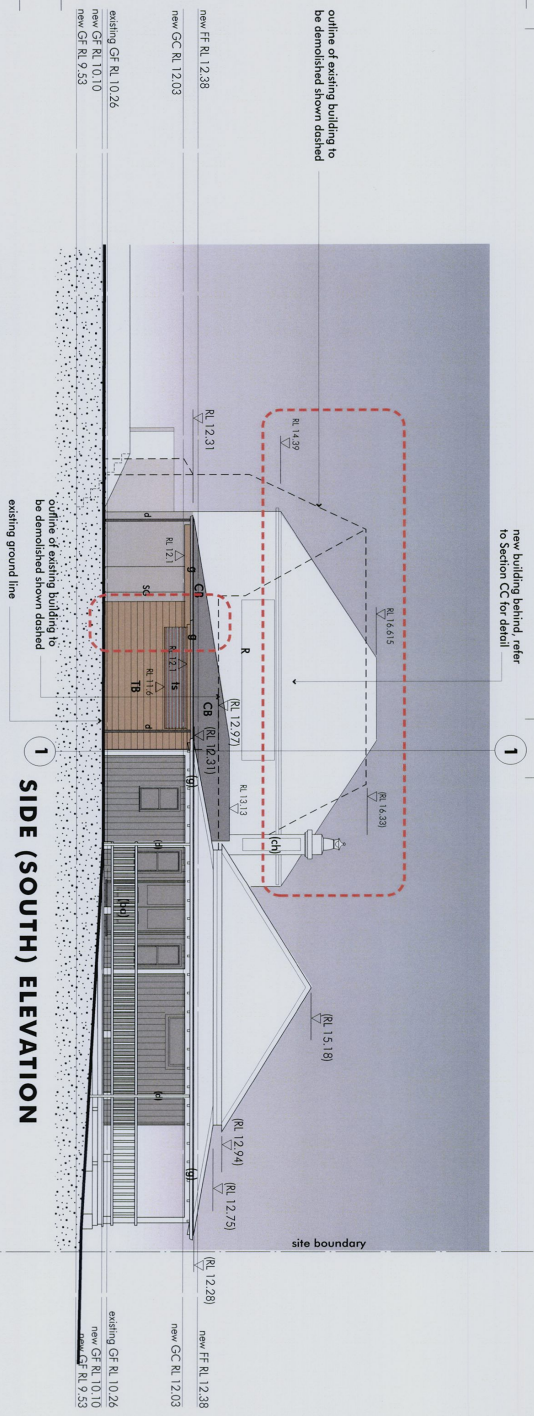
AC towers removed
Height reduced
08/2010
DA 07 B
0 1 2 3 m
1:100

- new FF RL 12.38
- new GC RL 12.03
- existing GF RL 10.26
- new GF RL 10.10
- new GF RL 9.53



- new FF RL 12.38
- new GC RL 12.03
- existing GF RL 10.26
- new GF RL 10.10
- new GF RL 9.53

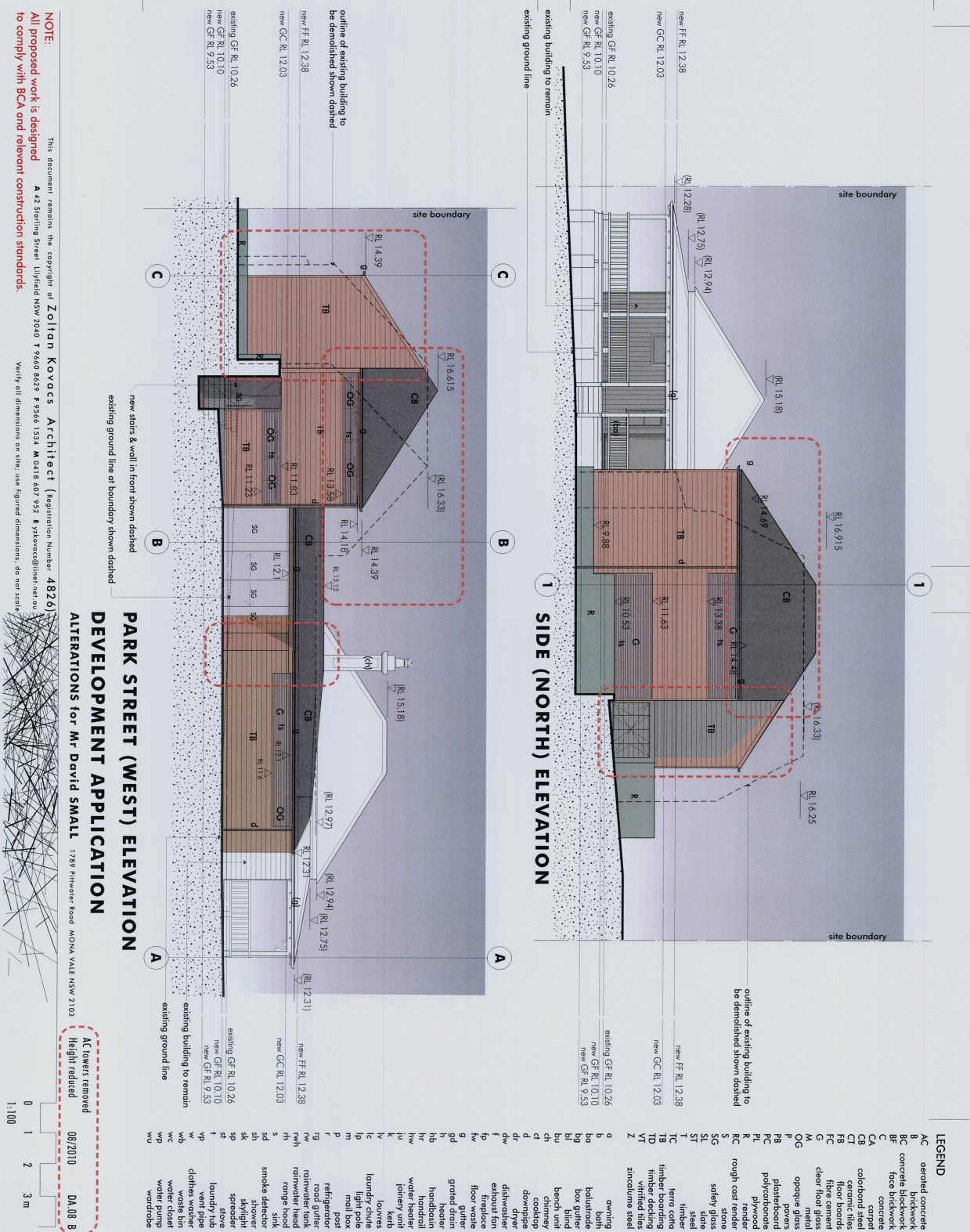
1 SIDE (SOUTH) ELEVATION



- existing GF RL 10.26
- new GF RL 10.10
- new GF RL 9.53
- new FF RL 12.38
- new GC RL 12.03

LEGEND

- AC aerated concrete
- B brickwork
- BC concrete blockwork
- BF face brickwork
- CA colorbond steel
- CB colorbond steel
- CT ceramic tiles
- FB floor boards
- FC fibre cement
- CG clear glass
- OC opaque glass
- P pavers
- PC plasterboard
- PR plywood
- R rough cast render
- RC rough cast render
- S safety glass
- SG stone
- SL steel
- ST stone
- T timber
- TC terra cotta
- TB timber boarding
- TD timber decking
- VT vitrified tiles
- Z zincalume steel



C11.3	N0052/11 - 4 Boundary Street & 10 Jubilee Avenue, Warriewood - Construction of a new private road to access 120 Mona Vale Road
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Meeting: Planning an Integrated Built Environment Committee

Date: 20 June 2011

STRATEGY: DEVELOPMENT UNIT

ACTION: Provide and effective and development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0052/11 - 4 BOUNDARY STREET, WARRIEWOOD (Lot 2 DP 816070), 10 JUBILEE AVENUE, WARRIEWOOD (Lot 10 DP 5055) Construction of a new private road to access 120 Mona Vale Road.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 9 June 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0052/11 for the Construction of a new private road to access 120 Mona Vale Road.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 This item was called by Cr Grace

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The owners, the applicants and their consultants addressed the Development Unit on the application and suggested that the road and roundabout could be provided to conform with Council's engineering and traffic requirements. The owner also raised issues concerning past decisions of the Council and financial concerns and sought at least "In-principle" support of the proposed road.
- 3.2 Development Unit members advised those present that it was not in the Development Unit's Charter to provide an in-principle support of any proposal, but could only determine the application that was before it based on the planning and engineering merits of the proposal.
- 3.3 Development Unit members suggested that the application was premature given that there was no overall strategy for the land proposed to be serviced by this road and that there were significant engineering and environmental issues relating to the construction of the road.
- 3.4 The Development Unit also advised that it considered the proposed road was prohibited under the PLEP 1993 as it was an ancillary component of a prohibited use of the land to which it was to service.
- 3.5 The owner and applicant were suggested to consider their options in light of comments made at the meeting and in particular the option of withdrawing the application at this time.

4.0 ISSUES

- Transport and traffic issues
- Environmental issues
- Scenic protection
- Prohibited development

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 9 June 2011 and after hearing from the owners, applicants and their consultants and noting that there were no objectors present, endorsed the Assessing Officer's recommendation for refusal for the reason contained in the draft determination.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0052/11 - 4 Boundary Street, Warriewood (Lot 2 DP816070), 10 Jubilee Avenue, Warriewood (Lot 10 DP5055) for the construction of a new private road to access 120 Mona Vale Road, Warriewood be refused subject to the reasons for refusal contained in the Draft Determination.

Report prepared by

Warwick Lawrence
**MANAGER ADMINISTRATION AND GOVERNANCE
and DEVELOPMENT UNIT CHAIRMAN**

**SUBJECT: N0052/11 - 4 BOUNDARY STREET, WARRIEWOOD (Lot 2 DP 816070),
10 JUBILEE AVENUE, WARRIEWOOD (Lot 10 DP 5055) Construction of
a new private road to access 120 Mona Vale Rd.**

Determination Level: Development Unit

Date: 9 June 2011

**SUMMARY OF RECOMMENDATION
REFUSAL**

REPORT PREPARED BY: Sophie Garland
APPLICATION SUBMITTED ON: 28/02/2011
APPLICATION SUBMITTED BY: OPERA PROPERTIES PTY LTD
7 GRAYLIND CLOSE
COLLAROY 2097
OWNER(S): PLANET WARRIEWOOD PTY LTD (Own)
UNITING CHURCH AUSTRALIA PROPERTY TRUST (Own)

1.0 DEVELOPMENT CONTROLS

The subject sites are zoned 1(b) Non-Urban pursuant to Pittwater Local Environmental Plan (PLEP) 1993. In terms of statutory permissibility, a private road can in various circumstances be considered a separate land use and therefore, not prohibited development under Clause 9 of PLEP 1993 within the 1(B) Non-Urban "B" zone.

In this instance, the primary purpose of the proposed private road is to support the future residential development of 120 Mona Vale Rd for urban land release purposes. Under the current zoning, this is neither permitted nor consistent with PLEP 1993.

In these circumstances, the road is considered to be a necessary and ancillary component of a prohibited use and is therefore prohibited under PLEP 1993.

2.0 NOTIFICATIONS

43 property owners notified
1 submission in support of the application

3.0 ISSUES

- B5.7 Stormwater Management - On-Site Stormwater Detention
- B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings
- B5.10 Stormwater Discharge into Public Drainage System
- B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B4.18 Heathland/Woodland Vegetation
- B8.1 Construction and Demolition - Excavation and Landfill
- D16.12 Landscaping
- D14.1 Character as viewed from a public place
- D14.2 Scenic protection - General

4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development			-	-	-
B5.6 Rainwater Tanks - Water Supply			-	-	-
B5.7 Stormwater Management - On-Site Stormwater Detention			N	N	Y
B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings			N	N	Y
B5.10 Stormwater Discharge into Public Drainage System			N	N	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			N	N	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			N	N	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			N	N	Y
B8.1 Construction and Demolition - Excavation and Landfill		The amount of the excavation to accommodate the proposed road construction is considered to result in unacceptable environmental impacts.	N	N	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works			Y	Y	Y

Control	Standard	Proposal	T	O	N
in the Public Domain					
C6.4 Flood - Warriewood Valley Land Release Area Residential Sectors			Y	Y	Y
C6.18 Utilities and services - Warriewood Valley Land Release Area			Y	Y	Y
REF - Bushfire					
B3.2 Bushfire Hazard		The application was not referred to the NSW RFS. It has been confirmed with the RFS that a referral is not required as no additional dwellings are proposed. It was noted that the proposed road would inevitably improve access to the sites in Boundary St and Mona Vale Rd.	Y	Y	Y
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.18 Heathland/Woodland Vegetation		Proposed road will result in the removal of significant canopy trees and native vegetation.	N	N	Y
D16.12 Landscaping			N	N	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee		Owners consent has been provide from the owners of both 4 Boundary St and 10 Jubilee Ave.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification		14 day notification	Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.7 Designated Development			-	-	-
4.1 Integrated Development: Water Supply, Water Management and Water Activity			-	-	-
4.4 Integrated Development: Bushfire			-	-	-
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007			-	-	-
5.2 Referral to the NSW Police Service			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted		The proposal includes provision of access to future lots at 120 Mona Vale Rd currently zoned 1(A) Non-Urban 'A'. No formal application has been received by Council to rezone this land and the proposal to	N	N	Y

Control	Standard	Proposal	T	O	N
		therefore, proposing to provide a road to service a development, which is currently prohibited under the zoning.			
B1.3 Heritage Conservation – General			-	-	-
B3.2 Bushfire Hazard		The application was not referred to the NSW RFS. It has been confirmed with the RFS that a referral is not required as no additional dwellings are proposed. It was noted that the proposed road would inevitably improve access to the sites in Boundary St and Mona Vale Rd.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.1 Water Management Plan		Comments provided regarding water management. Urban Infrastructure has advised that there is lack of evidence provided that demonstrates adequate drainage of the road.	N	N	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.14 Separately Accessible Structures			-	-	-
C2.14 Commercial Swimming Pools			-	-	-
C5.1 Landscaping			-	-	-
C5.2 Safety and Security			-	-	-
C5.4 View Sharing			-	-	-
C5.5 Accessibility			-	-	-
C5.7 Energy and Water Conservation			-	-	-
C5.8 Waste and Recycling Facilities			-	-	-
C5.9 Business Identification Signs			-	-	-
C5.10 Protection of Residential Amenity			-	-	-
C5.11 Advertisements			-	-	-
C5.14 Car/Vehicle/Boat Wash Bays			-	-	-
C5.15 Undergrounding of Utility Services			-	-	-
C5.16 Building Facades			-	-	-
C5.18 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C5.19 Food Premises Design Standards			-	-	-
C5.20 Liquor Licensing Applications			-	-	-
C5.21 Plant, Equipment Boxes and Lift Over-Run			-	-	-
D14.1 Character as viewed from a public place		The proposal is expected to result in detrimental visual impact with the significant removal of existing trees and vegetation.	N	N	Y
D14.2 Scenic protection - General		The proposal will result in unacceptable visual impact to the Escarpment when viewed from the surrounding area due to the significant removal of native vegetation and canopy trees.	N	N	Y
D14.3 Building colours and materials			-	-	-
D14.4 Height - General			-	-	-
D14.7 Front building line			-	-	-

Control	Standard	Proposal	T	O	N
D14.8 Side and rear building line			-	-	-
D14.14 Site coverage - Non Urban					
D14.16 Fences - Flora and Fauna Conservation Areas			-	-	-
D14.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

*Issues marked with an **x** are discussed later in the report.
Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The sites subject to the proposed application are known as 4 Boundary St, Warriewood (Lot 2 DP 816070) and 10 Jubilee Ave, Warriewood (Lot 10 DP 5055). The site at 10 Jubilee Ave is currently occupied by the Uniting Church and contains a number of buildings including the Church, a recreation complex and childcare as well as associated car parks. Access to this site is currently provided via a private access driveway from Jubilee Ave with a right of carriageway by the terms of a Section 88B Instrument benefiting Council in away that allow it to provide for access to existing properties in Boundary St. The site 4 Boundary St is a clear area with a horse exercise area as well as a dwelling house and ancillary structure located in the southeastern corner. The areas of the site proposed for the road construction contain significant vegetation and canopy trees with sections of the sites sloping steeply. The sites are identified as being bushfire prone and subject to land slip.

6.0 PROPOSAL IN DETAIL

The proposal seeks approval for the construction of a new private road to be created on two adjoining lots: 4 Boundary St and 10 Jubilee Rd. The proposed road will provide vehicular access from Jubilee Ave to Boundary St as well as access to the allotment at 120 Mona Vale Rd. The proposal will involve the construction of retaining walls to accommodate the road construction located within the fringe of the right of carriage way once created required. The proposed road is 227m in length with a gradient as steep as 20% for approximately 100 metres.

7.0 BACKGROUND

The application was lodged on 28th February 2011 and notified for 14 days in accordance with Council's Notification policy. During this time, one submission was received in support of the proposal. The application was referred to the Warriewood Valley Strategic Land Release Team who made comments regarding roads and traffic, drainage, natural resources as well as the strategic framework of the Warriewood Valley land release area.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B5.7 Stormwater Management - On-Site Stormwater Detention, B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings & B5.10 Stormwater Discharge into Public Drainage System**

The following comments have been provided by Council's Urban Infrastructure Department:

The proposal has submitted does not address/satisfy the following matters as required by the Pittwater 21 DCP:

- 1. Demonstration of an adequate 20 year (Average Recurrence Interval) ARI road drainage system to control and drain the proposed road;*
 - 2. The lack of any proposed inter-allotment drainage systems to legally drain stormwater across neighbouring properties;*
 - 3. The lack of any proposed on-site detention systems to control flows off the proposed road to achieve pre-development discharges up to the 100 year ARI event;*
 - 4. The lack of any proposed water quality facilities to control and to clean up poor quality stormwater runoff from road generated runoff.*
- **B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy & B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy**

The proposed road is intended to service a large number of new private properties to the west and as such it intended to fulfill the purpose of a public road. Therefore, it should be assessed under the criteria relating to a public road not the criteria relating to a private access way servicing a small number of properties. In the absence of the application including any meaningful information as to how the proposed private road would legally provide access to fulfill a range of functions otherwise provided by a public road as well as services (water, sewer and emergency access), the application should not be approved.

The following critique has been provided by Council's Urban Infrastructure Department:

- 1. The Traffic Impact Report is deficient in that it does not consider the future traffic volumes of Jubilee Avenue and Ponderosa Parade that will exist when all development in the Valley is complete;*
- 2. The width of the proposed road does not comply with the width of a local road as defined in the Warriewood Valley Roads Master Plan (WVRMP) and as such is not acceptable;*
- 3. The maximum longitudinal grade of proposed roads exceeds the 15% maximum specified in the Austroad Standard to roads having the function of a Local Road and as such is not acceptable;*
- 4. The proposed road does not achieve the minimum traffic sight distances on the crest as specified in the Austroad Standard for roads having the function of a Local Road and as such is not acceptable;*
- 5. The proposed intersection design of the proposed road and Boundary Street is not acceptable;*
- 6. The proposed intersection design of the proposed road and Jubilee Avenue is not acceptable and does not reflect the design in the WVRMP;*
- 7. There is no provision of Street Lighting to Standard required by WVRMP and as such is not acceptable;*
- 8. The proposed intersection of the proposed road with the existing ROW to the Uniting Church needs to be designed in accordance with Pittwater 21 DCP, B6.2.*

The list above highlights a number of deficiencies with the proposal compared to relevant standards. This would result in a less safe outcome for road users. The standards need to be adhered to to achieve the required road outcomes.

Adjusting the road design to meet the required standards will result in deeper and wider cuts and hence further hillside disturbance that will also exacerbate other concerns.

Given the above comments, the proposed construction of a private road does not provide for a satisfactory outcome in terms of safety and is deficient in information. Therefore, the application is recommended for refusal.

- **B1.4 Aboriginal Heritage Significance**

Council's Natural Resources officer provided the following comments:

A shelter has been recorded in the adjacent No. 3 Boundary Road, however this property is largely undisturbed with different topography and vegetation type. The subject site had no apparent signs of any heritage objects however, subsurface articles cannot be ruled out.

- **B4.18 Heathland/Woodland Vegetation & D16.12 Landscaping**

Council Natural Resource officer provided the following comments:

The properties contain areas of natural bushland and modified paddocks in a rural landscape.

The proposed works involve the construction of a new private road through properties known as 4 Boundary Street and 10 Jubilee Avenue. The proposed road is presumably to enable access to an area for which an application to subdivide and provide new dwellings will be lodged in the future. As the proposed road will be located in an area containing open forest and indigenous vegetation (mainly on 10 Jubilee Avenue), a Flora and Fauna Assessment (Footprint Green Pty Ltd 29th January 2011) has been provided. A total of 63 native and indigenous flora species were observed in the flora survey, as well as a number of exotic and weed species. 33 fauna species were observed, with a further 17 recorded within the DECCW Wildlife Atlas as being probable in the locality, some of which are listed as endangered or vulnerable under the Threatened Species Conservation Act 1995. Due to this, 7-part tests of significance were undertaken for two threatened flora species, eight threatened fauna species and one threatened fauna population.

Based upon the assessment criteria, it was considered that the proposed development would not have a significant impact on threatened species, subject to the adoption of several recommendations listed on Page 60 of the report. All discussion and recommendations within the report are supported. However, the report makes no mention of the potential impact of road kill caused by the expected increase in traffic on the proposed road which will bisect the forested area. The report has determined that 1670m² of Sydney Sandstone Gully Forest/Ridgetop Woodland will require removal as well as 2265m² of modified (exotic grass with scattered indigenous trees) habitat.

A separate Arboricultural Impact Assessment (Footprint Green Pty Ltd 21st January 2011) has also been provided. This report assessed a total of 114 trees that were deemed to be potentially impacted by the proposed roadway.

The majority of these trees are located on the subject sites of 2-4 Boundary Road and 10 Jubilee Avenue, however a small number of trees assessed (9) are located within the Boundary Road reserve. Trees were assessed on the basis of their significance in the landscape, as well as the impact of the proposed roadway and whether they could be retained or require removal. A total of 88 trees were determined to require removal to accommodate the proposed road. Of these, only three (3) are species exempt from Council's Tree Preservation Order. Of the trees requiring removal, 17 are considered to have significant landscape significance, and 19 to have High landscape significance, with the remainder having Moderate or Low landscape significance. However, six (6) trees in total are deemed unstable and therefore do not have any safe useful life expectancy (SULE). The remaining 26 trees assessed can be safely retained if tree protection measures are adopted as specified.

The assessment and determinations of the arborist report are supported, however there are a number of issues. The loss of 85 protected trees from the area is considered to be a significant impact, particularly with the high proportion of trees of either Significant or High landscape significance.

Seven (7) trees are recommended for removal from the Council road reserve on Boundary Street which are located south and west of the proposed new road where it meets the existing Boundary Street, and it is unclear as to why this is necessary. Discussions with Council's Road and Traffic Engineer have come to the same conclusion that this small section of road heading south from the intersection is unnecessary and unjustified at this point in time, therefore the removal of the seven trees in this area is unnecessary.

The Council engineers have also indicated the proposed road should be required to be designed to the local road specifications of the WVRMP and adjust the levels of the intersection. The cuts will therefore be around 5.5 m deep and overall width of area directly impacted by construction works (not including significant trees outside this area whose roots would be affected and maybe necessitate their removal , maybe another 6 m either side of the road) would be approximately 25 m . They would not be able to narrow down the WVRMP dimensions to stay within the 20m road reserve as currently proposed. Therefore the overall impact on canopy trees is unknown however is highly likely to be greater than that currently indicated by the arborist report which bases its assessment on the 20m road width.

In terms of visual impact, the proposal is considered to cause a highly detrimental visual impact with a long straight swathe of vegetation and tall canopy trees removed. This combined with the required cut to attain the necessary road gradient will leave a massive empty corridor with high steep embankments which cannot be effectively screened and this will be prominent from a landscape perspective particularly when viewed from Jubilee Avenue.

Due to the significant impact on canopy trees and 1670 square metres of open forest habitat, and potential disturbance to local wildlife, as well as detrimental visual impact for a proposed road that does not appear to be totally justified, the recommendation from a natural resource and landscape perspective is that the proposed works in the current form should be refused.

- **A1.7 Considerations before consent is granted**

The following comments have been provided by Council's Principal Planner- Land Release:

The subject DA is for the construction of a private road that traverses 10 Jubilee Avenue and 4 Boundary Street, Warriewood. The proposed road is for the purpose of providing '...adequate access to the site known as 120 Mona Vale Road, Warriewood.' (as stated in

the submitted Statement of Environmental Effects prepared by Glendinning Minto & Associates Pty Ltd 2011 for this DA).

Neither of the properties that are the subject of the current DA are within the Warriewood Valley Urban Land Release area. Additionally, 120 Mona Vale Road, Warriewood (for which the proposed road intends to provide future access) is not formally within the Warriewood Valley Urban Land Release area (as identified in the NSW Government's Metropolitan Development Program).

Nonetheless, a number of Council decisions made in relation to 120 Mona Vale Road, Warriewood are currently outstanding and have not been rescinded. It is in this context that the following comments, limited to a land release/strategic perspective, are provided.

At its meeting of 7 April 2008, Council resolved inter alia:

- '3. That Council encourage the applicant, the Uniting Church, the RTA and owners of the sites fronting Boundary Street including 120 Mona Vale Road to further discuss possible alternate access from 120 Mona Vale Road to Daydream Street for the purposes of a potential future subdivision of 120 Mona Vale Road'*

The current DA is for the purpose of accommodating vehicular access to 120 Mona Vale Road, Warriewood.

That 2008 resolution reiterates Council's decision of 18 April 2006 where Council resolved:

- 'A. 1) That 120 Mona Vale Road, Warriewood, be included in the Warriewood Land Release for the purpose of residential development.*
- 2) That the applicant his advisors and Council staff consult as to the land capability, the potential yield and the securing of adequate access for the site.*
- 3) That following 2 above that the applicant be invited to submit a formal Masterplan application*
- B. That in accordance with Clause 16 of the Council's adopted Code of Meeting Practice the reasons for the deviation from the staff recommendation in relation to this application are as follows:-*

To facilitate a development scenario for the site given the present constraints of the property, including aspects of land capability.'

To date, no formal application for rezoning 120 Mona Vale Road, Warriewood has been lodged/considered by Council. No development consent has been issued by Council regarding the Council's resolutions for 120 Mona Vale Road, Warriewood.

The Traffic Management Report (however provides an indicative concept plan of the intended land use and future density for 120 Mona Vale Road, Warriewood, which has not been subject to any formal application to, or considered/determined by, Council.

The two subject properties are zoned 1(b) Non-urban "B" and the adjoining 120 Mona Vale Rd, Warriewood is zoned 1(a) Non-urban "A". Any intensification of development, including the road (the subject of this DA) would, on the basis of the concept plan, need to be assessed in terms of permissibility or otherwise against the zone.

The indicative future detail of the development proposed at 120 Mona Vale Rd, as discussed within the submitted Traffic Report (TAR Technologies February 2011) is an intensification of development on a site not described on the DA form. The road, as proposed, is contemplating to service a future development opportunity that is currently prohibited under the zone.

The proposal to construct a road to service a development, which at current only exists in concept and is prohibited under the zoning of 120 Mona Vale Rd, is unreasonable, especially given the significant environmental impacts. As discussed above, the site 120 Mona Vale Rd has not been included, as part of this development application and no formal rezoning application has been made to develop the land which the proposed road is intended to service.

Under Section 5 (ii) of the Environmental Planning and Assessment Act 1979, development is to facilitate an orderly planning process in the developing land which allows for a coordinated approach to development of land. The application is a departure from an orderly planning process which has been established in Warriewood Valley Land Release Area in that the construction of the road as it stands is to service a development which has not been applied for nor is it permissible under the current 1(a) Non- Urban "A" zoning of 120 Mona Vale Rd and is recommended for refusal.

- **D14.1 Character as viewed from a public place & D14.2 Scenic protection - General**

- The proposed construction of a private road is considered to result in an unacceptable visual impact when view from the lower areas of Warriewood Valley particularly Jubilee Avenue. Control D14.2 makes particular reference to minimizing visual impact on the natural environment when view from public areas such as road, waterways and public reserves. The proposed road will result in the removal of significant native vegetation and canopy trees, which currently line the escarpment and can be viewed as travelling along Mona Vale Rd. The proposed road construction is adjacent to a large area of bushland, will result in the character of the rural escarpment area being compromised by the road, and associated construction.

The site was included in the Ingleside and Warriewood Valley visual impact study, which classified the proposed area of development in the highest level of visual significance, being part of the Warriewood Escarpment. Under the study, the area is considered to be essential for retention to conserve or enhance the visual characteristics and landscape values of the area unless a further specific study indicates that retention and conservation is not warranted. The visual impact of the proposal would be entirely inconsistent with the classification and recommendations of this study.

The proposal is considered to be inconsistent with the character of the Locality and does not respond to the surrounding features of the natural environment. In particular, the tree canopy area around the escarpment is noted as being protected as an area of environmental significance to the Warriewood Locality and has not been protected under the proposed development. The application is deficient in providing a development which complements the natural bushland environment and is significantly out of character for the Locality. It is therefore recommended that the application be refused.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposed construction of a private road is considered to be an unreasonable proposal which will have significant impacts on the surrounding natural environment. The proposal is intended to service a site, which has not been included within the subject application, and no formal application has been made to rezone the site at 120 Mona Vale Rd as required for such an intensification of development. Insufficient information has been provided as to the construction of the proposed road and compliance with relevant standards and traffic management. As detailed in the draft determination, the proposal is not supported and is recommended for refusal.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 refuse development application N0052/11 for the proposed construction of a private road at 4 Boundary Street and 10 Jubilee Avenue subject to the reasons outlined within the draft refusal.

Report prepared by

Sophie Garland
SENIOR PLANNER

DRAFT DETERMINATION

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
OPERA PROPERTIES PTY LTD
7 GRAYLIND CLOSE
COLLARROY 2097

Being the applicant in respect of Development Application No **N0052/11**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Development Application for:

Construction of a new private road

At: 4 BOUNDARY STREET, WARRIEWOOD (Lot 2 DP 816070), 10 JUBILEE AVENUE, WARRIEWOOD (Lot 10 DP 5055)

Decision:

The Development Application has been refused for the following reasons:

1. The proposed private road is prohibited under PLEP 1993 as it is a necessary and ancillary component of a prohibited use (being the future development of presently non-urban zoned land for urban purposes at 120 Mona Vale Rd)
2. The application is premature and not consistent with the objections of the Environmental Planning and Assessment Act 1979 for orderly development. The application is a departure from an orderly planning process which has been established in the Warriewood Valley Land Release Area in that the construction of the road is to service a development which has not been applied for nor is it permissible under the current 1(a) Non- Urban "A" zoning of 120 Mona Vale Rd.
3. Inadequate information as to how the proposed private road would legally provide access for the full range of functions otherwise provided by a public road (water, sewer and emergency services).
4. The design of this road results in a significant loss of open forest habitat and likely to adversely impact on local wildlife these impacts are unreasonable in circumstances of existing access arrangements and the premature nature of the application and the prohibited nature of the proposal.
5. The resultant adverse visual impact on the Escarpment due to the significant extent of cut required for the road combined with the significant amount of vegetation and tall canopy trees required to be removed in the present circumstance of availability of access and prohibited nature of the development.
6. The design and location of the road does not comply with the relevant Australian Standards WVRMP in the following area:
 - i. The maximum longitudinal grade of proposed roads exceeds the 15% maximum specified in the Austroad Standard to roads having the function of a Local Road and as such is not acceptable;

- ii. The proposed road does not achieve the minimum traffic sight distances on the crest as specified in the Austroad Standard for roads having the function of a Local Road and as such is not acceptable;
 - iii. The proposed intersection design of the proposed road and Boundary Street is not acceptable;
 - iv. The proposed intersection design of the proposed road and Jubilee Avenue is not acceptable and does not reflect the design in the WVRMP;
 - v. There is no provision of Street Lighting to Standard required by WVRMP and as such is not acceptable;
 - vi. The proposed intersection of the proposed road with the existing ROW to the Uniting Church needs to be designed in accordance with Pittwater 21 DCP, B6.2.
7. The information submitted is deficient to enable a proper assessment of likely impacts on:
- i. The future traffic volumes on Jubilee Avenue and Ponderosa Parade that will exist when the Warriewood Valley Urban Land Release project is complete; and
 - ii. How water will be managed to achieve pre-development discharges up to the 100-year ARI event, how impact on adjoining properties will be minimised, and how pollution will be minimised as a result of the proposed road.
8. The proposed Road and its intended provision of alternative access to existing development upon 120 Mona Vale Road, is not sufficiently justified given:
- the cost of development given the scope of works; and,
 - the resultant environmental impact; and,
 - the adequacy of the existing legal and physical access arrangements to both Jubilee Avenue and Mona Vale Road; and,
 - the proposed width of carriageway which is excessive

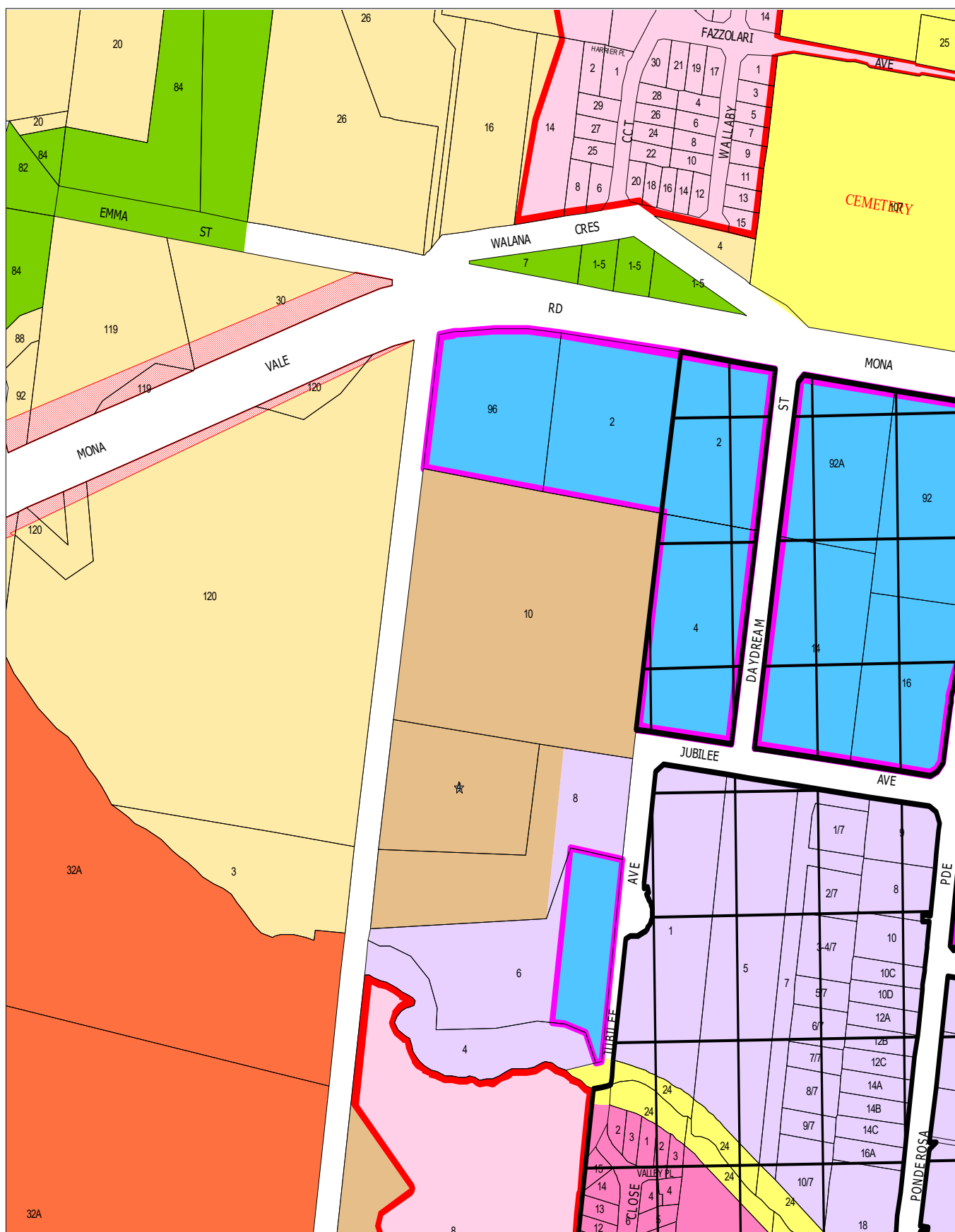
NOTES:

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. An applicant may under Section 82A of the Act, apply to council to review this determination.
3. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 12 months after receipt of this notice.
4. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson
GENERAL MANAGER

Per:
Date -

LOCALITY MAP



The drawing is a technical plan view of a proposed road layout. It features a main road with multiple lanes, a bridge crossing a waterway, and various engineering details. The drawing includes a title block with project information and a scale bar.

Project Information:

- Project Name: **menstead ASSOCIATES**
- Location: **NEW YORK, N.Y.**
- Client: **NEW YORK STATE**
- Project No.: **100-100**
- Scale: **1" = 100'**

Engineering Details:

- Stationing:** The drawing shows stationing along the road, ranging from 100+00 to 100+100.
- Elevations:** Elevation points are marked along the road and bridge, such as 100.00, 100.50, and 101.00.
- Cross-sections:** The drawing includes cross-sections of the road and bridge, showing lane widths, shoulders, and elevations.
- Bridge:** A bridge is shown crossing a waterway, with a span length of 100 feet.

Scale: 1" = 100'

C11.4	N0655/10 - 140A Crescent Road, Newport - Extension to existing slipway and construct a new boatshed
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Meeting: Planning an Integrated Built Environment Committee

Date: 20 June 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0655/10 for an extension to an existing slipway and construction of a new boatshed at 140A Crescent Road, Newport.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 9 June 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application N0655/10 for an extension to existing slipway and construction of a new boatshed at 140A Crescent Road, Newport.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 The application proposes a site coverage that exceeds the 10% variation in which the DU has delegated authority to approve.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The owner and his consultant addressed the Development Unit and indicated their support for the recommendation and conditions proposed. There were no objectors present.
- 3.2 The Development Unit supported the Assessing Officer's recommendation for approval subject to some minor amendments to the conditions of consent.

4.0 ISSUES

- Site coverage

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on the 9 June 2011 and after hearing from the owner and his consultant and noting that there were no objectors present at the meeting, endorsed the Assessing Officer's recommendation of approval.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0655/10 - 140A Crescent Road, Newport (Lot 2 DP 535511, LIC 395087) for an extension to the existing slipway and to construct a new boatshed be approved subject to the conditions contained in the Draft Determination.

Report prepared by

Warwick Lawrence
**MANAGER ADMINISTRATION AND GOVERNANCE
and DEVELOPMENT UNIT CHAIRMAN**

**SUBJECT: N0655/10 - 140A CRESCENT ROAD, NEWPORT (Lot 2 DP 535511),
140A CRESCENT ROAD, NEWPORT (LIC 395087) Extension to existing
slipway and construct a new boatshed**

Determination Development Unit
Level:

Date: 09/06/2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Louis Shang & Gordon Edgar
APPLICATION SUBMITTED ON:	11/11/2010
APPLICATION SUBMITTED BY:	TOBY ROWLEY BROWNE 140A CRESCENT ROAD NEWPORT 2106 JULIE ANNE BROWNE 140A CRESCENT ROAD NEWPORT 2106
OWNER(S):	BROWNE, TOBY ROWLEY (Own) BROWNE, JULIE ANNE (Own)

1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) residential under the provisions of the Pittwater LEP 1993. The proposed development being alterations and additions to the existing dwelling is permissible with consent. The following relevant local and state policies apply to this site: Pittwater Local Environmental Plan (LEP) 1993; Within Area 1 Dual Occupancy Map; Pittwater 21 Development Control Plan; State Environmental Planning Policy (SEPP) No. 71 - Coastal Protection.

2.0 NOTIFICATIONS

4 property owners notified
Nil submission/s received

3.0 ISSUES

- B4.15 Saltmarsh Endangered Ecological Community
- D10.13 Site coverage - Environmentally Sensitive Land
- D10.18 Scenic Protection Category One Areas
- D15.15 Marine Facilities

4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			-	-	-
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-

Control	Standard	Proposal	T	O	N
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		No issues	Y	Y	Y
B3.5 Acid Sulphate Soils		Acid Sulphate Region 5 only	Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community		See discussion B4.15	Y	Y	Y
B4.16 Seagrass Conservation			-	-	-
B4.19 Estuarine Habitat		Refer to B4.15 for comments	Y	Y	Y
B4.20 Protection of Estuarine Water Quality		Refer to B4.15 for comments	Y	Y	Y
C1.1 Landscaping		Refer to B4.15 for comments	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee		Owners consent from Department of Lands has been received for works proposed under MHW. Owners consent from the private land owners have also been received for works proposed on freehold land.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
4.8 Integrated Development - Rivers, Streams and Foreshores		The proposed development is exempt from Controlled Activities Approval pursuant to Clause 39A of the Water Management Regulation 2004.	-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation – General			-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse		None proposed	-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-

Control	Standard	Proposal	T	O	N
B5.13 Development on Waterfront Land			-	-	-
C1.2 Safety and Security		The safety and security of the existing dwelling will not be affected as a result of the proposal.	Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		No shadow diagrams are provided. The proposed development is at/below existing ground level and is deemed to be satisfactory in regards to solar access.	Y	Y	Y
C1.5 Visual Privacy		No additional privacy impact is expected as a result of the proposed development.	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space		Existing private open space provisions maintained. Satisfactory.	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			-	-	-
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		None proposed	-	-	-
C1.17 Swimming Pool Safety			Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways		None proposed	-	-	-
C1.23 Eaves		The existing eaves will not be altered.	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		None proposed	-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D10.1 Character as viewed from a public place		Satisfactory.	Y	Y	Y
D10.4 Building colours and materials	External colours and materials shall be dark and earthy tones	External walls - Dark charcoal Boat shed door - Natural Timber colour Retaining wall - Sandstone like Satisfactory.	Y	Y	Y
D10.5 Height (excluding Newport Commercial Centre)	8.5m	The maximum height of the proposed structure is approximately 1.6m above natural ground level.	Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)	6.5m	The subject site is a battle-axe block and the proposed development is located towards the rear of the site near the foreshore. Satisfactory.	Y	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)	2.5 to at least one side; 1.0 for other side; rear setback is subject to Foreshore Building Line.	The proposed boatshed is set back 2m from the nearest side boundary, and the dwelling setback from the other side boundary remains unchanged at approximately 1.5m, no works proposed towards this side. Although this is a technical non-compliance of side building line, the proposal is deemed to be acceptable on merits.	N	Y	Y
D10.10 Foreshore building line		The proposed development involves the	Y	Y	Y

Control	Standard	Proposal	T	O	N
		addition of a boat shed and extension of the existing sliprails which encroaches on the foreshore building line. However, they are permitted under the control.			
D10.11 Building envelope			Y	Y	Y
D10.13 Site coverage - Environmentally Sensitive Land	40% max site coverage and 60% min landscaped area.	57.7% site coverage; 45.6% landscaped area. See discussion D10.13.	N	Y	Y
D10.14 Fences - General		None proposed	-	-	-
D10.16 Construction, Retaining walls, terracing and undercroft areas		The proposal involves the construction of a retaining wall on reclaimed land. This retaining wall is visible from the waterways and is to be constructed using sandstone like materials. The proposal is considered satisfactory.	Y	Y	Y
D10.18 Scenic Protection Category One Areas		See discussion D10.18	N	Y	Y
D15.9 Public foreshore access		The site has no existing public foreshore access. The proposal incorporates a 1m turfed pathway beyond the proposed landscaping on reclaimed land to enhance public foreshore access. The proposal is therefore considered satisfactory.	Y	Y	Y
D15.11 Waterfront lighting		None proposed	-	-	-
D15.12 Development seaward of mean high water mark	All new buildings are to be located landward of mean high water mark. Only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of mean high water mark.	The proposed boatshed is located landward of MHW; The proposed sliprail extension is located seaward of MHW. However it is for the purpose of facilitating the storage of boats which is permissible under the control.	Y	Y	Y
D15.13 Lateral limits to development seaward of mean high water mark		Satisfactory	Y	Y	Y
D15.14 Minimum frontage for marine facilities	15m	The allotment has a water frontage of 34m. Satisfactory.	Y	Y	Y
D15.15 Marine facilities		See discussion D15.15	N	Y	Y
D15.18 Seawalls		None proposed	-	-	-
D15.19 Dredging		None proposed	-	-	-
SEPP No 71 Coastal Protection		The proposal has been referred to NSW Department of Planning who responded on 10/12/2010 and indicated no objection to the proposal. The proposed development has then been considered under clause 8 of SEPP71 and is deemed to be satisfactory.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		The proposed boatshed not being a BASIX affected building is exempt from BASIX.	-	-	-
Other State Environmental Planning Policies (SEPPs)			-	-	-

*Issues marked with an x are discussed later in the report.

*Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The subject site is known as 140A Crescent Road, Newport. It's legal description is Lot 2 in DP 535511. It is located on the north-western side of Crescent Road between The Avenue and Panima Crescent. The property is a battle-axe shaped block with a 5.4m wide frontage to Crescent Road and a 74m long access handle to the main portion of the block at the rear. It has a site area of 1011sqms excluding the access handle and 1366sqms inclusive of the handle. The rear portion of the property fronts onto the Pittwater waterway with an irregular rear boundary that roughly follows the former Mean High Water Mark, although there is reclaimed land lying between Pittwater and the rear boundary. The subject site contains a large two (2) storey brick and tile dwelling house and an in-ground swimming pool at the rear of the property which partially encroaches over the rear boundary onto the reclaimed land. The site has been identified as subject to estuarine and geotechnical hazard.

6.0 PROPOSAL IN DETAIL

Development consent is sought to extend the existing sliprails on the reclaimed crown land, construct a new boatshed on freehold land, demolish the existing boat storage facility located on the sliprails and carry out landscaping works to the foreshore.

7.0 BACKGROUND

Consent N0552/08 was issued on 9 April 2009 for alterations and additions to the existing house on the site.

A pre-lodgment meeting was conducted to discuss the proposed slipway and boatshed on 14 September 2010. The Applicant was advised that a geotechnical report would be required to support the application, and owners consent would be required from the Department of Lands for any work proposed on the seaward side of MHWM. It was also identified that the existing site developments constituted a site coverage of 48.6% which exceeds the maximum permitted 40% site coverage control. It was suggested that the existing built upon area not be increased.

Legal representatives for the Applicant have undertaken consultation with the Department of Lands regarding the design of the proposed structure. The Department of Lands advised that they would not support a boat shed on the reclaimed Crown Land. The Department of Lands did, however, advise that it would not object to an application to extend the existing slip rails onto the subject site to service a boatshed to be built entirely within the boundaries of this property.

The subject Development application N0655/10 was submitted on 11/11/2010 and notified for a period of 14 days. During this period, no submission was received. The application was referred to Department of Planning, Council's Development Engineer and Natural Resources Assessment Officer for comment.

Following the initial assessment of the proposal, additional information was requested on 09/03/2011. Information requested include a complete Owner's Consent from the Department of Lands consists of the stamped plans and signed/stamped original Development Application form, a SEPP1 objection, and various other issues to be addressed in the design. The applicant has then requested an extension of time to submit that information. The final response was received on 12/05/2011.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The applicant seeks to vary a development standard which requires the application of SEPP 1 objection.

Development standard to be varied

Foreshore Building Line pursuant to Clause 7 (4) of the Environmental Planning and Assessment Model Provisions 1980 as adopted by Pittwater Local environmental plan 1993:

"A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed".

Extent of variation

The development as proposed includes a boatshed on freehold land and extension to existing sliprails are located between the foreshore building line and the foreshore of Old Mangrove Bay.

Is the Planning control in question a development standard?

Yes

What is the underlying object or purpose of the standard?

It is noted that the development standard does not have specified objectives but the associated Development Control of Pittwater 21 DCP in response to this development standard has provided the following desired outcomes:

"To achieve the desired future character of the Locality.

To preserve and enhance local views of the foreshore to reinforce and protect Pittwater's natural context and enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure the amenity of foreshore areas is enhanced and protected.

To ensure that development adjacent to public domain elements such as rivers, foreshores, streets, parks, bushland reserves and other public open spaces compliments the landscape character, public use and enjoyment of that land.

The visual impact of development when viewed from the waterway is reduced.

To achieve an uncluttered setback which enhances the legibility of the foreshore character of Pittwater.

To enhance the spaciousness and protect the vegetation, landforms and the natural landscape of the foreshore.

To protect and improve pedestrian access along the foreshore, where applicable".

Is it also noted the associated development control of Pittwater 21 DCP permits boating facilities to be erected between the foreshore and the fixed foreshore building line which indicates such development is consistent with the objectives of the control.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5 (a)(i) and (ii) of the EP&A Act?

The primary objectives of section 5 (a)(i) and (ii) of the Environmental Planning and Assessment Act are to encourage:

- (i) *The proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests. Minerals. Water. Cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land.*

The SEPP1 objection submitted has provided acceptable justification that the underlying objects of the development standard as well as the primary objectives of the EP&A Act as stated above have been achieved, strict compliance with the standard would impact on the economic use and development of the subject site and hence hinder the above stated objects.

Is compliance with the development standard unreasonable or unnecessary?

The submitted SEPP1 objection justifies the compliance with the foreshore building line standard is unreasonable and unnecessary. The foreshore building line is located across the middle of the subject site. If strict compliance is required, the proposed boatshed would have to be located towards the furthestmost boundary away from the water, which is difficult to achieve the intended use as a boat storage facility. In addition, due to the steep topography of the site, locating the boatshed outside of the foreshore building line would require an excavation of up to 6ms and also require the demolition of portion of the existing residence that already encroaches on the foreshore building line. Therefore, it is accepted that strict compliance with the development would be unreasonable and unnecessary.

Concurring authority

None

In summary, it is considered that the non-compliance with this development standard is acceptable on the basis that strict compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular proposal. As demonstrated above, the non-compliance with the foreshore building line standard would not be prejudicial or contrary to the intentions of development standard. The objection is considered to be well founded and the proposal will promote the orderly and economic development of the land in accordance with Clause 5 of the Environmental Planning & Assessment Act, 1979.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B4.15 Saltmarsh Endangered Ecological Community**

The application has been referred to Council's Natural Resources Assessment Officer who have responded and provided the following comments:

The property contains a modified landscape and adjoins the foreshore of Pittwater estuary, however is separated by an existing seawall. The proposed works involve the construction of a new boatshed on the property and extending an existing slipway across the Council foreshore reserve. The proposed works will not impact on existing vegetation as there is no significant vegetation in this area.

Landscaping is proposed to re-vegetate the foreshore area (Crown land) and a landscape plan (Design Practice Drawing No. A07 October 2010) has been submitted. As the seawall exists, saltmarsh vegetation is not suitable however the plant schedule proposes 100% locally native trees, shrubs and groundcovers which are deemed acceptable. As the landscape plan is a concept plan at this stage and plant quantities are not provided, a detailed landscape plan which indicates quantities of each species provided is to be submitted prior to the issue of the Construction Certificate. To ensure the proposed plantings have the desired "mass planting" effect, the grass and climber species are to be planted at least 4 plants per square metre throughout the Crown-owned foreshore reserve.

- **D10.13 Site coverage - Environmentally Sensitive Land**

The subject site has an existing site coverage which was approved under previous Development Application (N0552/08) and subsequent S96 modification at 54.4%.

The proposed boatshed addition will result in additional site coverage, and the total proposed site coverage is 57.7%, contrary to the maximum site coverage of 40% permitted under Pittwater 21DCP. As oppose to the proposed site coverage, the proposed landscaped area remains largely the same as the existing development at 45.6%. This is due to the proposed boatshed is excavated and buried underground with the ground level landscaped with native vegetation and existing lawn area (both with soil depth more than 800mm).

Although the proposed addition maintains the existing landscaped areas, it is still technically identified as site coverage under the definition contained in Pittwater 21 DCP. However, due to the nature of the proposal, consideration has been given to the merit of this application in the context of the desired outcomes of the control:

- The proposal will still maintain the existing character of the site being a single two storey dwelling in a landscaped setting which is also consistent with the desired future character of the locality;
- The proposed addition will not contribute to significant increase in the bulk and scale of the existing dwelling. In fact, the existing boat storage facilities on the sliprails will be removed, The new proposed boatshed is setback further from the foreshore and located entirely on freehold land. This will reduce the visual clutter of the existing foreshore. The proposed native landscaping on top of the boatshed will further reduce the visual impact of the built form when viewed from the waterway.
- The amenity and solar access of the adjoining properties will be enhanced and not affected by the proposed development;
- Substantial landscaping on the reclaimed crown land will be maintained and enhanced, to visually reduce the impact of the existing built form. It should be noted that such landscaping (approximately 190sqm) has not being considered in calculating site coverage for the purpose of this application due to the nature of this land. However, the owner/s of the subject site will be responsible for implementing and maintaining such landscaping which has a significant contribution to the visual quality of the Pittwater foreshore. In addition, a 1m pathway is proposed on the reclaimed land to enhance public foreshore access.
- Natural vegetation and biodiversity will not be adversely affected as a result of the proposal;
- Stormwater management is maintained as existing. The proposed boatshed is covered by soft surface which provides filtration of water to the water table and minimises run-off. The additional site coverage will not result in additional pressure to the existing stormwater disposal system due to the waterfront nature of the site.

In conclusion, although the proposed development will result in additional technical non-compliance, it has addressed the desired outcomes of the control. On merit, the development will improve the visual quality of the existing foreshore, reduce the impact of the built forms, improve public foreshore access and is unlikely to affect the existing stormwater system. Therefore, it is recommended that such variation to the site coverage control should be supported.

- **D10.18 Scenic Protection Category One Areas**

The control requires screen planting to be located between structures and boundaries facing waterways and canopy trees to be planted between dwellings and the waterfront boundaries. Although the proposal does not fully satisfy the controls, it is considered to achieve a similar outcome through implementing landscaping on the reclaimed crown land between built structures and the foreshore to visually reduce the built form. Such landscaping mainly consists of local native shrubs, and the scale of such landscaping is substantial which covers approximately 160sqm of reclaimed land and 27m of frontage facing Pittwater waterway. In addition, existing boat storage facility located on the reclaimed land will be removed, the new boatshed is proposed to set further back from the foreshore, and incorporates dark and earth finishes. It is therefore considered the proposal achieved the desired outcomes of the control and is deemed to be acceptable.

- **D15.15 Marine facilities**

Assessment of the proposal under control D15.15 has been detailed below:

a) Jetties, ramps and pontoons

None proposed

b) Berthing areas

None proposed

c) Boatsheds

- i. *Boatsheds shall be located above mean high water mark on freehold land, where practicable. Where this cannot realistically be achieved, as much of the proposed boatshed as is practical must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark.*

The proposed boatshed is entirely located above MHW on freehold land.

- ii. *Boatsheds shall be one storey and no greater than 4.5 metres in height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length, as illustrated in Diagram 4. The use of lofts or similar design concepts shall not be permitted.*

The proposed boatshed is 4.3m in width, 6.5m in length and 2.5m in height. The proposed dimensions have non-compliances with the required envelope. However, The boatshed will be buried under existing and proposed landscaping, with the only front fascia facing the waterway. This will not contribute to excessive bulk and scale when viewed from the waterway. It also incorporates materials with natural and dark tones which will allow the development to be integrated into existing landscape. On merit, the proposal will improve the overall visual amenity of the foreshore by removing the existing boat storage facility on the sliprail, locate the boatshed on freehold land, landscaping majority parts of the foreshore frontage, and improve the visual quality of the foreshore. Therefore, the proposal is supported as it achieves the desired outcomes of the control despite the minor numerical non-compliance.

- iii. *Boatsheds shall not prevent or hinder public foreshore access. Alternative access must be provided where a proposed boatshed is likely to make existing foreshore access below mean high water mark difficult.*

The proposal incorporates a 1m pathway, existing public foreshore access will be improved.

- iv. *Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation any internal kitchen facilities, habitable*

rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.

The proposed boatshed will be used solely for boat storage purpose.

- v. Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Structures proposed along the western foreshores, McCarrs Creek, Horseshoe Cove, Salt Pan Cove, Refuge Cove, Clareville and Careel Bay are to have specific regard for the natural landscaped character of the area. Reflective materials and finishes for private boatsheds shall not be permitted.*

Natural, dark and earth tones are proposed for the boatshed.

- vi. The minimum floor level for proposed boatsheds shall be in accordance controls for foreshore development around the Pittwater Waterway.*

The proposal complies.

- vii. Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway.*

The proposed boatshed is fully enclosed. Satisfactory.

- viii. All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level.*

The proposed boatshed floor level is above the required Estuarine Planning Level. Condition of consent is recommended by Council's Development Engineer to ensure this is complied.

d) Slipways and Launching Ramps

Pittwater 21 DCP has the following control:

- Slipways and launching ramps are generally not favoured.
- Although the control states that slipways are generally not favoured, variations is permitted under the control providing the proposal demonstrates the following criteria are satisfied:
 - i. Innovative design which incorporates slipping facilities with other existing or proposed structures is encouraged.*
 - ii. Structures, the storage of lightweight boats, and any winch equipment shall be entirely on private freehold land and shall not obstruct public foreshore access.*
 - iii. Structures shall be at ground level, where possible. Slipways from boatsheds, or reclamation must be recessed into the subject structure or work to minimise the height of the sliprails or boat ramp above the bed of the Pittwater Waterway.*
 - iv. Sliprails are to be in the form of two parallel rails, no more than 2 metres width apart, with either locking spreaders between the rails or bolted directly to the surface of the concrete without the use of spreaders or embedded in concrete to facilitate free access.*

- The proposed extension of the existing sliprails has been assessed in accordance with the criteria mentioned above and is deemed to be satisfactory. The proposal is therefore supported.

e) Piles:

None proposed.

f) Levitators:

None proposed.

e) Davits:

None proposed.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental planning Policy No.1 - Objection to Development Standards; State Environmental Planning Policy No. 71 - Coastal Protection; Pittwater Local Environmental Plan 1993, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposed development is permissible within the 2(a) Residential zone under the provision of Pittwater Local Environmental Plan 1993. Issues were raised during the assessment of the proposal which include site coverage, dimensions of the proposed boatshed and foreshore building line as required under Pittwater LEP 1993. However, the non-compliant aspects of the development are considered consistent with the desired outcomes of the relevant controls and do not result in significant impact upon the amenity of the surrounding properties. Hence, variations to the controls are supported. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application N0655/10 for extension of the existing sliprails and construction of a new boatshed at 140A Crescent Road, Newport subject to the conditions of consent.

Report prepared by

Louis Shang
PLANNER

Gordon Edgar
EXECUTIVE PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0655/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

TOBY ROWLEY BROWNE & JULIE ANNE BROWNE
140A CRESCENT ROAD
NEWPORT 2106

Being the applicant in respect of Development Application No **N0655/10**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0655/10** for:

Extension to existing slipway and construction of a new boatshed

At: 140A CRESCENT ROAD, NEWPORT (Lot 2 DP 535511), 140A CRESCENT ROAD, NEWPORT (LIC 395087)

DECISION:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

Development drawings A01 through to A06, issue B, dated Oct 2010, prepared by Mark Hurcum Design Practice Architects;

Landscape concept plan numbered A07, issue B, dated Oct 2010, prepared by Mark Hurcum Design Practice Architects;

Geotechnical Risk Assessment Report numbered 22486ZN3rpt, dated 10/11/2011, prepared by Jeffery and Katauskas Pty Ltd.

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. PRESCRIBED CONDITIONS:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and license number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-clause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. MATTERS TO BE INCORPORATED INTO THE DEVELOPMENT AND MAINTAINED OVER THE LIFE OF THE DEVELOPMENT:

1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jeffrey and Katauskas are to be incorporated into the construction plans.
2. The Estuarine Planning level is 2.2m AHD.
3. The minimum floor level of new boatshed shall be at above the Estuarine Planning level.
4. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
5. To ensure the proposed plantings have the desired "mass planting" effect, the grass and climber species are to be planted at least 4 plants per square metre throughout the Crown-owned foreshore reserve.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. For the life of the development, swimming pool water must not be discharged directly into the natural waterway or Pittwater estuary.
8. At least two (2) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
9. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.
10. Any vegetation planted outside approved landscape zones is to be consistent with:
 - Species listed in the Ecological Sustainability Plan
 - Species listed from the Endangered Ecological Community

- Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council's website www.pittwater.nsw.gov.au

11. Over the life of the development all declared noxious weeds under are to be managed / removed in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and/or controlled.
12. No environmental weeds are to be planted on the site.
13. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
14. No water pollution shall result from the operation of any plant or equipment or activity carried out.
15. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
16. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
17. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
18. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
19. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1~2007 Safety Barriers for swimming pools.
20. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.

C. MATTERS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application.

Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

3. A detailed landscape plan which indicates the quantity of each species provided on the plant schedule is to be submitted prior to the issue of the Construction Certificate.
4. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
5. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

6. Structural Engineering details relating to the proposed works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

D. MATTERS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS AND MAINTAINED DURING THE WORKS:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. All excavated material is to be removed from the site.
2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
4. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
5. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
6. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

7. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
8. No skip bins or materials are to be stored on Council's Road Reserve.
9. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
10. A soil depth of at least 600mm is to be provided on the roof-top garden area located over the new boat shed.
11. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
12. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
13. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

E. MATTERS TO BE SATISFIED PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. As the landscaping works will be located on the Crown-owned foreshore reserve, the landscaping must be audited to practical completion by a Council Bushland or Natural

Resource Officer as being established in accordance with the approved landscape plan prior to the issue of the Occupation Certificate.

3. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

F. MATTERS TO BE SATISFIED PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE:

Nil

G. ADVICE:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

9. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician.

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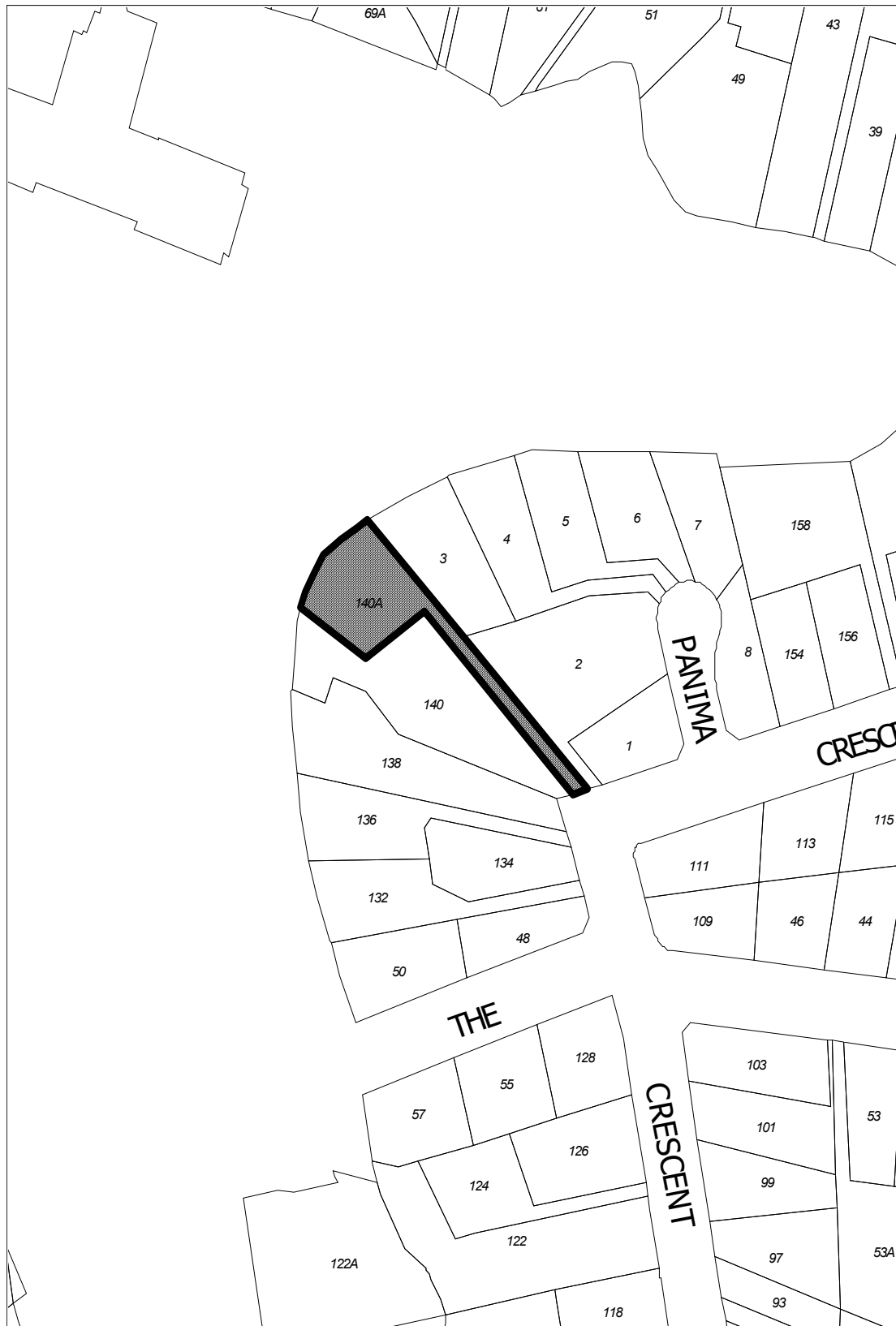
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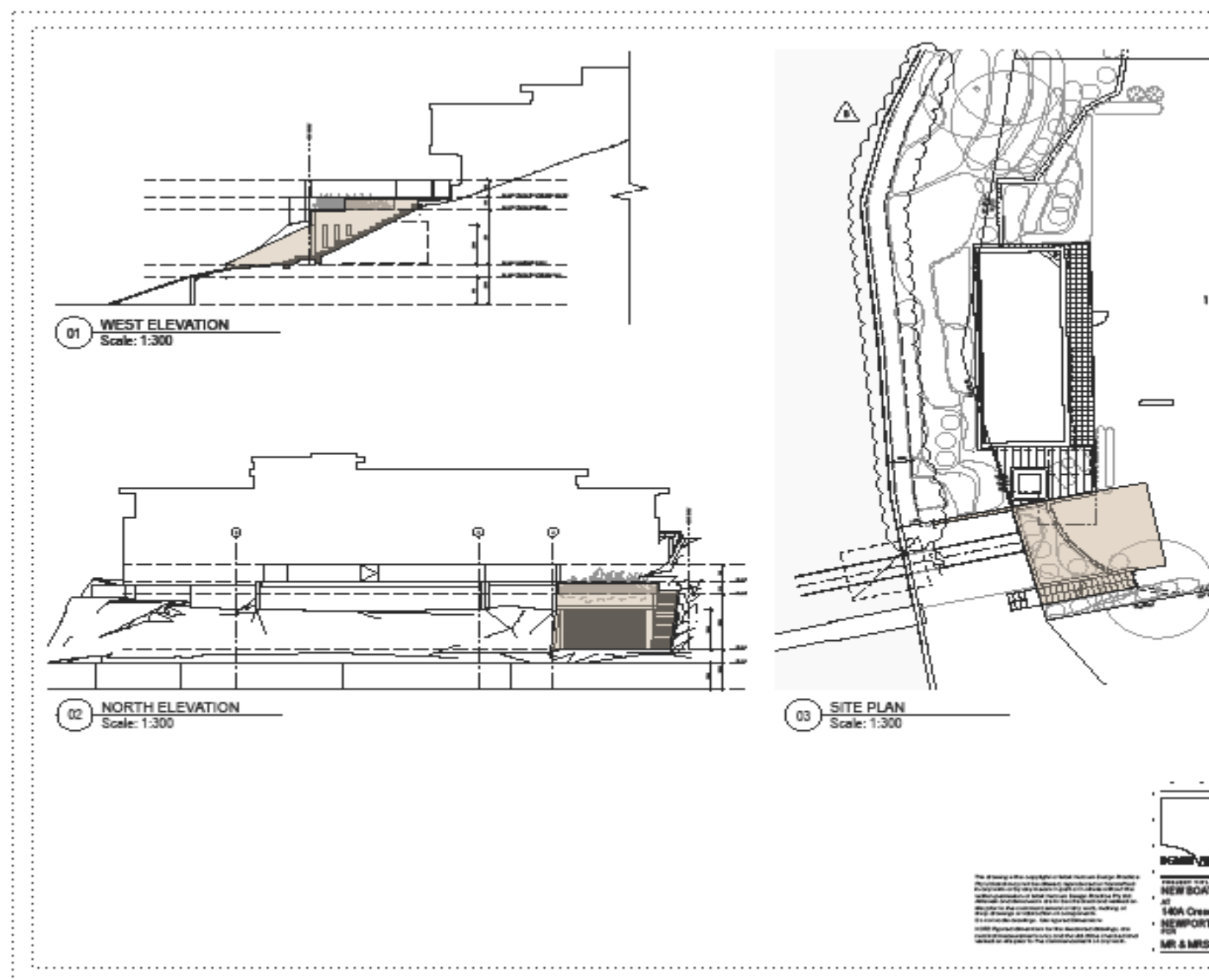
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LOCALITY MAP



NOTIFICATION PLAN



Council Meeting

12.0 Adoption of Governance Committee Recommendations

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

14.0 Councillor Questions

Committee of the Whole

15.0 Confidential Items

Pittwater Council is committed to, and has fostered, the practice of open local government. Some matters, however, are of a sensitive nature and are dealt with in Closed Session. The nature of such matters are contained within Section 10A(2) of the Local Government Act, 1993, the text of which is recorded within the recommendation hereunder.

Recommendation

- (i) That in the public interest, and pursuant to Section 10A(2) of the Local Government Act, 1993, the Council consider Item C15.1 in Closed Session.
- (ii) That pursuant to Section 10A(2) of the Local Government Act, 1993, the press and public be excluded from the proceedings of the Committee of the Whole on the basis that the items to be considered are of a confidential nature, which includes:
 1.
 - (a) personnel matters concerning particular individuals (other than Councillors);
 - (b) the personal hardship of any resident or ratepayer;
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.
 - (d) Commercial information of a confidential nature that would, if disclosed:-
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.
 - (e) information that would, if disclosed, prejudice the maintenance of the law;
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property.
 - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land
 2. The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
 3. A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
- (iii) That the correspondence and reports relevant items considered in Closed Session be withheld from access to the press and the public.
- (iv) That upon resumption of the Council meeting in Open Session the General Manager (or nominee) report those resolutions made by the Committee of the Whole.

Mark Ferguson
GENERAL MANAGER

C15.1	Confidential Report - Avalon Golf Course - Renegotiation of Commercial Terms
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Meeting: Committee of the Whole

Date: 20 June 2011

STRATEGY: Economic Development

ACTION: Manage Council's commercial activities

CONFIDENTIAL CLAUSE

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

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

To recommend to Council a course of action that will ensure the ongoing viability of operations at Avalon Golf Course.

1.0 BACKGROUND

- 1.1 Council appointed Narrabeen Golf Centre Pty Ltd ("NGC") as operator of Avalon Golf Course under a competitive tender which was determined on 17 November, 2008.
- 1.2 NGC was successful in this tender over two competing providers.
- 1.3 NGC had been installed by Council as interim operator of Avalon Golf Course for the period preceding the Tender Process as the previous operator handed back the lease due to financial solvency and non-viability of the Golf Course as a business concern.
- 1.4 NGC has been operating the Golf Course under the terms of a Management Agreement, effective 1 January, 2009. This agreement is due to expire on 31 December, 2013. There is provision for a further five year option, to be called upon by the Operator at its discretion.
- 1.5 NGC has incurred significant financial losses (amounting to some \$330,000) over the past two and a half years of operation – these losses are largely due to the down-turn in player numbers participating in golf subsequent to the Global Financial Crisis. This down-turn in participation is evident across the domestic golfing industry and is not restricted solely to this facility. These losses have been further exacerbated by the under-performing restaurant which is attached to the Golf Course. The restaurant largely attributed to the previous operator walking away from the business.
- 1.6 NGC has undertaken efforts and implemented a range of initiatives to turn around these operating losses, including:
 - * extensive marketing and promotions to improve player numbers at the Golf Course, and hence increase turnover;
 - * staffing reductions to reduce costs to improve the commercial bottom-line
 - * exploring opportunities to host functions in the Clubhouse as income generating initiatives

2.0 ISSUES

- 2.1 The key elements of the existing Management Agreement and the re-negotiated Commercial Terms to Ensure ongoing Financial Viability of the Golf Course are described in the attached table:

Current Management Agreement	Revised Commercial Terms	Alternative – Council to provide resources
Annual Management Fee payable to Council - \$204,000 (indexed by CPI)	\$140,000 – fixed fee (no CPI index) payable to Council	A minimum of 2 staff to collect green fees only (low level of service) – say \$150,000 minimum
Cost to Council – nil.	Foregone revenue - \$64,000 per annum	Cost to Council - \$150,000 per annum (allow for 12 months)
Capital Expenditure to be Undertaken by Operator - \$100,000 (\$30,000 Capex provided to date. Agreement also provides for addition of a deck to the restaurant, which is doubtfully beneficial to the viability of the operations)	Remove obligation to undertake balance of \$70,000 Capex (such as deck to restaurant)	No Capex funding

- 2.2 It is proposed that the revised commercial terms would apply for twelve months from commencement (1 July, 2011), at which time these arrangements would be reviewed in the context of the ongoing or alternative use of the Golf Course. A further report would be brought back to Council outlining alternative options and uses for the Golf Course as part of this review.
- 2.3 The consequences of not endorsing the revised Commercial Terms will be to force NGC to walk away from Avalon Golf Course (as it has indicated) as it can no longer sustain the ongoing operational costs to its business.
- 2.4 The two previous operators had enjoyed the benefit of running the business for a number of years, which provided detailed insight into the financial viability of the Golf Course. These two former operators would have unique knowledge of the income and costs associated with the operation of the Golf Course.
- 2.5 In the circumstances whereby the two previous operators have walked away from the business, it is considered unlikely that Council will be able to attract a financial offer from prospective operators that would be more advantageous than the revised Commercial Terms, which are described above in Section 2.1.
- 2.6 Failure to adopt the revised Commercial Terms will lead to NGC walking away from Avalon Golf Course.

- 2.7 Council will then be left with a commercially non-viable Golf Course which it will need to resource, until such time as a new tender is called for the management of the Golf Course and a new operator is appointed. An allowance of 12 months should be made for this process.
- 2.8 Alternatives to provide resources to manage the Golf Course, albeit at a lower level of service (for example – no restaurant, no golf pro shop for selling golfing equipment, etc) will still incur significant costs which are likely to well-exceed the foregone revenue payable to Council under the revised Commercial Terms.
- 2.9 The foregone revenue which results from the revised Commercial Terms will be addressed as part of the quarterly review of Council's operating budget.
- 2.10 The prevailing Management Agreement places an obligation on the Operator to undertake \$100,000 worth of Capital Expenditure improvements to the Golf Course, including the provision of a deck to the restaurant as indicated in its successful tender proposal. Given the uncertain viability of the restaurant, it does not represent a sensible approach to commit further capital improvements of this nature to the restaurant. An external deck to the restaurant is not anticipated to induce more patronage to the restaurant and would not, therefore, increase turnover of the business.
- 2.11 The restaurant represents a significant cost element to the overall operation of the Golf Course, being heavily dependent on high levels of staffing to provide specialised restaurant services (chefs and waiting staff). Under the terms of the prevailing Management Agreement, the Operator is required to ensure that the restaurant is open during the hours of 8.30 am to 10pm, Tuesday to Sunday. The restaurant is only generating business generally Wednesday lunchtimes (coincides with regular playing groups, Fridays and the weekends). It is recommended that the Operator be released from this obligation and instead be given discretion to open and operate the restaurant at times to meet demand. The effect of relaxing this obligation will be to match staffing and demand for the restaurant – this is anticipated to reduce staffing costs and increase the viability of operations.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Avalon Golf Course provides an opportunity for many social groups to both play golf and socialise in the Clubhouse. Avalon Golf Course is home to a number of men's and ladies' golfing groups, in addition to social golfers. It provides a social outlet for older golfers, by providing an opportunity to be mix with players and interact with people of similar age and interests.
- 3.1.2 The Clubhouse is also utilised as a community centre for local interest groups (at a token charge) for meetings and the like. Community groups have taken advantage of this opportunity to host meetings in the Clubhouse.
- 3.1.3 The Golf Course also supports the local golfing community by providing the opportunity for local golfers to continue to participate in playing golf.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 This initiative will not affect Valuing and Caring for Our Natural Environment – the Operator will continue to function within the parameters set by the Plan of Management for Avalon Golf Course.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 This initiative will not affect Enhancing our Working & Learning – it will, however, impact on the income to Council from the operation of the Golf Course. The foregone revenue resulting from adopting the revised commercial terms will have budgetary effects, which will be addressed in the quarterly budget review.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The recommendations relating to the revised commercial terms represent the best financial outcome for Council in the short term. It ensures the continuation of operations at Avalon Golf Course until such time as decisions are taken about the longer-term options for Avalon Golf Course (such as re-tendering the management rights). It represents a sound compromise to meeting the needs and expectations of local golfers and balancing the competing commercial priorities of Council's business and that of its appointed operator.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 This initiative will not affect Integrating our Built Environment.

4.0 EXECUTIVE SUMMARY

- 4.1 The operation of Avalon Golf Course by Council's appointed operator is commercially non-viable under the terms of the prevailing Management Agreement.
- 4.2 The Operator is experiencing significant operational losses to the point whereby the handing-up of the Agreement is a likely outcome as the financial losses are no longer sustainable.
- 4.3 Council is faced with the alternatives to either re-negotiate the commercial terms of the management to ensure ongoing viability (both commercial and operational); source replacement resources to maintain operations, at significant cost to Council; or re-tender the operations (whilst still having to find an interim solution at Council's cost).
- 4.4 Adopting revised commercial terms for the operations of Avalon Golf Course, as outlined in this report, ensures the ongoing provision of service and operation of the Golf Course, at minimal cost to Council.

RECOMMENDATION

That the revised commercial terms to the prevailing Management Agreement, as outlined in this report, be adopted.

Report prepared by
Glenn Davis - Principal Officer - Commercial

Paul Reid
MANAGER - CORPORATE STRATEGY & COMMERCIAL

Council Meeting

16.0 Adoption of the Committee of the Whole Recommendation
